



Assessment of Citizen Engagement Practices in the Municipalities of Batumi, Kutaisi and Akhaltsikhe

The assessment has been conducted by the Institute for Development of Freedom of Information (IDFI), within the framework of the project “New E-Governance Initiatives to meet OGP Commitments in Georgia”, funded by the Good Governance Initiative (GGI) in Georgia project of the United States Agency for International Development (USAID) and the Ministry of Foreign Affairs of Estonia. The study has been prepared by the Institute for Development of Freedom of Information (IDFI) and the opinions expressed herein do not necessarily reflect those of the United States Agency for International Development (USAID), the Good Governance Initiative (GGI) in Georgia project, the United States government or the Ministry of Foreign Affairs of Estonia.

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March 2017
Tbilisi

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Introduction

The right of citizens to participate in the conduct of public affairs is a core principle of democratic governance. In a representative democracy, all branches of government have an obligation to develop mechanisms of public participation. A representative democracy is characterized by broad involvement of different stakeholders in public policy-making. The participation of these stakeholders includes involvement of various formal and informal societal interest groups, participation of specific individuals and exchange of information between political/professional unions and public institutions. A wide range of governance professionals look at public participation¹ as an opportunity, which stimulates important social reform that enables citizens to benefit from their share of welfare accumulated in the state.

Fostering citizen engagement on the local level is particularly important in countries where decentralization is still an ongoing process. In these instances, it is quite often that the society is not well equipped or informed to proactively engage with the local government to produce desired policy outcomes. The importance of public participation is also stressed in the preamble of the European Charter of Local Self-Government, which was ratified by Georgia in December 2004. In particular, the Charter states that “the right of citizens to participate in the conduct of public affairs is one of the democratic principles that are shared by all member States of the Council of Europe.”²

Georgian experience with regard to citizen engagement is interesting because evidence-based policy dialogue is still in the early stages of formation. Both the population and public institutions are starting to develop necessary skills to enable substantive interaction related to various policy initiatives, budget programs and specific activities that affect the lives citizens.

The underlying assessment examines existing practices of citizen engagement in the municipalities of Kutaisi, Akhaltsikhe and Batumi. The document provides an analysis on how citizens interact with the municipal government and how/if their positions are reflected in the short-term and long-term policy priorities and budget of the government. In addition, the assessment looks at the legislative base for citizen engagement and the tools of e-democracy that create a favorable environment for public participation. The assessment examines established principles according to several documents – 1. The OECD Handbook on Information, Consultation and Public Participation in Policy Making³ 2. Sherry R. Amstein Ladder of Citizen Participation⁴ and the Handbook on Public Participation in Local Self-Government.⁵

The Institute for Development of Freedom of Information (IDFI) prepared and distributed questionnaires to different stakeholders and municipal decision-makers. The questions addressed issues on forms and practice of engagement, public participation in the budgetary process, legislative base on public engagement, e-participation and e-flow systems (electronic circulation of information). IDFI looked at how central and local legislation is applied in practice and also gathered evaluations on what stakeholders think is important and does not function in practice. Apart from disseminating questionnaires, the project

¹ Within the scope of this document, public participation and citizen engagement represent the same meaning

² [European Charter of Local Self-Government, 15 November 1985, Strasbourg](#)

³ [OECD Handbook on Information, Consultation and Public Participation in Policy Making, 2001](#)

⁴ [Sherry R. Amstein, *Ladder of Citizen Participation*, JAIP, Vol. 35, No. 4, July 1969](#)

⁵ [The Handbook on Public Participation in Local Self-Government](#), USAID Good Governance in Georgia Program,

team inquired information on specific issues from several groups involved in the local decision-making process. During the assessment, IDFI used input from civil society representatives as well as from those representatives of the Ministry of Regional Development and Infrastructure that are involved in the local self-government reform process. The opinions expressed about the level of public participation are different among interviewees from municipal public institutions and independent observers and civil society representatives. Besides stakeholder interviews, IDFI team conducted desk research and consulted with already existing data that is relevant for the purpose of this assessment.

The assessment revealed both the necessity and desire to improve citizen engagement practices in all examined municipalities. IDFI team identified gaps related to low capacity of civil servants as well as the absence of modern infrastructure that would guarantee effective involvement of citizens in the decision-making process of the municipality.

General Context & Legal Framework

One of the latest key reforms of the public administration system has been the adoption of a new Local Self-Government Code in February 2014.⁶ The adoption of the new code was aimed at assigning competences and procedures on how to implement the delegated functions in order to achieve a greater level of decentralization. The new piece of legislation sets the European Charter of Local Self-Government as one of the grounds for exercising local self-government. The Code also has a separate chapter on participation of citizens in the exercise of local self-government, which covers several different means of citizen engagement. Unlike other areas and branches of government, local government is more advanced when dealing with public participation, since for central public institutions there is no single set of regulations about citizen participation.

In recent years, the level and quality of public participation on the local level has only been measured prior to the adoption of the new Local Self-Government Code. In particular, measuring the level of citizen engagement was part of a larger public opinion research on the local government in Georgia. The study commissioned by the Open Society Georgia Foundation demonstrates that citizen participation was relatively low at the time of conducting the survey, with around 20% of the interviewed individuals using some forms of public engagement.⁷ The highest numbers of active and participating individuals come from Tbilisi and rural areas of Georgia.

