



INTERIM ALTERNATIVE MONITORING
REPORT ON THE IMPLEMENTATION OF
THE PUBLIC ADMINISTRATION REFORM
ACTION PLAN FOR 2019-2020



DIRECTION: POLICY
DEVELOPMENT AND
COORDINATION

2020



ევროკავშირი
საქართველოსთვის
The European Union for Georgia



GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION

ALTERNATIVE INTERMEDIATE REPORT OF THE PUBLIC ADMINISTRATION REFORM ACTION PLAN 2019-2020 IMPLEMENTATION MONITORING



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AND COORDINATION**

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MAIN FINDINGS

Several important findings have been identified during the monitoring process. In particular, the objectives and activities envisaged for the reporting period:

- Out of 4 objectives 3 are unimplemented, 1 is partly implemented;
- Out of 10 activities, 4 are fully implemented, 2 are mostly implemented, 1 is partly implemented and 3 are unimplemented;
- Some of the activities have been implemented overdue, which has led to non-fulfillment of objectives by 2019;
- The third objective, implying electronic development of the anti-corruption policy documents is fully covered by the second objective which also aims to create an electronic platform. Thus this approach increases expenditures of additional resources and duplicates activities;
- Activities that provide for the training of public servants are limited to be evaluated by a general indicator and do not specifically define the target group of public servants. With such an approach, a part of the trained contingent may be completely irrelevant to the objective set, i.e., employees sent by agencies to attend training might not functionally involved in policy development and execution;
- The Government Administration uses the outputs achieved during the period before the approval of the existing Action Plan to confirm the indicator of the 1st objective.



INTRODUCTION

In the Association Agreement between Georgia and the European Union, the Government of Georgia recognizes the need for a number of reforms, including good governance, public service, public administration, the fight against corruption, and more.¹ The Public Administration Reform launched in 2015 based on the Association Agreement. The Government then approved a Public Administration Reform Roadmap and a Policy Planning System Reform Strategy.² With these documents, the Government expressed the readiness to fulfill the obligations.

Every two years, the Government develops and approves an action plan. In 2019, the third action plan was prepared, which includes 6 directions: Policy Development and Coordination, Human Resources Management, Accountability, Service Delivery, Public Finance Management and Local Self-Government.

The present document addresses the first direction of the reform - Policy Development and Coordination.

The Reform has played an important role in shaping result-oriented and evidence-based policies. During this period, the Government approved first policy-planning guide. However, due to its general nature, it was replaced by new methodological and regulatory documents that have reflected in more detail and clarity all stages of the policy cycle. Consequently, the Amendments were made to the Law on Normative Acts and it became mandatory to assess the impact of regulation on draft laws.

Despite the achievements, the reform faced significant challenges. Until 2019, its implementation was not monitored, the Government did not publish reports, and civil society was not involved not only in the evaluation of the results, but also in the process of the action plan elaboration. Only a brief monitoring results prepared for the EU Mission were presented to the Public Reform Council.

1 "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", Preamble, <https://matsne.gov.ge/ka/document/view/2496959?publication=0>.

2 Decree of the Government of Georgia #427 (August 19, 2015) on Approval of the Public Administration Strategic Documents – "Public Administration Reform Roadmap 2020 of Georgia" and "Policy Planning System Reform Strategy 2015-2017".



METHODOLOGY

The purpose of this document is to monitor the implementation of the Public Administration Reform Action Plan for 2019-2020 and to evaluate the policies pursued. The report evaluates the implementation of each activity planned for 2019, based on the indicators set out in the Action Plan.

The results of the monitoring are presented in the following structure:

1. Overall assessment of the Public Administration Reform Action Plan for 2019-2020;
2. Measuring the implementation of the objectives envisaged by the Action Plan and the activities planned for their achievement in 2019, which are based on quantitative and qualitative criteria.

2.1. OVERALL ASSESSMENT OF THE ACTION PLAN

In this part of the monitoring, the compliance of the goals and objectives of the Public Administration Reform Roadmap and the Action Plan with the existing challenges was assessed. For this purpose, the situation analysis was conducted based on the reports, studies, recommendations and other information of international and local organizations.

