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07/08/2023

**Open Government Partnership (OGP)  
Steering Committee, Criteria and Standards Subcommittee**

**OGP Support Unit**

1100 13th Street, NW, Suite 800  
Washington, DC 20005

Dear Colleagues,

Let me start by noting that it is a privilege for the Government of Georgia (the “**Government**”) to be part of the Open Government Partnership (“**OGP**”). Georgia was among the first countries to join OGP and acted as one of the leaders in its capacity as the Steering Committee (“**SC**”) member from 2014 to 2022, and as the OGP Chair country in 2018. Georgia is among the few OGP member states where all branches of the government are fully involved in the OGP process with an increasing number of local municipalities joining the OGP Local Program.

Over the years, Georgia has made significant progress towards realization of the fundamental values of accountability, transparency, participation and inclusion through the Government’s commitment to OGP.

In close cooperation with Georgia’s leading non-governmental organizations (“**NGOs**”), the Government has successfully implemented four OGP Action Plans since 2012 and achieved noticeable results. OGP has initiated a number of fundamental reforms in the country, such as:

- (i) implementing extensive measures to fight corruption,
- (ii) ensuring full transparency of state procurement,
- (iii) introducing the innovative practice of monitoring the state budget,
- (iv) establishing a number of digital platforms that enhance access to information and customer-oriented approach,
- (v) introducing innovations in public service delivery across Georgia,
- (vi) creating the first monitoring system for public officials’ asset declaration,

(vii) introducing the regulatory impact assessment system of legislative acts, etc.

These reforms were instrumental in elevating the Georgia's reputation as a lead reformist country both on the European continent and globally. The Georgia's current ratings (please refer to **Annex #1** to this letter) are proof that our country remains resolute on its reform path.

Considering Georgia's experience in OGP, the **Government remains fully committed** to the fundamental values of open government and **stands ready** to continue meaningful cooperation with all interested stakeholders with the aim to take the Georgia's open government agenda further.

These are important developments regarding the OGP process in Georgia in recent years:

- With Government Decree N197 of 22 April 2019, **the Administration of the Government of Georgia ("AoG") was authorized to coordinate the Georgia's participation in OGP**. Hosting OGP by AoG, which serves as the center of government, enables a higher-level government representation in the OGP Georgia's process.
- In order to allocate appropriate resources to fulfilling its new functions, AoG established the **Public Administration Unit** in charge of managing OGP and the Public Administration Reform ("**PAR**") in Georgia.
- On the AoG's initiative, Government Decree N110 of 13 February 2020 established the first-ever **OGP Georgia's High-level Inter-Agency Coordination Council** (the "**Council**"). It is important to highlight that, unlike any other Government Council/Commission in the country, **the OGP Council member state representatives and heads of local NGOs enjoy the equal right to vote** – illustrating the Government's strong will to co-create open government decisions. The Council is accountable to the Government, while the **OGP Georgia's Forum** (established in 2013 as the first permanent dialogue mechanism between the Government and NGOs that brought together government agencies, local and international organizations) **has transformed into the Council's permanent working group**. The Council and Forum formats were agreed with the OGP Georgia's Forum member NGOs, whose number has grown over years and currently stands at nine organizations.

Following creation of the OGP Georgia's governance structure, AoG announced the call for initiatives for a new OGP Georgia's Action Plan in spring 2021. Although NGOs submitted their ideas in summer 2021, several major circumstances hindered the new action plan's elaboration process, including the COVID-19 pandemic, local elections in October 2021 and, later, preparation of the European Union (EU) membership application in Spring-Summer 2022.

During these times, however, with active participation of state agencies and NGOs, AoG has managed to organize **two full-day OGP Forums** on January 21, 2022, and February 24, 2022, respectively. Additionally, **up to 20 thematic working group meetings** were held in the course of 2022 when all NGO initiatives presented for a new action plan were discussed. AoG liaised in the process of assisting NGOs and government agencies in finding common grounds on a large number of issues.