According to the OSGF survey, public participation in municipalities is more frequent among respondents with university education, despite the overall low impact of education on the participation process. In addition, public involvement is less frequent among individuals below 35 years old, while more active among individuals ranging from 35 to 50 years. Half of the surveyed citizens thought at the time that municipal authorities are curious about their opinions on various issues and 33% stated that public opinion

⁶ [Organic Law of Georgia Local Self-Government Code, 5 February 2014](#)

⁷ [Public Opinion About Local Government in Georgia, Pawel Swianiewicz, Open Society Georgia Foundation, 2011, Tbilisi, Pg. 15](#)

is taken into account in the decision-making process at the local level. The findings of the same survey indicate that in cities with a population of more than 50,000 individuals (this range includes both the Batumi and Kutaisi municipalities), over 5% of the population were involved in hearings about budgetary issues, around 8% have signed a petition, over 10% participated in a demonstration and roughly 12-15% were informed about the budgetary process.⁸ In towns that have a population of less than 50,000 inhabitants (Akhaltsikhe municipality has the population of approximately 39,000 people), the level of public engagement is the lowest among the groups identified by the survey. The nationwide impact of the Local Self-Government Code on the engagement practice is unknown, since neither the government nor the civil society have made an effort to measure the effect of new legislation on the level of public engagement.

Currently, the Constitution of Georgia does not have explicit guarantees for public participation. Although certain political rights and indirect forms of participation (such as the right to request a referendum and the right to access public information) are enshrined in the constitution, there are no specific indications about the right to participate in the decision-making process.⁹ Moreover, there is no other primary or secondary legislation that would facilitate public participation in policy development and implementation on the central level.

A public participation component is also present in the Law of Georgia on Environmental Impact Permits – the legislation that guarantees the involvement of the public in the process of preparing necessary environmental impact assessments. According to Article 6 of the Law, the public has a 60-day period to study and comment on the proposed Environmental Impact Assessments. The law also sets an obligation for the developer to organize a public review in the administrative center of the self-governing unit where the activity is to be implemented.

Despite the absence of national legislation on citizen engagement, the Government of Georgia has adopted a Policy Planning System Reform Strategy 2015-2017, which allocates some importance to the issue of citizen engagement. Although the document does not create any legal obligation for central and municipal public institutions, it should serve as general framework in the policy development process. From a municipal perspective, the document provides a general context for all public agencies about the overarching policy documents that exist in the national hierarchy of strategic documents.¹⁰ The progress on the implementation of the above-mentioned strategy and its action plan is unknown. Throughout the interviews conducted by IDFI, it was revealed that representatives of the Kutaisi, Akhaltsikhe and Batumi municipalities were not aware of the strategic documents and their substance.

The situation with regard to the legal framework on public participation on the local level is more advanced than the fragmented regulation on the central level. The Local Self-Government Code introduced in 2014 has an separate section that not only sets an obligation for municipal public institutions to guarantee citizen participation in the exercise of local self-government as a principle, but also lists forms and tools of engagement. According to Article 85 of the Local Self-Government Code, forms of public participation are:

⁸ *Ibid*

⁹ [The Constitution of Georgia, Articles 41, 74](#)

¹⁰ [Government Decree No. 427 on the Adoption of the Public Administration Reform Roadmap 2020 and the Policy Planning System Reform Strategy 2015-2017, 19 August 2015](#) (Only Accessible in Georgian)

- **A General Assembly of a Settlement** – a form of citizen participation in the self-organization of the population of a village/small town/city, and in the exercise of local self-government that ensures active engagement of the constituents registered in the relevant settlement in the discussion and solution of those issues that are important to that settlement and municipality, and in the process of initiation of the above issues before the municipal bodies;¹¹
- **A petition** – participation tool that can be filed to the Sakrebulo (Municipal Assembly) by at least 1% of the constituents registered in the territory of a municipality or by the General Assembly. ¹²
- **The Council of Civil Advisors** – a deliberative body of a municipality mayor composed of representatives from the private sector, civil society and municipal population. The council should be composed of at least 10 members and its composition shall be approved by the Mayor;¹³
- **Participation in the sessions of the municipality Sakrebulo and the sessions of its commission** – sessions are public unless explicitly stipulated by legislation. Anyone may, without any prior notification and/or prior permission, attend the sessions of a municipality Sakrebulo and the sessions of its commission. Individuals attending the sessions may put questions before the chairperson of the commission or before the speaker and co-speaker.¹⁴
- **Hearing reports on the work performed by the Gamgebeli/Mayor of the municipality and by a member of the municipality Sakrebulo** - at least once a year, before 1 November, the Mayor and Sakrebulo members are obliged to publicly deliver a report on the performed work and answer any questions of the population. ¹⁵

Access to public information and the obligation of the municipality to duly inform the public is also stipulated under Article 85¹ of the same section of the Local Self-Government Code. The procedures of issuing public information are given in Chapter III of the General Administrative Code of Georgia.¹⁶The above-mentioned article sets a minimum standard for proactive disclosure of public information for all municipalities of Georgia. In this regard, the municipalities of Batumi and Kutaisi have a higher standard and all of them have adopted separate Sakrebulo decrees on the Proactive Disclosure and Electronic Request of Public Information. The city of Akhaltsikhe does not have such local regulations on proactive disclosure of information. Similar municipal decrees have been adopted by a large number of Georgian municipalities; however, the list of information that has to be proactively published may be different in some decrees. These decrees follow the standard set by the Government of Georgia, which created an obligation for central public institutions to proactively disclose information.