In the same part the structural validity of the Action Plan and compliance of the objectives, indicators and activities with S.M.A.R.T criterion was assessed (according to which the mentioned components of the Action Plan should be specific, measurable, attainable, relevant and time-based).

2.2. IMPLEMENTATION OF OBJECTIVES AND ACTIVITIES

Quantitative and/or qualitative indicators are used to assess the objectives and activities outlined in the Action Plan.

Implementation of the objectives and activities were given one of four statuses:

- 1. FULLY IMPLEMENTED** – an activity/objective is fully or almost fully implemented or only a minor part of it has not been completed;
- 2. MOSTLY IMPLEMENTED** – a major part of an activity/objective was implemented, while part of it has not been completed;
- 3. PARTLY IMPLEMENTED** - a part of an objective/activity was implemented while a major part remains incomplete;
- 4. UNIMPLEMENTED** - an objective/activity was not implemented at all or a minor part is implemented and it is impossible to observe progress.

The reporting period for monitoring is 2019. Accordingly, the part of the reform that was planned to be implemented during 2019 will be evaluated.

2.3. MONITORING TOOLS

Assessment within the framework of the monitoring was mainly based on an analysis of legislation, international standards and commitments related to public administration reform through various instruments. Legislative and other normative materials were evaluated during the monitoring. In addition, the monitoring group studied the international standards and commitments made by Georgia in the field of public administration.

2.4. MONITORING SOURCES

The monitoring was based on the following main sources:

- **PUBLIC INFORMATION**

Statements requesting public information were sent to the responsible agencies, the Ministry of Justice and Administration of the Government of Georgia. The document also used information from open sources, websites, reports from the government agencies.

- **GROUP INTERVIEWS AND WORKSHOPS**

The monitoring methodology included group interviews and workshops however due to the situation caused by the COVID-19 pandemic in the country, they were replaced by online interviews. During the monitoring process, 4 interviews were conducted (2 - International Organization, 1 - Government Administration, 1 - civil society)³

2.5. OBSTACLES IN THE REPORT PREPARATION

A significant obstacle in the monitoring process was retrieving information from public institutions. Access to verification sources is important during an alternate monitoring which in some cases has been limited to the monitoring group. The Ministry of Justice left GYLA's statement completely unanswered (therefore the monitoring team was guided by the annual evaluation document approved by the PAR Council while working on the report⁴), and the Government Administration did not provide data claiming it to be intellectual property.

3 Giorgi Bobghiashvili – Head of Policy Development Division of the Administration of the Government of Georgia; Natalia Baratashvili – Capacity Building Expert, PAR project, UNDP; Marika Gorgadze – Deputy Head; GGI; Giorgi Gabrielashvili – Executive Director, IRC.

4 „Annual Report of the Public Administration Reform 2019-2020 Action Plan Implementation Monitoring (January-December, 2019)”, Administration of the Government of Georgia, Public Administration Division, Policy Development and Coordination Department, April 2020



GENERAL EVALUATION OF THE ACTION PLAN

Any political decision need to be based on objective evidence and be aimed at achieving tangible results. Thus, policy development and coordination is one of the important directions under the Public Administration Reform.

In general, we can say that the structure of the Action Plan, the formulation of objectives, activities and indicators, has significantly improved compared to previous years. There are less indicators in the document which do not meet the S.M.A.R.T. criteria. The document also provides baseline and target indicators. This greatly simplifies the monitoring process and is a good practice. However, there are still a few indicators which do not meet the S.M.A.R.T. criteria. For example, activities that involve the training of public servants are evaluated by a general indicator and do not specify the category of public servants. In addition, one of the indicators of the outcome of the third objective is defined as “the share of strategic documents and monitoring reports, which are filled in by the agencies without any shortcomings.” It is unclear what “shortcomings” mean or how they will be measured. It is important that the Action Plan does not include an indicator that will not be specific and measurable.

