

Open Governance as a Tool for Strengthening the System of e-Democracy in Georgia

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Abstract: Democracy is rule by people, but not every individual is directly involved in governance. Therefore, open governance must be a minimum standard for democracy. The Open Government Partnership supports the practical implementation of open government. Georgia became member in 2011, and implemented numerous reforms to strengthen good governance. This paper will analyze the achievements, key challenges, and the quality of participation, of Georgian national action plans. This will strengthen the practical assessment of open governance in the development process. This paper will examine action plans, monitoring reports, the OGP flagship database, and other sources. Furthermore, readers can find possible answers to the pertinent question of what are the innovative approaches that strengthen the role of citizens in Georgia.

Keywords: Georgia, e-Governance, Parliamentary Democracy, e-Participation, Openness

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1. Open Governance, a Minimum Standard for Democracy

The concept of open governance is not a new concept. Back in the 1950s, along with the Freedom of Information Act, the term "open governance" first appeared as a basis of accountability (Yu & Robinson, 2012; Parks, 1957). Open governance is the governing doctrine of effective public oversight, based on the notion that citizens should have access to documentation, public services, and litigation. That is why open governance is one of the main instruments of government restraint. It contradicts the state's ability to justify disputed governmental actions politically or for other reasons that provide for the widespread legitimacy of state secrets.

Open governance encompasses three key elements – institutions and policies, rights, and instruments. It is based on the principles of transparency, participation, and accountability in practice. While reports and research suggest the benefits of open governance outweigh its disadvantages, some governments fear its risks and harmful effects, for instance, data privacy violations, misuse of

data, or data misinterpretation. Nevertheless, open governance is one of the critical parts of strengthening "good governance," which in turn promotes democratic governance.

1.1. The Open Government Partnership

The Open Government Partnership (OGP) is a practical implementation of the concept of open government and brings together government reformers and civil society leaders to develop action plans that make governments more engaged, responsible, and accountable. The OGP was formally established on September 20, 2011, when eight founding governments endorsed the Open Government Declaration and announced their country action plans.

OGP is a voluntary international initiative aimed at promoting transparency of government actions, empowering citizens, fighting corruption, and introducing new technologies to enhance governance. The Independent Reporting Mechanism (IRM) reviews the activities of each OGP participating country. The OGP has four key principles: transparency, accountability, citizen engagement, and technical development. States recognize that they will build their various commitments on these four principles, adopt their action plans accordingly, and set a deadline for these commitments.

As of today, OGP has 76 member states. It is overseen by a steering committee composed of government and civil society representatives. The OGP Steering Committee, with the assistance of subcommittees and thematic groups, sets the direction of OGP's activities, policies, and ideas, while also overseeing the fulfilment of its obligations by member states and the functioning of OGP. OGP operations are headed by the OGP Support Unit, which acts as a permanent secretariat and, in close cooperation with the Steering Committee, pursues the objectives of the OGP. The primary responsibilities of the support unit are to expand OGP's external communications, membership, and organizational relationships with OGP partners.

The OGP has grown significantly. Over the next two years, its primary goal is to ensure that tangible changes that occur in member countries are beneficial to citizens. According to the Partnership Regulations, countries' action plans should be developed with the support of civil society and in close consultation with the general public, in line with established guidelines and processes, with coordination and monitoring at the national level.

2. The Historical Role of Georgia in the Development of Open Governance

2.1. Brief Historical Background

Georgia joined the OGP in 2011 and has developed four action plans over the past years that include significant commitments for transparency, efficiency of public services, increased citizen participation, and the fight against corruption. As a result of the OGP's successful reforms, Georgia has been a member of the OGP Steering Committee since 2013. In 2017, it became the chairman country.

On July 30, 2014, for the first time since 2011, the Open Government Steering Committee was staffed through elections. As a result, the United States, Brazil, the United Kingdom, the Philippines, and Tanzania were re-elected as members of the Steering Committee, and Georgia, France, and Croatia joined the committee for the first time.