In addition to the above-mentioned regulations on the access to information, each year by December 10, Article 49 of the General Administrative Code obliges all public institutions of Georgia (including municipal authorities) to submit to the Parliament, President, Prime Minister and the Legislative Herald of Georgia a report on the Freedom of Information (FOI) requests that were received, answered and rejected by the public institution. Moreover, the “10 December Report” has to include information on violations of the timeline set by the Code and all other procedural information related to FOI requests.

¹¹ [Organic Law of Georgia Local Self-Government Code, Article 85², 5 February 2014.](#)

¹² [Organic Law of Georgia Local Self-Government Code, Article 86, 5 February 2014](#)

¹³ *Ibid*, Article 86¹

¹⁴ *Ibid*, Article 87

¹⁵ *Ibid*, Article 88

¹⁶ [General Administrative Code of Georgia, 25 June 1999](#)

Although the General Administrative Code lists the information that should be given in the report, there is no single form used by public institutions, which affects the quality of the document.

None of the municipalities participating in the assessment have the latest 10 December Report available on their webpage. Despite the obligation to send the reports to the Legislative Herald of Georgia ¹⁷(a journal/portal that is used for the official publication of legal acts and official documents), certain municipal authorities did not publish the report on the portal of the Herald. The City Halls of Batumi and Akhaltsikhe, as well as the City Assemblies of Kutaisi and Akhaltsikhe have officially published the reports, whereas the reports of the Kutaisi City Hall and Batumi Municipal Assembly are not publicly available.¹⁸

Public engagement in the municipal budgetary process is regulated by the Budgetary Code of Georgia and by the Local Self-Government Code of Georgia. According to Article 91 of the Local Self-Government Code, the Mayor/Gamgebeli submits the draft budget to the City Assembly before November 15 of each year. The City Assembly then has a 5-day period to release the draft budget for public discussion and then returns the document to the City Mayor with remarks before 25 November. The Mayor returns the revised budget to the City Assembly before December 10, which is then adopted before the end of the year.¹⁹ According to the legislation, there are two windows, from November 20 to November 25 and then from December 10 to December 31 to publicly discuss and adopt the budget. The law does not stipulate for a minimum number of public discussion of the budget.

The budget spending report is prepared by the City Hall on a quarterly basis and is sent to the City Assembly. An annual discussion of the budget spending report takes place once a year in on the plenary hearing of the City Assembly, which is open for public attendance and participation.²⁰

Main Observations

The legal framework that regulates public participation on the local level has significantly improved because of amendments made in the Local Self-Government Code in July 2015. In a way, the municipal regulatory framework has surpassed the standard that exists on the central level. Although established practices of citizen engagement are quite different in Batumi, Akhaltsikhe and Kutaisi, the general level can be assessed as somewhere between Nonparticipation and Tokenism, evaluations used in the Sherry R. Amstein Ladder of Public Participation.²¹ Nonparticipation is a stage composed of two components – manipulation and therapy. Manipulation and Therapy are forms of interacting with the citizens for purposes of substituting participation and using the opportunity as a tool for public relations, rather than achieving real input. Informing and consultation are more symbolic forms of participation and only allow

¹⁷ Legislative Herald of Georgia - www.matsne.gov.ge

¹⁸ 10 December Report of the Batumi City Hall – <https://matsne.gov.ge/ka/document/view/3535718>

10 December Report of the Akhaltsikhe City Hall – <https://matsne.gov.ge/ka/document/view/3550107>

10 December Report of the City Assembly of Kutaisi – <https://matsne.gov.ge/ka/document/view/3454037>

10 December Report of the City Assembly of Akhaltsikhe - <https://matsne.gov.ge/ka/document/view/3454906>

¹⁹ [Organic Law of Georgia Local Self-Government Code, Article 91, 5 February 2014.](#)

²⁰ [Budgetary Code of Georgia, Article 88, 18 December 2009](#)

²¹ Supra note 4

exchange of opinions, without any guarantee of public input being translated into policy decisions. Despite the low level of public participation, there are successful instances of partnership and co-creation, which are much more advanced forms of citizen engagement.

It has been noted by both public servants and civil society representatives that a challenge remains in the interest and skills of the municipal population, which in certain cases is not enough for a meaningful policy dialogue. An overall challenge also lies in the absence of electronic tools of participation, information and communication. Despite the fact that Batumi, Akhaltsikhe and Kutaisi municipalities operate relatively advanced webpages and are actively using social media, there is no systemic approach of outreach, communication and participation.

There are three main challenges with regard to ensuring meaningful participation of the public in the life and decision-making of the city: 1. insufficient skills of the representatives of the municipal authorities 2. insufficient political will of key decision-makers in the public institutions and among civil society 3. Lack of innovative approaches that would attract the public. It was also pointed out by representatives of a ministry, which works with all evaluated municipalities, that the involvement of the central government often negatively affects the political will of the Mayors to initiate a policy dialogue with the population. According to some local self-government experts interviewed during the assessment, many decisions are already pre-defined in central institutions and implemented without an appropriate public engagement procedure.

It is important to observe that main challenges are linked to each other. For instance, insufficient political will was in some instances attributed to low capacity of human resources. Political will on the other hand affects innovation and allocation of resources to the modernization of the public engagement system.