Furthermore, certain issues in the area of reform policy planning are also outlined in other action plans. For example, the introduction of regulatory impact assessment can be found in both the Open Governance Action Plan 2018-2019 of Georgia and the National Anti-Corruption Strategy of Georgia approved in 2019.⁵ This activity and goal were included in the current strategies and action plans due to its non-implementation in previous years. However, Government approved all three documents, making it easier to eliminate duplication. The inclusion of this obligation in the Action Plan of Public Administration Reform does not provide new opportunities. It is important that the Government Administration considers new and ambitious commitments in Public Administration Reform.

The third objective of the plan, which implies electronic development of the anti-corruption policy documents is fully covered by the second objective which also aims to create an electronic platform. This is evidenced by the annual report referring its possible modification, namely: “It is important at the first stage to launch a unified electronic system for policy development and coordination, and based on a thorough study and analysis of this system, to modify or continue to prepare an electronic system for drafting anti-corruption documents.”⁶ The only result of such duplication is the spending additional resources.

During the interviews, the respondents identified several important challenges and risks that may have an impact on the direction in general, hinder the process of achieving the objectives and prevent the proper conduct of policy development:

- Lack of persons in the Government Administration to check policy documents;

⁵ Decree of the Government of Georgia #537 (November 12, 2018) on Approval of the Open Government Partnership Georgia Action Plan 2018-2019, Commitment 8 of the annex; Decree of the Government of Georgia #484 (October 4, 2019) on Approval of the National Anti-corruption Strategy of Georgia and National Anti-corruption Strategy Action Plan 2019-2020, Annex, Action Plan objective 3.2.

⁶ „Annual Report of the Public Administration Reform 2019-2020 Action Plan Implementation Monitoring (January-December, 2019)”, page 31

- Lack of people in the Government agencies who have been trained in policy planning, implementation, monitoring and evaluation and are functionally responsible for policy development. It is important to make capacity building courses mandatory on institutional memory and knowledge enhancement;
- It is essential that the State constantly emphasizes the importance of Public Administration Reform and its readiness to fulfill its commitments;
- Uncoordinated process between public servants developing policy documents and decision-making officials;
- Unscrupulous interference by decision-makers in policy development process.



MONITORING OF THE IMPLEMENTATION OF THE POLICY DEVELOPMENT AND COORDINATION DIRECTION

The aim of the first direction of the Action Plan is to improve the field of public policy (from policy planning to outcome evaluation). The Action Plan in this direction includes 4 objectives and 17 activities. The deadline for implementation is from the 3rd quarter of 2019 to the end of 2020.

OBJECTIVE 1.1: IMPROVEMENT OF THE POLICY DOCUMENT QUALITY CONTROL MECHANISM AND PUBLIC SERVANT CAPACITY BUILDING TO ENHANCE POLICY DEVELOPMENT AND COORDINATION SYSTEM

The objective is to improve the quality control mechanisms of the policy documents created under the Government. Its goal is capacity building of public servants so that each stage of the policy cycle is fully implemented. The two indicators evidencing the result evaluate the implementation of the objective qualitatively, presented as shares.

Objective outcome indicators:

1. The share of policy documents submitted to the Government for approval, which meets the updated Policy Planning, Monitoring and Evaluation Standards
2. The share of public officials trained in the policy planning, monitoring and evaluation who have received the Certificate of Excellence

Objective implementation status: partly implemented

According to Indicator 1, 51% of policy documents submitted to the Government for approval by the end of 2020 must meet the standards. It was approved by the Government in 2016⁷, was updated at the end of 2019,⁸ and was enforced on January 1, 2020. Accordingly, all policy documents submitted to the Cabinet for approval must be in compliance with it. **Thus, according to the first indicator of the objective, the implementation of this component has not yet begun, and its status is: unimplemented.**

According to the 2nd indicator of the objective, the result will be achieved if at the end of 2020 51% of public servants will complete a training course with a certificate of excellence. Courses are divided into phases and training is conducted in stages.⁹ Within the framework of the 1st phase of 2019 (October, 2018 - March, 2019), 191 officials were trained, of which 173 received certificates of excellence. However, there was no action plan during this period. Therefore, considering these data for the indicator is incorrect. At the end of 2019, 45 officials have been trained under phase 2 (November-December 2019). It is important to note that only Phase 2 deals with updated regulatory and methodological documents. Accordingly, the indicator should be confirmed by the results of the public servants participation in this course, which is not evaluated for the reporting period

It can be said that the implementation of the second indicator of the objective has started, however, this component will be considered partly implemented.