On April 30, 2015, the Parliament of Georgia and a member of the Working Group of the Open Parliament of Georgia signed a Memorandum of Parliamentary Openness, making Georgia the first country in the region to introduce open governance principles in parliament. In September, the Parliament of Georgia hosted a high-level international meeting of the OGP's Legislative Openness Working Group that was attended by representatives of more than 32 countries. It is noteworthy that later at the 2015 Global Summit, the Parliament of Georgia won the OGP Government Champions Award, in particular, for the ideal cooperation between the governmental and civil sectors in the development of the action plan, and for the success of the CSOs' initiatives and recommendations. On May 4, 2016, Georgia was elected a co-chair of the OGP. As part of the co-chair's mandate, which began on October 1, Georgia led the steering committee along with France. In May 2019, Georgia, as well as Germany and Indonesia, were elected to three-year terms in the leadership body of the OGP. The whole process is coordinated by the Ministry of Justice of Georgia, which represents various agencies internationally in the format of OGP. The Georgian consultative mechanism, Open Government Georgia's Forum, was set up within the framework of the Interagency Coordination Council against Corruption. However, some nongovernmental organizations (NGOs) demanded that the coordination of the process should be placed back with the prime minister's office.

2.1.1. Global Summit 2018

The fifth OGP Global Summit was held successfully in Tbilisi on July 17–19, 2018. The Parliament of Georgia hosted a day focussed on parliamentary openness. During the civil society day, OGP member states shared experiences from the past six years with civil society organizations (CSOs), and the partnership's future priorities were identified. The summit also focused on issues related to Georgia's chairmanship of the OGP. It was noted that from the very first day of Georgia's integration into the OGP, civil society, together with the Government of Georgia, have been actively involved in implementing the founding principles of the OGP. This was also emphasized during the International Anti-Corruption Conference (2018) by the Minister of Justice of Georgia (1TV News, 2019). However, CSOs, as in many countries around the world, faced some challenges from their government (OGP Blog, 2018).

Officials also stressed the need for legislative reforms related to freedom of information. The meeting continued with a speech by OGP Director of Civic Engagement Paul Maasen, who presented the positive results of the 2016–2018 Civil Society Survey.

3. Georgia's Achievements under Action Plans

3.1. Analysis of Completed Action Plans

As indicated above, Georgia was one of the first countries to join the Open Government Partnership in September 2011. Since then, it has adopted four national action plans; these commitments should be analyzed for lessons learned guidance in future reforms.

3.1.1. The National Action Plan 2012–2013

In line with the principles of the OGP, in April 2012, the Government of Georgia, in partnership with CSOs,¹ presented the first 2012–2013 National Action Plan. It included 11 responsible departments and 12 commitments. The action plan envisaged the creation of a bureaucracy-free, simplified, and customer-centric public service system through Georgian innovation. Access to public and private sector services at regional or municipal levels was provided through new public centers, called justice houses. Georgia also adopted legislation for proactive disclosure of public information. In addition, the plan focused on health system reform, particularly, the construction of new hospitals and the development of a unified and comprehensive information system of available health services. Out of the 12 commitments foreseen in the action plan, three were fully fulfilled, four were mostly fulfilled, four were partially fulfilled, and one was in the process of reporting by the end of the plan's term.

Main Point:

- *Georgia was named among the seven most successful projects in the field of access to public information during the Global Summit in London, 2013. Legislation for proactive publishing by Georgia was recognized as one of the bright spots and a story likely to inspire others (OGP Blog, 2013).*

3.1.2. The National Action Plan 2014–2015

The Open Government Georgia 2014–2015 Action Plan incorporated 27 commitments by 16 responsible departments. Action plan commitments responded to all of the five challenges of the OGP.² According to the final report, 18 out of 29 commitments³ were fully fulfilled, six were mostly fulfilled, and five were partially fulfilled.

From the successful initiatives, the following are worth mentioning:

- Incorporating services of the National Agency of State Property in the House of Justice;

¹ Including NGOs, students and academic circles.

² In particular, improvement of public services, enhancement of public integrity, increased efficiency in the management of public resources, creation of safer communities, and greater corporate responsibility and accountability.

³ The Action Plan incorporates 27 commitments, two of which (Commitments N1 and N6) are divided into sections "a" and "b." For monitoring and evaluation, these parts are treated separately as independent liabilities, with a total number of 29.