According to research published by the Council of Europe, Georgian local structural units have the task of developing policy and strategic documents; however, they do not have dedicated staff for ensuring citizens' engagement. No regular trainings are provided in this regard for local government officials.²²

Public Participation Practices in Batumi

Throughout the assessment process, IDFI collected information from representatives of following departments of the City Halls and City Assemblies of Batumi, Akhaltsikhe and Kutaisi: Administrative Department and Public Relations Unit, Budgetary Department, Legal Department/Unit, Human Resources Department/Unit and IT Unit. Together with the political leadership of the municipalities, these units are responsible for an effective public participation process. In addition, IDFI also interviewed a member of the Council of Civil Advisors and a local-self-government expert.

Representatives of the municipality do not see the necessity for more detailed public participation legislation in Batumi. According to some municipal employees, it is necessary to fully utilize the participation tools that are already in place because of the 2015 amendment of the Local Self-Government

²² [Civil Participation in Decision-Making in the Eastern Partnership Countries, Part One: Laws and Policies](#), Pg.66, Council of Europe, Strasbourg, France, May 2016

Code. Some participation tools require additional effort for successful implementation. For example, in Batumi, petitions are only submitted through the assistance of CSOs and the public does not have the skills to use this mechanism for its benefit. It was identified during the interview that only a few petitions have been submitted to the municipality so far; however, there is no information as to how the petitions were administered and what was the result of their submission. The Local Self-Government Code allows for municipalities to adopt supporting local legislation that will define the procedure for submitting petitions, including the rules on submitting and handling electronic petitions. Batumi City Assembly has not yet adopted a specific decree on the forms and procedure for regular and electronic petitions, which is recommended for the future implementation of an e-petitions system; however, the Rules of Procedure of the Batumi City Assembly take into account the possibility to register a standard petition. A group of 5 individuals has a possibility to apply for registering a petition, which will be considered after obtaining signatures from 1% of the total registered voters. A five-person threshold for registering a petition is different from the practice that exists in other municipalities, where petitions can be registered by a single individual. This can be considered as an unnecessary burden for citizens.

Municipal public agencies and representative bodies of Batumi mainly use social media, the official webpage, media outlets and in person meetings as tools for communicating with the public. From the social media outlets, the Batumi Municipality uses Facebook as a tool of communicating with the public.²³ Representatives of the municipality also indicated Twitter as a mean of communication; however, no active Twitter account administered by City of Batumi was found. Generally, Facebook is the most popular social media outlet in Georgia and it is sufficient to have a Facebook page. Batumi City Assembly has a separate webpage, which does not happen often among municipalities of Georgia. These webpages as well as social media accounts have separate administrators, which can be regarded as a duplication of resources. According to the representatives of the municipalities, the webpages have a function of publishing questionnaires for the people and they are actively used as an electronic tool of citizen engagement; however, past questionnaires are not available on the webpages for review. The webpage of the City Assembly is offering live translation of Assembly Sessions, which is an innovative and positive development with regard to informing the public.

The representatives of the Communications Department of the Batumi City Hall, think that the webpage requires improvement. On a scale of 1 to 5, they have evaluated the current webpages with 2 point, also indicating that both information and engagement components must be improved. It was also pointed out that the current webpage is not equipped with modern tools of direct engagement and communication, such as online consultations, electronic request of public information etc. The administrators of the webpage do not monitor the *user traffic* on the webpage, which prevents them from analyzing user behavior for further improvement of participation.

The Council of Civil Advisors is another public participation tool that operates as a consultative body of the Mayor of Batumi. The Council was established in March 2016 and is composed of 10 members. According to the statute of the Council, the Mayor is under obligation to submit the budget and other policy initiatives to the Council of Civil Advisors for consideration. The Mayor receives written recommendations of the Council but is under no obligation to agree with them. The membership of the

²³ The official Facebook page of the City Hall is called Batumi City Hall and the City Assembly Facebook page is called ქალაქ ბათუმის საკრებულო.

Council is not a compensated position. The level of activity of the Council of Civil Advisors is different in each municipality; however, according to the data published for the period of 2012-2013, the City of Batumi was leading with the number of conducted Council meetings.²⁴

Municipality	Number of Meetings of the Council of Advisors							
	May-July 2012	Aug-Oct 2012	Nov-Jan 2013	Feb-Apr 2013	May-July 2013	Aug-Oct 2013	Nov 2013	Total
Batumi	7	9	7	8	4	18	2	53
Akhaltzikhe	2	1	2	2	0	1	-	8
Kutaisi	2	0	0	0	0	0	-	2

With 53 Council meetings in the 2012-2013 period, Batumi was the leading municipality in Georgia with regard to activity of the Council of Civil Advisors. Despite having significant donor support, other municipalities were not able to utilize the Council as an effective tool of public participation.

Another Council of Civil Advisors is operating under the City Assembly of Batumi since 2012. However, this consultative tool is not taken into account by any central legislation and is created on the basis of amendments in the Rules of Procedure of the City Assembly of Batumi. Article 100 of the Rules of Procedure states that the purpose of the Council is to increase transparency and public participation in the work of the City Assembly.²⁵ While comparing the Councils of Civil Advisors, the one operating in the City Assembly is significantly more actively participating in the decision-making process. The Council operating at the City Assembly has regular meetings and is especially active in facilitating participatory budgeting and public participation in urban planning. The Council has both an interactive website – www.marte.ge, as well as a Facebook page that is regularly updated. The webpage of the Council has a questionnaire module, where citizens have a chance to express their positions about the city budget. At the moment of conducting the assessment, 136 individuals had filled out the questionnaire.