7 Decree of the Government of Georgia #629 (December 30, 2016) on Approval of the Policy Development Document "Policy Planning Guideline".

8 Decree of the Government of Georgia #629 (December 20, 2019) on Approval of the Rules of Policy Planning, Monitoring and Evaluation.

9 m Letter #GOV 3 20 00003949 of February 3, 2020 of the Administration of the Government of Georgia

ACTIVITY 1.1.1: PREPARATION, DISCUSSION, APPROVAL AND PRINTING OF THE POLICY DEVELOPMENT AND COORDINATION SYSTEM REGULATORY AND METHODOLOGICAL (AMENDMENT) PACKAGE

Output indicator:

1. The rules for the Policy Document Development, Monitoring and Evaluation is developed and approved by the Government Decree
2. The Policy Planning, Monitoring and Evaluation Guideline is developed, discussed in the working group and approved by the Government Decree
3. The Policy Planning, Monitoring and Evaluation Guideline annexes - instructions/templates are prepared:
 - Instructions for conducting a situation analysis
 - Instructions for identifying goals and objectives and developing a logical frame
 - Instructions for determining the indicator and developing the result indicator passport
 - Instructions for developing an action plan
 - Budgeting instructions
 - Quality assurance instructions
 - Dictionary
 - Instructions for conducting public consultations

The entire manual is printed.

Activity implementation status: mostly implemented

Activity 1 of the first objective has 3 outcome indicators and evaluates the implementation of the activity qualitatively

In December 2019, the Government approved rules for the policy document development, monitoring and evaluation, an integral part of which is the above-mentioned guideline.¹⁰

Accordingly, the implementation of the activity is confirmed by both indicators and shall be considered fully implemented.

The 3rd outcome indicator of the activity determines the minimum list of the Guideline annexes/instructions. One of such document is “the Instructions for Conducting Public Consultations”. It has not been developed. In addition, the Guideline was not printed during the reporting period. **Consequently, since a certain part of the activity is still to be implemented, this part of the 3rd indicator will be considered “mostly implemented”.**

In addition, all three activities were delayed by several months. To implement them, the action

¹⁰ Decree of the Government of Georgia #629 (December 20, 2019) on Approval of the Rules of Policy Planning, Monitoring and Evaluation, Normative Act 2.

plan defines the third quarter of 2019, however, the rules and guidelines were approved at the end of 2019.

ACTIVITY 1.1.2: DEVELOPMENT OF A POLICY PLANNING, MONITORING AND EVALUATION TRAINING COURSE FOR PUBLIC SERVANTS BASED ON THE UPDATED REGULATORY AND METHODOLOGICAL DOCUMENTS

Output indicator:

Training course is developed

Activity implementation status: fully implemented

The second activity of the first objective has only one output indicator which evaluates it qualitatively.

The implementation of the activity is confirmed by the development of a training course.¹¹ **Thus, it is considered fully implemented.**

ACTIVITY 1.1.4: STUDY OF THE BEST PRACTICES AND LEGAL FRAMEWORK FOR HOLDING PUBLIC CONSULTATIONS AT THE POLICY DEVELOPMENT STAGE

Output indicator:

A study report is prepared based on which recommendations are elaborated

Activity implementation status: partly implemented

The fourth activity also has one output indicator, which evaluates its implementation qualitatively. The implementation period is set for the third quarter of 2019.

A working group set up within the framework the Open Governance Permanent Parliamentary Council has conducted a thematic inquiry on the subject - "Legislation and Practice of Citizen Participation in the Process of Public Policy Development".¹² The Government Administration believes that this has fully covered the planned activities (in relation to practice research).¹³ Thus, in order to save resources, the Government Administration decided to cooperate with the Parliament, and the document prepared by it to be an evidence for the activity outcome indicator. GYLA believes that **this activity was partly implemented during the reporting period**, due to the argument below.