- Launching "JUSTdrive," the ability to receive a document or service from Public Service Hall without leaving a car;
- Incorporating services of the Ministry of Education and Science of Georgia in the House of Justice;
- Supporting and coordinating the Open Government Georgia's Forum;
- Publishing financial reports of political parties;
- Implementing an online consultation mechanism and customizing the website of the Ministry of Internal Affairs for people with disabilities; and
- Practical publication of court statistics on mass surveillance.

Significant achievements labelled as "mostly fulfilled commitments" include:

- Introducing Digital Signature and online authentication;
- Creating an open data portal (www.data.gov.ge);
- Starting the process of Freedom of Information Act development; and
- Establishing of a system for monitoring the asset declarations of officials.

Also, from the partially fulfilled commitments we can positively highlight:

- Citizen portal development;
- Introducing the Electronic Petitions Portal (www.ichange.ge);
- Creating an electronic archive system; and
- Designing an interactive crime map and crime statistics.

Main point:

- *Georgia was the first country in Eastern Europe to host a high-level Regional Conference of the OGP.*

3.1.3. The National Action Plan 2016–2017

Georgia has fully fulfilled 15 of the 27 commitments⁴ under the Third Action Plan for 2016–2017, and there is tangible yet small progress on the remaining 12 commitments.

These are some successful initiatives:

- Creating a unified health information system portal;
- Implementing a system for monitoring public officials' property declarations;
- Developing the Budget Monitoring Portal, which won the UN Digital Innovation Award, the Global Fiscal Transparency Initiative Award, and the ICT Business Council of Georgia's (GITI) IT Innovations Award; and
- Creating a customized mobile application for the Emergency Service Hotline 112, accessible to hearing-impaired citizens.⁵

⁴ The Action Plan incorporates 24 commitments, one of which (Commitment 24) is divided into sections, a–d. For monitoring and evaluation purposes, these parts are treated separately as independent commitments, with a total number of 27 being assessed.

⁵ It should be emphasized that the Innovative Services Laboratory at the Public Service Development Agency of the Ministry of Justice had a significant role in fulfilling this commitment.

However, according to findings from the IRM researchers, adoption of the Freedom of Information Act, transparency in government contracting, and institutionalization of public participation at all levels of government remain a priority (Gogidze & Gzirishvili, 2016). There was also a failure to implement a customer's module software for state property registration and its allocation.

Main Point:

- *By taking over the presidency from France, Georgia became the Chairman of OGP.*

3.2. Open Parliament

In April 2015, the Georgian Parliament joined the "Open Parliament Declaration" and signed a memorandum with international and nongovernmental organizations, making it the first country in the South Caucasus to implement the principles of open governance in parliament. Since 2015, the Parliament of Georgia has approved three action plans: 2014–2015, 2016–2017, and 2018–2019 (current). The first two action plans consisted of 33 commitments in total, out of which 23 were fully implemented and seven were partially performed. Some of achievements below benefitted from the legislative engagement policy of the Open Parliamentary e-Network (OPeN):

- A mobile application that provides information on parliamentary session dates, committee hearings, bureau hearings, and new legislative initiatives;
- A public information module of the parliament website, which makes public documents accessible in an open data format;
- Enabling electronic requests of public information on parliamentary activities;
- In October 2019, parliament implemented a recommendation of the Institute for Development of Freedom of Information (IDFI) and an initiative from the first OGP action plan. This initiative enables citizens to collect e-signatures on legislative initiatives and petitions. Although civic involvement in parliamentary activities remains low, this new electronic possibility will promote active civic participation in parliamentary activities; it also will positively impact parliamentary openness (IDFI, 2019).

Notwithstanding the steps taken, NGO and IRM reports emphasize that there has been no significant improvement in the implementation of the innovations in a practical manner, which stems from the fact that citizens are not fully aware of these possibilities, and therefore do not utilize them in daily life. Consequently, it is vital to raise public awareness, which is also pursued in the current action plan that is analyzed below.