It is critical to consolidate electronic resources that exist in the municipality into a single portal. It was pointed out that in many cases the population of the municipality is not properly informed about the existence of certain webpages. In case of Batumi, the City Hall webpage has higher public recognition and larger user traffic.

Other means of involving the public in the work of the municipality are also used by the city of Batumi. Participation in the sessions of the City Assembly is possible for all citizens. The rules of procedure take into account a possibility directly engaging during the hearings of the City Assembly and allow statements and comments from the citizens. The webpage of the City Assembly has an announcement Banner, where citizens have a chance to look at the scheduled hearings of the Sakrebulo. It was pointed out by a representative of a CSO that the announcement banner is not frequently used and is not effective for informing the public.

²⁴ [The Handbook on Public Participation in Local Self-Government](#), Pg.13, USAID Good Governance in Georgia Program,

²⁵ [Rules of Procedure of the City Assembly of the Batumi Municipality, 23 September 2014](#)

Delivering reports on the performed activities is one of the forms of participation described in Article 88 of the Local Self-Government Code. It was pointed out by a CSO Representative that some members do not deliver public reports before 1 November, as it is prescribed by law. Article 88 of the Code states that City Assembly of the municipality should adopt a specific regulation on the form and procedure of delivering reports by the mayor and Assembly members. In case of Batumi, the decree of the Municipal Assembly only regulates delivering the report for the mayor and does not take into account the procedure for Assembly members.²⁶ According to the representatives of the City Hall, public meetings and consultations are recorded and documented with sign-in sheets. The [report](#) delivered by the mayor is available on the webpage of the City Hall but the no reports of Assembly members are available online. Since the 2016 report was more than 50 pages long. In addition, to effectively inform international partners and interested parties, it would be beneficial to provide an English version of the report.

As it was pointed out in the general observations, challenges remain with regard to public engagement skills of municipal civil servants. According to the representatives of the municipalities, in the last 2-3 years, there have not been any trainings/workshops on citizen engagement; however, with the assistance of USAID, Batumi City Hall has conducted an internal and external evaluation, which involved surveying 700 respondents. In 2016, Municipality of Batumi participated in the following training modules: 1. Effective mechanism of public service delivery 2. Public relations 3. General skills and competences of civil servants.

Public participation in the budgetary process is more advanced than other areas of citizen engagement. The budgetary process calendar was approved by the order of the Mayor of Batumi on March 6, 2015.²⁷ In addition to the timeline set by the Budgetary Code and Local Self-Government Code, the Budgetary Calendar of the Batumi City Hall has two additional windows (from 15-30 September and from 15-20 May) for public comments on the budgetary program and midterm priority document. There are no electronic tools that would facilitate public involvement in the budgetary process and representatives of the municipality have stated that there is need for such tools. Such need exists in particular with involvement on midterm budget priorities and budgetary program.

Although the public has access to both plenary and committee meetings of the City Assembly, there is no electronic space for providing feedback on the budget. The budget is published on the webpages of the Batumi City Hall and Batumi City Assembly but there is no mechanism of commenting on the draft budget in a way that would allow users to see all the comments.

There were three public discussions of the draft budget in 2016, which also included representatives of CSOs. The City Hall and City Assembly track the total amount of individuals participating in the discussion of the budget. In addition, municipal public institutions consolidate all comments and recommendations into one document; however, the document is not publicly available. Such publicity of the comments allows citizens to see the opinions of others and how public input is shaping over the years.

²⁶ [Decree No.437 of the City Assembly of Batumi on the Rules and Procedure on Organizing and Conducting Meetings with the Population, 25 December 2015](#)

²⁷ [Order No.154 of the Mayor of the Batumi Municipality on the Planned Activities for the Preparation of Budget Priorities for the Municipality of the City of Batumi](#)

According to the surveyed individuals, participation of the public in the budget discussion is quite low. It was pointed out that specific CSO are active only with regard to specific sectors and priorities. Despite insufficient participation in the process, for youth and cultural initiatives there are spare funds allocated according to the public input. Potential initiatives that are funded through the municipal budget are evaluated by a relevant commission, based on predefined criteria. Representatives of the Financial-Budgetary Department stated that the participatory budgeting process has to be improved in Batumi. According to the representatives of the department, the needs for improvement exist with regard to effectively informing the public and providing them with simple tools that will help them better understand the budget. Civil society comments also concerned the low involvement of the public and insufficient skills to provide meaningful input. Gaps related to the insufficient skills of the public require a systemic solution that will be based on innovation.

Public Participation Practices in Kutaisi

Similar to the Batumi municipality, IDFI collected information from representatives of municipal public authorities of the City of Kutaisi. According to the representatives of municipal public agencies, the legal framework on public participation is also sufficiently developed in Kutaisi. The representatives of the legal department of Kutaisi City Hall stated that the awareness of the staff on public participation legislation is sufficiently high. Moreover, according to the representatives of the legal department, the enforcement of Chapter XI of the Local Self-Government Code is satisfactory.

Gaps related to public participation are still quite visible in Kutaisi, since certain tools envisaged by Article 85 of the Local Self-Government Code are not fully functional. For instance, representatives of the Kutaisi municipality stated that petitions have not yet been submitted to the City Assembly. Nor has the City Assembly adopted separate rules and procedures for submitting and handling of petitions. Similar to some other municipalities, the Rules of Procedure of the Kutaisi City Assembly²⁸ also have a chapter on regular petitions but this is not a sufficient regulatory framework for e-petitions. The threshold for registering a regular petition at the City Assembly is 10 individuals, which is an unreasonable barrier and should be amended in a way that would allow even for one individual to initiate a petition.

