

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



Address by Nongovernmental Organizations on the Occasion of the International Anti-Corruption Day

To President of Georgia, Mr Giorgi Margvelashvili

To Chairman of Georgian Parliament, Mr Davit Usupashvili

To Prime Minister of Georgia, Mr Irakli Gharibashvili

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The world marks the International Anti-Corruption Day today. On this occasion, we would like to present to you our views concerning the current situation in our country in terms of the fight against corruption and to offer our vision of the priorities for future reform.

A number of successful anti-corruption reforms have been implemented in Georgia since 2003, resulting in the reduction and virtual eradication of petty corruption and bribery in the country. This was undoubtedly an important achievement as it resulted in significant improvement of the daily lives of Georgian citizens, while also enabling the state to better perform its basic functions.

At the same time, more complex types of corruption remain a serious problem in Georgia. The reforms that were implemented after 2003 took place against the background of extreme concentration of power in the executive branch. Given the weakness of other key institutions (such as Parliament and the judiciary) and of external watchdogs (for example, the media), a small group of high-ranking officials operated without due levels of transparency and accountability. This created significant opportunities for abuse of power and corruption.

Members of the new government have often highlighted the need to investigate possible cases of the so-called elite corruption that may have occurred in recent years. We believe that addressing the systemic problems that have produced corruption risks at the high tiers of the Georgian Government is as important as the investigation of the activities of former officials. There are a number of issues that merit attention in this area:

1. Strong Parliament and judiciary - The weakness of Parliament and the judiciary and their subordination to the executive branch was among the sources of corruption risks in Georgia in recent years. Significant progress has been made toward the strengthening of Parliament and independence of the judiciary since the 2012 elections. However, it is important for Parliament to continue becoming institutionally stronger in order to exercise its oversight function vis-a-vis the executive branch

effectively. It is also necessary to continue the development of a strong legislative framework for the protection of the judiciary from political influence.

2. Updating the anti-corruption strategy and action plan and monitoring their implementation – The strategy and the action plan adopted in 2010 need to be updated. Meanwhile, comprehensive monitoring of the action plan's implementation has not been conducted in recent years.

3. Strengthening the anti-corruption agency - The current Interagency Coordination Council for Combating Corruption has limited powers and resources. The Georgian Government must consider the possibility of establishing a stronger anti-corruption agency.

4. Commencement of the competition agency's operations – The Competition Department of the Competition and State Procurement Agency is presently effectively non-operational, which hinders the development of a competitive market. The Georgian authorities must, as soon as possible, complete the reform of the competition legislation and ensure that the competition agency begins to operate in practice.

5. Further improvement of the public procurement system – Georgia's current electronic system of public procurement is one of the most transparent systems of this kind worldwide. However, a considerable part of public procurement is still conducted outside this system (the total value of such procurement was over 1 billion lari in 2012 and amounted to 45 percent of the total value of public procurement). The Georgian Government must reduce as much as possible the number of exceptions where conducting public procurement without an open tender is allowed.

6. Strengthening the State Audit Office – Given its powers, the State Audit Office can play a most important role in terms of preventing corruption. In order for this to happen, it is necessary to provide the agency with appropriate resources and to ensure its independence from political leadership.

7. **Civil service reform** – Which should, among other things, cover the areas of appointment, dismissal, and remuneration. The problems of competitive selection and bonuses in the public service also merit attention.

8. **Combating elite corruption as a specific challenge** – We believe that it is necessary, on the one hand, to clearly evaluate the factors contributing to elite corruption (including the current gaps in the law), while, on the other hand, providing the members of the appropriate institutions (the State Audit Office, the law enforcement agencies, etc.) with the specific skills that will increase the effectiveness of their work against elite corruption.

9. **Further improvements in the system of asset declarations** – The fact that asset declarations of public officials are accessible to any Georgian citizen through a dedicated website is a welcome development. In order to achieve further progress in this area, the list of the officials who are required to file asset declarations must expand and a system for the verification of the content of asset declarations must be established.

10. **Reducing corruption risks arising from the movement of individuals between the public and the private sectors** – Individuals often move from business to politics and from politics to business in Georgia. This process is inevitable and natural but also involves corruption risks. It is important to safeguard public institutions and independent regulatory bodies against the influence of private commercial interests.

11. **Strengthening anti-corruption safeguards in local government** – the anti-corruption safeguards are presently weaker in Georgia's local government bodies than at the central level. It is therefore important to devote due amount of attention to the establishment of strong anti-corruption rules and safeguards in local government bodies in the process of local government reform.

12. Transparent process of privatization – privatization of state-owned property was often conducted in suspicious circumstances in recent years. It is important for the authorities to ensure maximum transparency of the privatization process and to reduce, as much as possible, the number of cases where public property is transferred to private entities without competitive selection and/or at a token price.

13. Improving legal mechanisms for access to public information – Over the years, a regrettable practice of imposing artificial restrictions on the access to public information has emerged in Georgia. This was, in turn, the result of the lack of legal mechanisms, as well as ineffective operation of the relevant supervisory bodies. Freedom of information is important in terms of public oversight and prevention of corruption. The recent legislative changes that provide for proactive publication of public information must be noted and applauded. However, despite the progressive steps, the legal framework and the practice of access to information require further improvement. We therefore consider it necessary for the authorities to take into consideration the recommendations presented by civil society and the Organization for Economic Cooperation and Development (OECD) in this field, and to improve the legal norms and procedures that complicate the access to public information in practice.

We believe that these issues can be resolved through joint efforts of the authorities, the civil society, and the private sector. We are ready to present to the authorities specific recommendations for the improvement of the law and the practice in these areas.

*Georgian Young Lawyers Association
Transparency International Georgia
Identoba
Green Alternative
Human Rights Education and Monitoring Center (EMC)
Article 42 of the Constitution
Center for Study of Electoral and Political Technologies
Georgian Democracy Initiative
Human Rights Center*

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International Society for Fair Elections and Democracy
Economic Policy Research Center
Open Society – Georgia Foundation
Institute for Development of Freedom of Information