GYLA will not evaluate the inquiry conducted by the thematic research group, but will analyze

11 Letter #GOV 3 20 00003949 of February 3, 2020 of the Administration of the Government of Georgia.

12 Thematic inquiry report on "Legislation and Practice of Citizen Participation in the Process of Public Policy Development" of the Open Governance Permanent Parliamentary Council, 2019 <https://bit.ly/2Xbnwyl>

13 Letter #GOV 3 20 00003949 of February 3, 2020 of the Administration of the Government of Georgia

whether the subjects inquired cover the issues provided by the 4th activity. According to the indicator, the best international practice and legal framework for public consultation should be assessed at the policy development stage, although the document does not examine these issues in detail. This is also indicated by the fact that the Government Administration still has the study to be implemented on the agenda.

ACTIVITY 1.1.5: CREATION AND PRODUCTION OF A DATABASE OF POLICY DOCUMENTS SUBMITTED TO AND APPROVED BY THE GOVERNMENT

Output indicator:

The materials of the policy documents submitted to the Government for approval and the recommendations issued on them are systematized according to the years and agencies,

Activity implementation status: mostly implemented

The fifth activity also has one output indicator, which evaluates its implementation qualitatively

The Government Administration has inventoried both the policy documents approved by the Cabinet and the policy documents of other agencies, and has developed a database that runs in Excel format. The database is quite extensive and integrates components such as: A policy document in the hierarchy; The type and name of the policy document; Coordinating agency; Information on the approval of the policy document by the Government/Ministry; Date of approval; Validity period; Information on the relevance of a particular document.

The activity indicator, among other components, requires a graph on the recommendations issued on the policy documents developed, although the latter data are not included in the database. This information is important to be added for complete proof of the indicator. Consequently, since the Excel format document lacks an important component, although the main part of the activity has been performed, **this part will be considered mostly implemented.**

OBJECTIVE 1.2: IMPROVEMENT OF THE POLICY IMPLEMENTATION MONITORING, REPORTING AND EVALUATION QUALITY TO ENSURE A RESULTS-ORIENTED APPROACH AND PUBLIC ACCESS

The lack of reporting was a significant shortcoming at the final stage of policy document development. The policy makers and implementers were not result-oriented due to that. Their actions were chaotic. This objective is aimed at the emergence and establishment of accountability. It serves to involve the public in policy-making and to systematize processes.

Three outcome indicators evaluate the implementation quantitatively and qualitatively.

Objective outcome indicators:

1. The share of annual monitoring reports on the implementation of the strategy approved by the Government, which meets the updated Guidelines for Policy Planning, Monitoring and Evaluation
2. The share of interim or final evaluation reports on the implementation of the strategy approved by the Government, which meets the updated Guidelines for Policy Planning, Monitoring and Evaluation
3. The share of annual monitoring reports on the implementation of the strategy approved by the Government, which is published on the websites of the responsible agencies

Objective implementation status: unimplemented

The aim of the objective is to increase the quality of policy document evaluation. Confirmation of indicators 1 and 2 requires the existence of relevant guidelines. The latter was approved in December 2019 and came into force in January.¹⁴ **Thus, none of the indicators given in the objective are implemented.**

ACTIVITY 1.2.1: DEVELOPMENT OF THE POLICY MONITORING AND EVALUATION STANDARDS

Output indicator:

Monitoring and Evaluation Instruction is approved along with the Policy Planning, Monitoring and Evaluation Guideline

Activity implementation status: fully implemented

The Government approved the rules for the Policy Document Development, Monitoring and Evaluation in December 2019, along with other annexes/instructions, include monitoring and evaluation instructions.¹⁵ **Accordingly, this activity will be considered fully implemented.**

¹⁴ Decree of the Government of Georgia #629 (December 20, 2019) on Approval of the Rules of Policy Planning, Monitoring and Evaluation.

¹⁵ Ibid. Normative Act 10 and 11.