Kutaisi municipality mainly relies on social media, the official webpage, radio and newspapers as means for communicating with the population of the city. From the social media outlets, Kutaisi uses Facebook as well as YouTube. Two separate Facebook pages operate for the municipal executive agency – Kutaisi City Hall and Press Office of the Kutaisi City Hall. In addition, the City Assembly of Kutaisi has a separate Facebook Page that has not been updated since November 2016. IDFI recommends unifying Facebook pages into a single account, which will prevent public confusion. There are Twitter, Google+ and Instagram buttons on the webpage but no active accounts are administered by the Kutaisi Municipality. According to the representatives of the municipalities, the employees often publish questionnaires for the population and they are actively used. Past questionnaires are not available on the webpages for review.

²⁸ <https://matsne.gov.ge/ka/document/view/2393768>

Representatives of the Kutaisi municipality have identified the webpage as the most important tool for fostering public participation, evaluating it with the highest 5-point score. They have identified improving direct communication mechanisms as the main challenge that exists on the webpage. Since the webpage of Kutaisi municipality is frequently updated and supported with a large volume of information, it was also noted that the City Hall requires innovative tools for presenting data to the public. It was stated that the municipal webpage has a large traffic, which can be attributed to successful information and participation tools. The total average user traffic was not disclosed during the assessment.

Kutaisi City Hall is significant in terms of e-governance because it is in the process of developing the e-services portal – www.my.kutaisi.gov.ge. The portal will provide a number of services in an electronic form. The portal is still operating in the demo mode; however, one can find services like FOI requests, building permits and licenses on the page. Successful launch of the webpage is important for development of e-governance on the local level and the municipality is receiving assistance from local and international experts in the process of implementation.

The Council of Civil Advisors also exists in the municipality of Kutaisi. During the assessment period, only one meeting of the Council has taken place. The Council was established in August 2016 and is composed of 10 members.²⁹ The statute of the Council of the Kutaisi is similar to the statute of the Council of Civil Advisors of Batumi. According to the experts on local self-government interviewed during the assessment, the legal framework of the Council is satisfactory to allow its effective functioning. There are procedural deficiencies with regard to the substantive output produced by the Council. Consultation with the Council often has a formal purpose and significant policy documents are not often submitted to the Council for consideration. The impact and level of consideration of the recommendations of the Council have not yet been analyzed in the City of Kutaisi.

As it was pointed out during the interview, participation in the sessions of the Kutaisi City Assembly is available without restrictions. In this regard, a representative of a local CSO stated that population is surprisingly active during the hearings on a variety of issues. It should be noted that the tools for informing the population about the Assembly sessions need to be improved. There is no announcement banner on the webpage of the municipality and no informational announcement can be found on the page.

Existing practices of reporting to the public are similar to the other municipalities examined during the assessment. As a CSO representative pointed out during the interview, in Kutaisi reporting to the public has a formal nature like in many other municipalities and is not adequate to its legitimate purpose. The Kutaisi City Assembly also adopted a reporting form that should be used by members of the Assembly.³⁰ Representatives of the Public Relations Units stated that the municipal authorities keep sign-in sheets and meeting memos. Out of 24 Members of the Kutaisi City Assembly, only one report of an Assembly Member is available on the webpage.³¹ The annual report of the Mayor of Kutaisi is also not available on the webpage, nor is it available on the portal of the Legislative Herald of Georgia. The Rules of Procedure of the Kutaisi City Assembly have a specific article on examining public opinion. Article 126 of the Rules state that municipal authorities have an obligation to examine public opinion with the help of the

²⁹ [The Order of the Mayor of Kutaisi Establishing the Council of Civil Advisors of Kutaisi, 4 August 2016](#)

³⁰ [Decree No.258 of the City Assembly of the City of Kutaisi on the Rules and Procedure of Organizing and Conducting Meetings with the Population, 21 May 2014](#)

³¹ http://www.kutaisi.gov.ge/upload/9614_lelaqelbaqianiangarishi.pdf

Assembly of the Settlement, opinion polls and television and other media outlets. This regulation obliges municipal authorities to consolidate results of opinion polls and discuss them during a session of the City Assembly. Notwithstanding the existing regulation, such discussions do not take place in practice. Moreover, the Rules of procedure only create an obligation to conduct opinion polls and do not touch upon the subject of two-way communication between the citizens and the municipal authorities and how public opinions and recommendations can be incorporated into specific policy initiatives.

According to the responses received from the representatives of the Kutaisi City Assembly and City Hall, the communication skills of municipal civil servants are high enough to ensure effective public engagement. It was pointed out that in the past 2-3 years several training sessions have been conducted for representatives of relevant units. Despite satisfactory capacity of municipal employees, interviewed individuals expressed the need for creating a handbook on citizen engagement. It is recommended to create a document that would ensure capacity development through international best practices.

Engagement in the budgetary process in Kutaisi is in many ways similar to the experiences in Akhaltsikhe and Batumi. However, notwithstanding an existing formal framework, some observers have identified problems. For example, with regard to the draft 2017 municipal budget, Transparency International Georgia noted that despite the efforts of the City Hall to ensure public participation during the preparation of the draft budget, some prescribed dates were violated.³² Representatives of the Kutaisi City Hall do not share the position of Transparency International Georgia and stated that they were in full conformity with the dates that were prescribed by law.