4. Challenges of Georgia's Open Government Policy

4.1. Analysis of the 2018–2019 Action Plan

The presentation of Georgia's Fourth National Action Plan 2018–2019⁶ took place at the Fifth Global Open Government Summit. The main problem of the consultation process was that the commitments were shared with CSOs only one day before the meeting. Additionally, NGO members of the forum were not allowed to prepare a comprehensive analysis of the initiatives presented by the government and to form comments on the NAP commitments. According to IDFI research, another shortcoming in the development of the NAP was related to the results of public consultations held in ten cities of Georgia. Specifically, the forum meetings did not discuss which commitments of the action plan were based on information and recommendations from public consultations.

The 2018–2019 Action Plan envisages 23 commitments from 21 responsible departments, and municipalities present eight of them. The obligations under the plan respond to all five OGP's challenges, including those related to strengthening the effectiveness and transparency of the parliament by introducing innovative technologies and raising public awareness about parliamentary democracy in Georgia. However, the main commitments of the NAP largely overlap with the content of the commitments in previous action plans and mainly refer to the improvement of the existing system (e.g., adaptation of services for people with disabilities at the Justice House, introduction of a unified authentication system to increase access to public services, etc.). Nevertheless, there are interesting challenges that are related to one of the key areas, increasing public integrity, such as the development of legislative acts based on citizen engagement and data analysis; publishing court decisions in a unified database and creating a retrieval system; and increasing transparency of the Ministry of Internal Affairs. However, it should be emphasized that the homelessness issue remains a major obstacle to the challenge of creating safer communities. Accordingly, the government aims to create an interagency commission, which will analyze and develop a housing policy and action plan. However, there is no unified strategy to diminish the problem of homelessness, moreover, vague legal regulations and the inadequate method for determining the status of homelessness make it evident that joint comprehensive measures are needed to alleviate homelessness. Yet, there are the risks of having financial or engagement issues.

The challenges of better management of public resources include:

- Increasing public involvement in overseeing public finances;
- Creating electronic innovations for greater transparency and efficiency of public procurement; and
- Increasing the transparency of the state grant funding system.

The latter, unlike the previous ones, constitutes an innovation of this Action Plan as current legislation does not include the general principles and procedure for giving grants by ministries, public

⁶ See the English version of the *Georgia Action Plan 2018–2019* at <https://www.opengovpartnership.org/documents/georgia-action-plan-2018-2019/>.

law entities, and other public institutions. In addition, several public institutions, including local self-governments, are not included in the state grant system. One of the components of this initiative is to establish indispensable and basic standards in the law, including principles of impartial decision making, the publication of selection criteria, and conflict of interest avoidance. It should be noted that a draft amendment with those necessary measures must be prepared by the end of this year in order to make grant funding a credible and transparent process.

Also, it is important to note that the commitments of raising the integrity of the public sector are exceptionally weak. This issue is particularly controversial given that one of the strategic directions of the OGP Georgia Presidency document is to increase transparency and fight corruption in the public sector (IDFI, 2018). Additionally, the Global Secretariat of the OGP has recommended using this opportunity to present more ambitious commitments and lead the process to higher standards, thus setting an example for the current and future OGP member states. While the action plan is quite thorough, a lack of such innovative commitments is a weakness of the NAP. For instance, it would be wise to create a registry of beneficial owners of the companies that are registered abroad; implement blockchain technologies in public procurement and state auctions, or impose and extend the mandatory disclosure requirements to increase transparency.

4.2. New Challenges in Establishing Open Parliament

It is noteworthy that in the 2018–2019 action plan, most of the commitments support the implementation of the 16th and 17th Sustainable Development Goals of the United Nations. In this new national plan, five significant challenges are addressed:

- Promoting and monitoring implementation of the Sustainable Development Goals (SDGs) by the Parliament of Georgia;
- Increasing citizen involvement in the elaboration and approval of the budget;
- Strengthening effectiveness and transparency of the parliament by implementing innovative technologies;
- Creating a citizen engagement center in the Parliament of Georgia; and
- Raising public awareness about parliamentary democracy.

All of these challenges encompass the four OGP principles, notably, citizen participation.⁷ As mentioned above, raising public awareness remains one of the most critical issues affecting the quality of open governance. Regarding that, some activities are prioritized to promote citizen participation in the democratic process, such as establishing the "Active Citizen" award for citizens who are involved in parliamentary activities through various instruments like comments, electronic petitions, or attendance at committee hearings. This award has already been established by the order of the Parliamentary Speaker. Also, organizing informational meetings with students and youth organizations, and producing and disseminating informational materials can play a positive role. Thus, this is how Georgia aims to expand opportunities for citizens' engagement.