Due to the above work, the Government formulated its **initial positions** and AoG presented a comprehensive document to all stakeholders on December 21, 2022, which provided for all NGO initiatives, written justifications/arguments of relevant ministries and state agencies for each of them (on the initial stage, NGOs submitted 25 recommendations. However, in the course of held discussions, they were divided into concrete 45 initiatives). Some of the proposed initiatives were fully converted into OGP commitments, with the certain number partially agreed. The remaining were not agreed at this stage. Overall, government institutions fully or partially agreed to 33 initiatives out of 45.

As consultations concluded, AoG proposed to convene the OGP Georgia's Council meeting **to discuss all initiatives/recommendations presented by NGOs for a new action plan with participation of high-level decision makers**. Despite several requests, NGOs refused to participate in the Council meeting (please refer to correspondence between the Council member NGOs and the OGP Georgia's Secretariat in **Annex #2** to this letter), as according to NGOs, there was no reason for participation in the OGP process unless the Government fully agreed to particular recommendations. Therefore, we once again present the justification behind positions on these particular initiatives. The same information duly has been shared with NGOs:

### **1. Creation of an Independent Anti-Corruption Agency equipped with investigative functions.**

In June 2022, Georgia was given the European Perspective from the EU Commission and provided with 12 recommendations to be implemented prior to receiving the EU candidate status. One of the recommendations was to strengthen the independence of Anti-Corruption Agency and bring together all key anticorruption functions (the recommendation did not include any reference to investigative functions. It states as follows: *“Strengthen the independence of its (Georgia’s) Anti-Corruption Agency bringing together all key anticorruption functions, in particular to rigorously address high-level corruption cases”*).

It is important to note here that the Parliament of Georgia (the **“Parliament”**), as the major implementer of the 12 recommendations, took the ownership on implementing this recommendation.

As for the actual process, the Legal Affairs Committee of the Parliament created a working group on August 4, 2022, to prepare a concept and relevant legislative changes for consolidating anticorruption functions. All interested parties, including opposition party members, NGOs and academia were invited to participate in the work of this working group. As a result, based on the legislative changes of November 30, 2022 adopted by the Parliament, the **Anti-Corruption Bureau** (the **“Bureau”**) was established.

The following anticorruption functions were integrated under its umbrella:

- (i) monitoring of political party financing (used to be a function of the State Audit Office of Georgia);
- (ii) improvement of protection of whistleblowers (used to be a function of several state bodies);
- (iii) monitoring of property/asset declarations (used to be a function of the Civil Service Bureau of Georgia);

- (iv) regulation and execution of issues related to conflict of interest (used to be a function of several state bodies);
- (v) overseeing and coordinating the execution of Georgia's Anti-Corruption policy and national Anti-Corruption strategy (used to be a function of AoG); and,
- (vi) elaboration of proposals and recommendations related to general policy of fight against corruption (used to be a function of the Inter-Agency Governmental Coordination Council for Combating Corruption).

The Bureau enjoys a high level of independence, as it is accountable solely to the Parliament and the Inter-Agency Governmental Coordination Council for Combating Corruption that involves annual reporting to the said bodies.

Candidates for the position of the Head of Bureau (for the six-year term) were selected by an independent Selection Commission, which included representatives of the Parliament, the Government, the General Prosecutor's Office of Georgia, the Supreme Court of Georgia, Office of the Public Defender and the civil society (Transparency International Georgia). The Selection Commission nominated three candidates for the Prime Minister's consideration. On February 6, 2023, the Prime Minister appointed the Head of the Bureau from the suggested nominees. A full staffing of the Bureau is currently underway.

## **2. The adoption of a stand-alone Law on Freedom of Information**

The General Administrative Code of Georgia and Government Decree N219 on Proactive Disclosure of Public Information provide for regulations with regard to disclosure of public information. The Government acknowledges the need for further improving existing practice and legislation and, hence, agreed with NGOs' recommendation **to launch the second wave of the reform on proactive publication of public information** in the frames of new OGP Georgia Action Plan – the latter was among 45 recommendations submitted by NGOs.