There are no specific municipal regulations on the budgetary timeline and a necessary consultation procedure. However, the Rules of Procedure of the Kutaisi City Assembly stipulate that there is an obligation to examine public opinion about the priority document of the municipality, city budget and other relevant policy documents.³³ According to the same rules, the Mayor has to prepare an opinion report about the remarks/ recommendations expressed about the budget.

Similar to the City of Batumi, the draft municipal budget was available on the webpage but there is no possibility to provide feedback in an electronic form. Despite the shortcomings in the e-governance component of participatory budgeting, 15 public discussions were conducted about the draft 2017 budget. Representatives of the City Hall and City Assembly do not have pre-defined guidelines on how to plan and execute budgetary consultations. Such recommendations can be part of an overall public participation handbook. According to the representatives of the City Assembly, they make regular announcements about the upcoming budget discussions; however, the webpage does not have a specific banner and such announcements could not be found on the webpage.

The Kutaisi city budget is subject to some external influences. Representatives of the municipality stated that there is sometimes interference from the central government but added that such interference takes place within the competences of the central government. The interviewed individuals were not able to identify specific competences of the central agencies that would require interference in the planning of the municipal budget. Employees of the financial department of the City Hall stated that there is a specific component where the initiatives of the population are considered; although, such regulations and instances

³² [Transparency International Georgia - Review of Kutaisi Budget without Public Participation, 8 December 2016](#)

³³ Supra Note 26, Article 133

were not identified during the assessment. Both representatives of the municipal agencies and civil society experts stated that since the public is active in the discussion of the draft budget, it would be highly beneficial to create tools of e-participation in the budgetary process.

Public Participation Practices in the City of Akhaltsikhe

The population of the municipality of City of Akhaltsikhe is significantly smaller than in Batumi and Kutaisi. Nevertheless, the efforts of the local government to effectively engage the population in the work of the municipality remains high. The City Hall as well as the City Assembly are often proactive in communicating with the public. Representatives of the municipal authorities stated that there are active citizens identified by the municipal agencies and they are often invited to public discussions on policy and budgetary issues. Moreover, the City Hall largely relies on the webpage, hotline of the municipality, online surveys and social media. The City Assembly relies more on the Advisory Council as well as on means of face-to-face communication.

The webpage of the City Hall is regularly updated; however, it does not contain a large volume of information, including daily news, legislation etc. The reports of the Mayor and City Assembly members are not available on the website, as it is prescribed by Article 85 of the Local Self-Government Code and Article 135 of the Rules of Procedure of the Akhaltsikhe City Assembly. Although it was indicated in the survey that the City Assembly actively uses electronic resources, the webpage was not operating during the assessment period. In total, 20% of employees of the City Assembly and City Hall are in direct communication with population on various issues – permits, statements, assistance requests etc. Respondents indicated that there is a necessity for the training of those individuals. In addition, since the municipality experiences frequent migration of human resources, representatives of the municipal agencies acknowledged a need for a handbook on public participation and communication.

Similar to Kutaisi, two separate Facebook pages operate for Akhaltsikhe City Hall and Akhaltsikhe City Assembly. It was identified by representatives of both City Assembly and City hall that they largely rely on Facebook as a tool for communication. Other social media outlets are not regularly used by the local government.

Notwithstanding the good practices established in the City of Akhaltsikhe, public participation mechanisms need to be improved in a number of areas. Representatives of the municipality indicated during the assessment that capacity of human resources, as well as legal framework need to be improved. In addition, interest was expressed on the implementation of innovative tools of citizen engagement and the mechanisms that already exist in the local self-government code but are not practiced. For example, despite the fact relevant provisions exist in the Rules of Procedure³⁴, petitions are not submitted to the City Assembly of Akhaltsikhe. Current legislation is limited to submitting draft decrees to the City Assembly and does not extend to other areas that might be important to the population of the municipality.

³⁴ [Decree No. 1 of the Akhaltsikhe City Assembly on the Rules of Procedure of the City Assembly of the Municipality of the City of Akhaltsikhe, Article 120, 14 July 2014](#)

The city of Akhaltsikhe also has local legislation that regulates the composition and work Council of Civil Advisors and the work of the General Assembly of the Settlement.³⁵ Moreover, the City Assembly also adopted a Model Statute for the General Assembly of the Settlement³⁶; however, this form of public participation is not particularly active according to representatives of the local government.

Representatives of the human resources units of the City Assembly and City Hall indicated that in the last 2-3 years there have not been trainings/workshops aimed at increasing public participation skills of the public employees. Nevertheless, when asked to rate the general communication skills of the employees of the local government, respondents rated the skills of the municipal staff with 4 points (5 was the highest score). Similar to other municipalities, respondents from Akhaltsikhe also underlined the importance of additional capacity development activities in areas of overall communication and public participation.

Adopting the municipal budget in the City of Akhaltsikhe is a quite dynamic process for the municipality with such a small population. According to the survey, citizens are quite actively involved in the discussion of the local budget during the plenary session of the City Assembly. Representatives of the municipal authorities stated that the public has unrestricted access to the budget discussions in the City Assembly. In addition, the local media outlets (local TV Stations and online media) quite actively cover budgetary discussions and try to inform the public in as much detail as possible.