⁷ Others are: access to information; accountability; and technology and innovation.

Some other considerable challenges are: elaborating and proactively disclosing a Common Registry of Stakeholders on the parliament's website to ensure stakeholder involvement in the initial stages of lawmaking; creating and proactively disclosing instructions and tutorials for elaborating explanatory notes on the website of the parliament; implementing a live, online chat mechanism for gathering information; and proactively disclosing stenographic records of plenary and committee sessions in open format on the website of the parliament. This latter initiative already has been accomplished and is very popular among civil society, as it became apparent that many of the deputies do not attend the sessions (Imedi News, 2019). According to the latest Independent Reporting Mechanism (IRM, 2019), Georgia has some commitments on fiscal transparency in parliament as well.

4.3. Sustainable Development Goals: SDGs 2030

On September 25, 2015, 193 UN member states agreed on a document on the Sustainable Development Agenda entitled "Transforming Our World: The 2030 Agenda for Sustainable Development." The resolution includes 17 goals and 169 tasks. The Government of Georgia started the process of nationalizing the Sustainable Development Goals in 2015, but the implementation phase, started in 2018, has been complicated. With the support of the United Nations Development Program (UNDP), Georgia has been given the opportunity to participate in a pilot program for the implementation of the 16th SDG, which focuses on peace, justice, and strong institutions.⁸ However, in this regard, little has been done by the government, despite the fact that one of the commitments from the OGP action plan supports these goals (Sachs, et al., 2019).⁹ It should be mentioned that the role of the OGP in this process is of major importance, as the UNDP and the OGP made a joint commitment to advance the 2030 Agenda for Sustainable Development through open government initiatives and signed a Memorandum of Understanding (MoU) (UNDP, 2019).

Georgia is a good example of how OGP supports the implementation of the SDGs. The SDGs are stipulated in the very first commitment of Georgia's current OGP action plan. The commitment aims to improve public services, in particular, by creating an effective public administration system. However, only one commitment is directly related to the SDGs and its monitoring, which was mostly fulfilled under the previous action plan. Under the seventh commitment, the Government of Georgia, together with the LEPL Data Exchange Agency, the UNDP, and the Swedish International Development Agency (SIDA), has developed a new electronic system, the SDG Tracker, with the aim of effectively and transparently monitoring the SDGs. This will facilitate data collection and enable anyone to receive information online on the progress achieved within each goal and the activities carried out in that regard. It should be mentioned that this commitment has been fulfilled, and the website will be fully functional by the end of this year. Consequently, users will be able to obtain information on the government's goals for the coming years, view planned and implemented measures, and evaluate the progress.

⁸ specifically, these goals promote open governance: 16.6 - "Develop Effective, Accountable and Transparent Institutions at All Levels"; 16.7 - "Ensure Responsive, Inclusive, Participatory and Representative Decision-Making."

⁹ The High-Level Political Forum (HLPF) held in July this year demonstrated that progress toward achieving the SDGs is slow.

5. Georgia in the World Indicators of Open Governance

In the process of effectively implementing open governance in practice, statistical data plays a prominent role. It is vital to measure and compare the achievements in order to develop future steps. According to the OGP eligibility criteria, Georgia's score is consistently 15 out of a maximum of 16 points,¹⁰ which is quite impressive for such a small country. It is noteworthy that according to the World Justice Project Report 2018–2019, Georgia scores second in Eastern Europe and Central Asia, and 39th out of 126 countries in the world.¹¹ The methodology includes four main components: published laws and government information; civic participation; freedom of information; and appeal mechanisms.

In October 2018, the World Bank updated their Global Governance Indicators, and published the progress of two hundred countries (World Bank, n.d.).