ACTIVITY 1.2.3: CREATION OF A UNIFIED ELECTRONIC SYSTEM FOR THE POLICY DOCUMENT DEVELOPMENT, MONITORING AND EVALUATION

Output indicator:

1. Based on the agreed concept, a document describing the business processes of the electronic system is developed
2. The electronic system (program) is developed and launched on the basis of the final document describing the business process
3. The electronic system is functioning properly and technical support is provided
4. Citizens have the opportunity to express their opinion on the policy document, in the process of its development through the electronic system

Activity implementation status: unimplemented

The first Indicator of the activity consists of three components: (1) the development of a Unified Electronic System Concept for the Policy Document Development, Monitoring and Evaluation; (2) Agreement on it between the parties involved and (3) Launch of a description of the business process based on it. According to the Government, a private contractor organization is working on the analysis of business processes at their request, the document is the intellectual property of the company and is not publicly available.¹⁶ It is important that the electronic system is created to increase public participation and the ultimate goal is public access to policy documents. The document is the property of the Government Administration and respectively of the citizens of Georgia. In addition, the legislation recognizes only a few cases of classified information.¹⁷ Except as otherwise provided, All information of a public institution or processed by any private person upon the request of a public institution is public information excluding exceptions. The e-portal of the Government Administration, which deals with the development of policy documents and increasing access to them for citizens, may not contain classified materials. The document does not contain information classified as a state secret.¹⁸ Besides, the Government Administration may not have commercial secrets.¹⁹ A document of the type does not contain personal data.²⁰

16 Letter #GOV 3 20 00003949 of February 3, 2020 of the Administration of the Government of Georgia.

17 Constitution of Georgia, Article 18, Part 2: "Everyone has the right to be familiarized with information about him/her, or other information, or an official document that exists in public institutions in accordance with the procedures established by law, unless this information or document contains commercial or professional secrets, or is acknowledged as a state secret by law or in accordance with the procedures established by law as necessary in a democratic society to ensure national security or public safety or to protect the interests of legal proceedings".

18 Law of Georgia on State Secrets, Article 1, Part 1: "State secret - information available in the areas of defense, economy, foreign relations, intelligence, national security and law enforcement, the disclosure or loss of which can prejudice the sovereignty, constitutional order, political and economic interests of Georgia or of any party to the treaties and international agreements of Georgia and which, according to this Law and/or treaties and international agreements of Georgia, is predetermined as classified or deemed to be a state secret, and is subject to state protection".

19 General Administrative Code of Georgia, Article 27², Part 2: "Information about an administrative body shall not be a commercial secret."

Accordingly, the concealment of information by them is an illegal act. The interviews revealed that the Government Administration and the LEPL Data Exchange Agency are working to create the portal with the support of UNDP.²¹ In addition, according to them, the work on the document has not been completed. The source of the confirmation is not publicly available, so the monitoring team does not have the opportunity to fully evaluate this component and **it will be considered partly implemented.**

The deadline for the other three activities is the I-IV quarter of 2020. Accordingly, it goes beyond the reporting period of this document and will be evaluated in the next study. **However, for this period the activity is considered unimplemented because a large part of its indicators have not yet been performed.**

20 Law of Georgia on Personal Data Protection, Article 2, Part “a”: “Personal data – any information connected to an identified or identifiable natural person. A person shall be identifiable when he/she may be identified directly or indirectly, in particular by an identification number or by any physical, physiological, psychological, economic, cultural or social features specific to this person.”

21 Online interview, G. Bobghiasvili, Administration of the Government, 13.05.20; Online interview, N. Baratashvili, UNDP, 11.05.20.

OBJECTIVE 1.3: ESTABLISHMENT OF POLICY DOCUMENT ELECTRONIC DEVELOPMENT PRACTICE TO INCREASE THE ANTI-CORRUPTION POLICY DEVELOPMENT PROCESS TRANSPARENCY AND INTER-AGENCY COORDINATION EFFICIENCY

The aim of the objective is to increase the transparency and coordination of the anti-corruption policy development process. According to the objective, policy documents should be prepared through an electronic platform. This will help to increase citizen participation, obtain quality documents and publicity.

The objective has 4 indicators which evaluate it qualitatively.