Unlike other surveyed municipalities, representatives of the City of Akhaltsikhe stated that the local authorities try to communicate directly with CSOs by sending them the draft budget and receiving feedback. The local budget was spread to the public through the Facebook page and comments were also received through this social media channel. Similar to other cities of the assessment, Akhaltsikhe also does not have an electronic space where the budget will be presented and discussed in an electronic form. The webpage of the Akhaltsikhe City Hall – www.akhaltsikhe.gov.ge does not have specific sub-section dedicated to the local budget, which would provide legal acts on the adoption and amendment of the budget. The same space could be easily used to add tools of e-participation in the process of adopting the budget.

According to the representative of the City Assembly of Akhaltsikhe, the public demonstrates keen interest in the budgetary process; nevertheless, only one public discussion of the draft budget was held in 2016. Surveyed individuals stated that the public discussion was quite large and inclusive and lasted more than 3 hours. Despite a possible large scale of a public discussion of the budget, it is advisable to hold at least several budget discussions, since it is impossible to accommodate all interest groups in one meeting. Similar to other municipalities, the announcement banner is not available on the Akhaltsikhe municipal webpage and news about upcoming public discussions of the budget were not found on the page.

The submission and presentation of the budget is also regulated by the Rules of Procedure of the City Assembly of Akhaltsikhe³⁷; however, the provisions of the Rules of Procedure mainly resemble the procedure and dates stipulated in the Budgetary Code and Local Self-Government Code. The law does not

³⁵ [Decree No. 2 on the Statue of the City Hall of Akhaltsikhe, 14 July 2014](#)

³⁶ [Decree No. 46 of the City Assembly of Akhaltsikhe on the Model Statute of the General Assembly of a Settlement, 23 December 2015](#)

³⁷ [Decree No. 1 of the Akhaltsikhe City Assembly on the Rules of Procedure of the City Assembly of the Municipality of City of Akhaltsikhe, Articles 85-90, 14 July 2014](#)

create any additional obligations for the local government to conduct an effective and inclusive public discussion of the budget. It is vital to improve the legal framework and include basic public involvement obligations. Similar to other municipalities, the Priority Document of the municipality is also discussed with the budget.

Conclusion

The assessment demonstrated that the level of public participation requires significant improvement. As a result of evaluating the municipalities according to the criteria set by the Arnstein Ladder of Participation, all municipalities participating in the assessment are located between Nonparticipation and tokenism, which means that the public is informed and consulted about the activities of the municipality but no substantive input is considered during the decision-making process.

The challenges of the municipalities are largely similar and require systemic improvement. Several types of problems were identified in the assessed municipalities – 1. Insufficient skills of the public to engage policy dialogue; 2. Insufficient political will of the local government to consider input of the public; 3. Low capacity of civil servants involved in the public engagement process; 4. Fragmented legal framework on public participation; 5. Absence of innovation in the process of informing and consulting the public.

In order to improve the citizen engagement practices in the municipalities it is important to create a legal framework that considers main guiding principles that were established in several important documents related to public participation - General principles and minimum standards for consultation of interested parties by the European Commission;³⁸ Code of Good Practice for Civil Participation in the Decision-making Process, adopted by the Council of Europe in 2009 and the Aarhus Convention, which sets important criteria for public participation.

Public participation in the budgetary process needs significant improvement in order to boost the role of the citizens in the budgetary process. Currently, some participatory budgeting practices exist in Batumi, Kutaisi and Akhaltsikhe; however, the existing process has a more informal nature and needs to be defined through municipal regulation.

Below is a checklist on forms and practices of participation in the assessed municipalities:

Some topics examined during the assessment	Batumi	Kutaisi	Akhaltzikhe
1. Actively relies on the webpage	✓	✓	✓
2. Regularly uses social media outlets (Facebook)	✓	✓	✓
3. Uses online questionnaires	✓	✓	✓
4. Municipality has a Council of Civil Advisors set up	✓	✓	✓
5. Access to the plenary/committee sessions of the City Assembly	✓	✓	✓
6. Allows for providing comments electronically on the draft municipal budget	-	-	-
7. There is a space for announcing upcoming budget discussions	-	-	-

³⁸ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52002DC0277&from=pl>

8. Municipality has detailed local legislation on participatory budgeting	✓	-	-
9. Municipality has a specific participatory budgeting program	✓	-	-
10. Regular petitions have been submitted to the City Assembly	✓	-	-
11. Electronic petitions are submitted to the City Assembly	-	-	-
12. Municipality tracks traffic on the webpage	-	-	-
13. Has a handbook on citizen engagement	-	-	-

Based on the issues and problems identified in the assessment, IDFI has come up with several recommendations aimed at improving the practice and legal framework for public participation on the local level.

Recommendations for Improving Engagement Practices in the Assessed Municipalities	
1. It is recommended to prepare a model City Assembly Decree that would include all principles and procedures for effective public participation	All Municipalities
2. Prepare training workshops for local government representatives, Members of the City Assembly and CSO representatives.	All Municipalities
3. It is recommended to prepare a participatory budgeting program that will allow for citizens to allocate a specific portion of the local budget according to their input	All Municipalities
4. Unify Facebook pages into a single account, which will prevent public confusion	City of Akhaltsikhe Municipality
5. Amend the decree and include a regulation for members of the city assembly	Batumi Municipality
6. Prepare a simplified version of the report of the Mayor that will be easy to understand	Batumi Municipality
7. Develop a training module that would feature innovative approaches to foster public participation	Batumi Municipality
8. Prepare a separate legal act that will allow for the submission of regular as well as electronic petitions to the Kutaisi City Assembly	Kutaisi Municipality
9. Adopt a separate legal act that will regulate registration and handling of petitions, including e-petitions	All Municipalities