Table 1: Government Effectiveness Indicators throughout the Years, Worldwide Governance Indicators (WGI), World Bank

Year	Georgia	Russia	Ukraine	Azerbaijan
2009	64%	42%	22%	31%
2015	67%	47%	35%	45%
2016	71%	45%	32%	48%
2017	73.1%	51%	35%	47.6%
2018	74%	51%	38.5%	49%

According to this data (Table 1), Georgia's percentile rank is the highest in the region. Also, the indicators showed improvement in two components of the index, government effectiveness and control of corruption. However, Georgia fell in three areas: freedom of expression and accountability (-0.99), political stability and absence of violence/terrorism (-1.43), and rule of law (-1.92). Examining government effectiveness assesses the effectiveness of public services, the quality of public service, and political independence – quite related to the OGP commitments. Notably, Georgia is at the forefront of progress in all indicators at regional level.¹² Despite the general importance of this index, it focuses on petty corruption and corruption in the field of public service delivery, and misses addressing high levels of corruption. Recommendations from authoritative international organizations, such as the European Parliament and the Organization for Economic Co-operation and Development (OECD), emphasize the need to abolish elite corruption. The issue of high-level corruption was also mentioned in the press release of the European Parliament's draft resolution on Georgia and Moldova that concerned implementing the Association Agreement with the European Union

¹⁰ Also see OGP Member Summary Data, e.g., budget transparency – 4 points, access to information – 4 points, property declarations – 4 points, and civil liberties – 3 points.

¹¹ Georgia was ranked 1st in the region, ranking 29th out of 102 countries in the world.

¹² For comparison, in 2017, the indicator of effective governance for Georgia was 72%, for Azerbaijan – 47% and for Ukraine – 35%.

and addressed the challenges of high-level corruption, rule of law, and independence of media. Further, it should be emphasized that according to the Single Support Framework for EU Support to Georgia (2017–2020), which provides financial and technical assistance, improvement of good governance and the rule of law are stated as one of the fundamental issues and are directly linked to open governance (E.U., n.d.: 4; Zygierewicz, 2018).

According to the OGP flagship database (advanced user version), achievements of Georgia between 2012 and 2018 show significant progress, especially OGP commitments regarding participation.¹³ The OGP Explorer,¹⁴ which provides full details on commitments, reveals that there is nearly no data on whether commitments opened the government or not, or that the data was not reviewed.

6. Conclusion

In conclusion, the findings in this paper corroborate Georgia's role in the process of open governance as outstanding considering that it only recently began opening government after decades of secrecy and a lack of transparency and accountability. Tangible changes have been made that are apparent from the fulfilled NAP commitments mentioned in this paper. The fact that Georgia hosted the fifth summit of the OGP is a substantial achievement as nearly 500 representatives from more than 70 CSOs participated in the event. The active cooperation between the government and CSOs is also worth mentioning as a determinant factor of the success. Yet, it is vital to remember that the commitments are not extraneous and every citizen should experience positive changes in their daily lives, which is, in fact, the current focus. Furthermore, improper financial management and the problem of raising citizens' awareness about electronic possibilities still constitute a problem to the future development of NAP commitments. This paper also discusses details of the active involvement of the Parliament of Georgia in the processes of open governance. As said by Sophie Huet Guerriche, Governance Sector Coordinator at the Delegation of the European Union to Georgia, "An open parliament enhances the accountability and transparency of the government. It also creates additional opportunities for cooperation with civil society, the private sector and citizens" (European External Action Service, 2018).

Thus, it should be noted that in the context of strengthening citizen activism, effective public response still remains an issue. Although Georgia strives to be the top OGP country, as confirmed by world indicators, real processes show that some obstacles do remain that impede progress.

Today, when the progress of SDG implementation is slow on a global scale, it is crucial to fully realize the importance of already existing platforms such as the OGP. Therefore, countries should follow Georgia's example and take more initiatives to reflect specific challenges linked with SDGs in their OGP action plans.

¹³ Specifically, themes of improvement of public services and integrity, better management of public resources, their potential impact, and legislative openness.

¹⁴ Available at <https://www.opengovpartnership.org/explorer/all-data.html>.

It is also noteworthy to change the concept of open governance as technology evolves.¹⁵ In fact, the key issues of the Global Summit in Canada show that the meaning of the term goes beyond narrow frameworks and relates to global issues of inclusion and gender. In this regard, Georgia's subsequent steps as an exemplary member of the Open Government Partnership are interesting, which can be the forefront of future discussion.

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¹⁵ Nowadays many states actively use the term, "open data" when referring to open governance.

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