Objective outcome indicators:

1. Timeframe for policy planning, monitoring and evaluation
2. The share of the representatives of the agencies that are members of the Interagency Coordinating Council for Combating Corruption, who completed the training course with distinction
3. Increased engagement of the Council member non-governmental and international organizations
4. The share of strategic documents and monitoring reports completed by the agencies without shortcomings

Objective implementation status: unimplemented

The basis for achieving the objective is the development of an electronic portal by the Anti-Corruption Council, however, since the mechanism has not been developed by the Council, **this objective is unimplemented.**

ACTIVITY 1.3.1: DEVELOPMENT OF ANTI-CORRUPTION COUNCIL ELECTRONIC PORTAL CONCEPT

Output indicator:

1. A temporary working group is created by the representatives of the Council member agencies and technical staff in order to develop the electronic portal of the Council
2. Study of the best practice is conducted
3. Electronic system concept is developed and agreed with the working group
4. The electronic system business process description is developed based on the agreed concept

Activity implementation status: unimplemented

Activity 1 is evaluated by four indicators. The output is the creation of an electronic portal concept for the Anti-Corruption Council.

The first three indicators of activity refer to the concept of the portal, although the fourth goes beyond it and is more part of the next activity than the first. Nevertheless, GYLA will also assess its implementation in relation to the first activity.

According to the first indicator, a temporary working group was to be set up from the representatives of the Anti-corruption Councils member agencies and technical staff, which was to develop an e-portal. The working group was not created at all; therefore, this part is unimplemented.²²

According to the second indicator, a study of international practice should have been conducted, which would reflect the experience of electronic platforms of the Anti-Corruption Council or similar agencies of other countries. The document does not exist. The Secretariat for Public Administration Reform does not have its draft either. Due to the absence of a confirmation source, this component of the activity is unimplemented.²³

According to the third indicator, the responsible agency, based on the best practice study, should have developed the concept of the electronic portal of the Anti-Corruption Council. The document describing the business process is indicated as a source of confirmation. The report outlines that the agency has already started working on the concept, but it is unknown how far it has come. At the same time, the study of practice is completed either, so activity in this area is considered unimplemented.

According to the fourth indicator, the responsible agency should develop a document describing the business processes of the portal, the launching basis of which is the completion of the concept and its agreement with the members of the working group. As mentioned above, the working group was not created at all, and the concept is not complete. In the evaluation report, the agency indicates its partial implementation, **however, the fourth indicator cannot be considered as partly implemented and the status of the unimplemented should be granted.**

The Ministry of Justice has not completed any of the components of the activity and has started working on a document (description of the business processes of the portal), the precondition of which has not been created yet. **Consequently, in terms of the implementation of the activity under consideration, the inconsistent activities of the agency should be assessed negatively.**

22 „Annual Report of the Public Administration Reform 2019-2020 Action Plan Implementation Monitoring (January-December, 2019“; page 31

23 Ibid.

OBJECTIVE 1.4: ESTABLISHMENT OF AN EVIDENCE-BASED POLICY IMPLEMENTATION SYSTEM THROUGH THE INTRODUCTION OF AN ASSESSMENT OF THE IMPACT OF REGULATION ON LEGISLATIVE ACTS

The goal of the fourth objective is to develop and conduct evidence-based Government policy. This implies an assessment of the impact of legislative acts on various areas. The State took the commitment to introduce and implement Regulatory Impact Assessments as early as 2015,²⁴ and its implementation was undertaken not only within the framework of Public Administration Reform, but also through other strategic documents and agreements.²⁵

Objective outcome indicators:

1. The share of legislative packages initiated by the Government, developed on the basis of Regulatory Impact Assessment (RIA)

Objective implementation status: unimplemented

The objective is evaluated by one indicator. By the end of 2020, 5% of legislative packages initiated by the Government should have passed the regulatory impact assessment. During the reporting period, an amendment was made to the Law on Normative Acts and the norms for assessing the regulatory impact were added, although it was determined to enter into force from January 2020.

Accordingly, the responsible agency has not reached the set objective and the indicator is unimplemented at this stage.