Particularly, the Government plans to **renew Government Decree N219** currently in force and **expand the list of public information to be proactively accessible**, which, in turn, will enhance access to information. Further, the Government considered the initiative to **elaborate the Open Data Act**, directly contributing to advancing the access to information practice.

In February 2023, the Government adopted the PAR Strategy 2026 and its Action Plan for 2023-2024. In frames of the latter, AoG took commitment for capacity building in state institutions at all levels (central and municipal) regarding the freedom of information regulations. With support of the EU Technical Assistance Program, AoG has completed trainings in all 63 municipalities of Georgia.

Considering all the above, the Government considers the freedom of information seriously and shows readiness to ensure further development beyond its current practice. However, we see no reason of adopting a separate piece of legislation at present, especially as there is still the room for improvement.

## **3. Joining the Extractive Industries Transparency Initiative (EITI)**

The Ministry of Economic and Sustainable Development of Georgia (the “**MoESD**”) is fully aware of the importance of the EITI membership. However, the accession process requires special preparation, and the experience of other countries shows that it may take a couple of years. Therefore, in response to the NGOs’ recommendation to join the EITI, the MoESD proposed to conduct a **full-fledged feasibility study** and then plan for the accession.

#### **4. Increasing transparency of the system of issuing government grants**

The Government **largely approved the initiative**, with a minor alteration from the NGOs initial proposal that the commitment, as proposed, does not involve local municipalities since this component will be considered separately in the frames of the Decentralization Strategy Action Plan. Hence, it is unclear why NGOs are against the Government’s suggestion and response on this matter.

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The above is just a small illustration of large work that has been completed to elaborate new OGP Georgia’s Action Plan and enhance the Government/NGOs cooperation. We must note that although government institutions did not agree to all initiatives proposed by NGOs, translating 33 recommendations out of 45 into OGP commitments does show the Government’s pledge to advance the open government agenda.

We also believe that it is unfair to deny all initiatives that stakeholders agreed and hijack the whole process because of the four above noted initiatives. If not all other initiatives were important for advancing the open government agenda, we believe NGOs would not have submitted them from the beginning. We are confident that NGOs walking out of the Council/Forum formats jeopardizes the whole co-creation process, being at the heart of OGP.

Generally, we greatly appreciate the role that civil society organizations, including NGOs, play in the development of the country and, hereby, stress that there are a number of important goals ahead of us that should be addressed with the effective co-creation approach. Although we are concerned regarding issues that NGOs raised in their Letter of Concern to OGP, **within the scope of this response, we clarified details only with regard to the OGP Georgia’s Action Plan elaboration process, since most of the issues stated in the Letter of Concern are subject of the political discussion. And, we believe that OGP platforms in Georgia must be separated from the political discourse. We are determined to continue discussing issues of building stronger, more transparent and accountable public administration and state institutions.**

Regarding other matters related to implementation of 12 priorities by the EU Commission for Georgia, as noted in the Letter of Concern, please refer to **Annex #3** to this letter, explaining the progress regarding each of them.

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The EU integration is a strategic priority for the Government and a guarantee for the long-term stable democratic development and security of our country. Therefore, building peace, ensuring stability, enhancing democratic systems and stimulating economic development remain the main goals of the Government.

On this path, we acknowledge the critical role of the civil society organizations' support, particularly at a principal stage when the Parliament, the Government, and the public are working tirelessly to receive the EU candidate status. Co-creating open government reforms that respond to our citizens' needs shall be indivisible part of this process. Hence, the Government once again urges NGOs **to restore the meaningful dialogue at the negotiation table that benefit citizens and make co-creation process more inclusive and effective.** AoG is ready to invite the OGP Georgia's Council when agreed with the Council member NGOs.

Respectfully,

**Revaz Javelidze**  
**Head of Administration of the Government of Georgia**

A handwritten signature in blue ink, appearing to read 'Revaz Javelidze', with a large, stylized flourish at the end.