ACTIVITY 1.4.1: DEVELOP A DRAFT LAW ON THE LEGISLATIVE ACTS REGULATORY IMPACT ASSESSMENT

Output indicator:

1. A Draft Law on the Legislative Acts Regulatory Impact Assessment is developed
2. The Draft Law on the Legislative Acts Regulatory Impact Assessment is submitted to the Government
3. The Draft Law on the Legislative Acts Regulatory Impact Assessment is approved and submitted to the Parliament by the Government

Activity implementation status: fully implemented

In February 2019, the Ministry of Justice and the Government, submitted a draft amendments to the Organic Law on Normative Acts to the Parliament, which provided for the mandatory

24 Policy Planning System Reform Strategy 2015-2017, Action Plan objective 3.

25 Decree of the Government of Georgia #537 (November 12, 2018), Commitment 8 of the annex; Decree of the Government of Georgia #484 (October 4, 2019) on Approval of the National Anti-corruption Strategy of Georgia and National Anti-corruption Strategy Action Plan 2019-2020, Annex, Action Plan objective 3.2.

introduction of regulatory impact assessment of legislative acts. It was approved in May 2019 and came into force on January 1, 2020.²⁶

Accordingly, the implementation of the activity is confirmed by all three indicators and will be considered fully implemented.

ACTIVITY 1.4.2: DEVELOPMENT OF GUIDELINES FOR THE REGULATORY IMPACT ASSESSMENT OF LEGISLATIVE ACTS

Output indicator:

1. Guidelines for the Regulatory Impact Assessment of Legislative Acts is developed.
2. Guidelines for the Regulatory Impact Assessment of Legislative Acts is submitted to the Government for consideration

Activity implementation status: fully implemented

With the abovementioned amendments, the Government was instructed to approve the methodology for Regulatory Impact Assessment by January 2020.²⁷ Although the Cabinet has approved this document overdue²⁸, **the activity will still be considered fully implemented.**

ACTIVITY 1.4.3: TRAINING AND AWARENESS RAISING OF THE EXECUTIVE GOVERNMENT REPRESENTATIVES RESPONSIBLE FOR LAWMAKING ON REGULATORY IMPACT ASSESSMENT OF LEGISLATIVE ACTS

Output indicator:

Trainings are conducted and 50 public servants are trained

Activity implementation status: unimplemented

Negotiations with donor organizations to fund the trainings is launched.²⁹ The basis for starting an activity is to at least start working on a training curriculum, and fundraising is such an initial step that it is virtually impossible to measure progress. Therefore, this cannot be considered as proof of even partial implementation.

The fourth quarter of 2019 and the fourth quarter of 2020 are set for the implementation of the activity. **Accordingly, the activity is considered unimplemented for the reporting period.**

²⁶ Organic Law of Georgia on Normative Acts, Article 17¹.

²⁷ Organic Law of Georgia on Normative Acts, Article 17¹, Part 5.

²⁸ Decree of the Government of Georgia #35 (January 17, 2020) on Approval of the Regulatory Impact Assessment Methodology.

²⁹ Public Administration Reform 2019-2020 Action Plan Draft Status Report, PAR Secretariat, e-mail of February 19, 2020.



RECOMMENDATIONS

- Many of the activities to be implemented in 2019 are still in an active phase, so it is essential for each agency to rationally determine the timeframe for the remaining activities in order to avoid overdue;
- Indicators related to training modules should be specified. The contingent of participants should be clearly defined;
- The action plan should not include indicators that will not be specific and measurable;
- The Government need to avoid duplication of obligations in various documents and new and ambitious commitments need to be envisaged within the Public Administration Reform;
- Duplication of activities in the Action Plan should also be ruled out;
- The activity of the first objective on inquiry of the best practices in holding public consultation clearly demonstrated the need for close cooperation between agencies. If several organizations are cooperating in the implementation of an activity or an objective, their coordinated action is necessary for the implementation of the activity/objective in accordance to the plan at different stages of the process;
- In terms of conducting alternative monitoring, the Government should ensure high quality of access to public information on all documents that are a source of activity or objective confirmation.

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