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REGIONAL LEVEL ANALYSIS OF OPEN GOVERNMENT DEVELOPMENT IN GEORGIA ON THE EXAMPLE OF THE AUTONOMY OF AJARA

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ABSTRACT

Georgia has been a member of the "Open Government Partnership" since 2011 and from the day of joining, has been a leading and active member of the international platform with achievements at the governmental, parliamentary, and local self-government levels. The next logical step is the membership of Ajara as a region in the partnership, so it was considered necessary to study the current situation in the executive branches of Ajara in the direction of open governance and gather the information that would further help us prepare recommendations in terms of strengthening open governance in the Ajara region.

Depending on the purpose of the research problem and research questions, the research included several methods of data collection: In particular, the official websites of the executive agencies of the region were studied, the social network platforms of agencies were monitored, an analysis of the completeness and quality of published data sets, information requests in different forms and thoughtful evaluation of responses to requests. The paper is also based on all the materials received and used by the Supreme Council of the Autonomous Republic of Ajara within the framework of the thematic research.

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Introduction.

Georgia joined the international initiative "Open Government Partnership" in 2011, and during this period, on the basis of the commitments made and successfully implemented to promote the implementation of the main principles of open government, Georgia was twice elected as a member of the steering committee of the Open Government Partnership - for the years 2014-2016 and 2019-2022, in 2017, Georgia took over the chairmanship of the "Open Government Partnership" from France and in 2018, it hosted the 5th Open Government Partnership Global Summit. (OGP Georgia...a)

Despite the progress achieved within the framework of the initiative, Georgia has slowed down the open government partnership process, in the sense that Georgia has thrown the full cycle of the action plan and the open government after the 2018-2019 Action Plan of Georgia, has not

planned and implemented any reforms within the framework of OGP. (OGP Georgia ...b)

The position obtained by Georgia has become an example for both the Parliament and local self-governments, in the sense that, the Permanent Parliamentary Council of Open Governance was established in the Parliament of Georgia, with which there is a consultative group, consisting of local non-governmental organizations, international and donor organizations (PoG...a), and Tbilisi City Hall joined the local program (OGP Local) in 2016, and later 5 more municipalities of Georgia: Akhaltsikhe, Ozurgeti, Khoni, Kutaisi and Rustavi.

The local program (OGP Local) is expanding every year, and the attempts to join from the municipalities of Georgia are quite large, and in 2022, only The Supreme Council of the Autonomous Republic of Ajara and the City Hall of Batumi Municipality had an attempt from the Ajara region. The important steps taken by the aforementioned agencies towards strengthening openness are a prerequisite for joining the Open Government Local Network (OGP Local).

In this regard, the practice of The Supreme Council, which joined the Open Government Partnership initiative in 2020 and has developed 2 Action Plans to date, is interesting. (SCA...a) Although the Council is not a member of the network, it clearly adheres to the principles set out in the Open Government Declaration (OGP...a) as well as the OGP Values (OGP...b). Ambitious commitments made and implemented during this period and important steps taken to strengthen openness have not gone unnoticed by local partnerships and best practices have been shared internationally. (OGP...c)

Initially, the Open Government Partnership initiative envisaged strengthening the openness and accountability of the executive authorities of the participating countries (OGP...d). The mentioned trend is also applicable to the practice of the country of Georgia, however, the situation at the regional level is dissonant, from the point of view that the legislative authority strives to join the partnership in the region more than the executive authority, therefore we considered it important to study the current situation in terms of open governance in the executive bodies of the Autonomous Republic of Ajara.

Literature review.

Today, open governance is one of the main priorities of democratic states and does not lose its relevance from the point of view of scientific research. The basis for saying this is the special interest in studying theoretical and practical issues in this direction in the last decade.

In order to better understand open government as a constituent model of democracy, it is important to define democracy itself and its characteristics. In this respect, Seymour Martin Lipset (1959), offers a modernist definition of democracy, and Cross (1953), works are important. In relatively modern literature, the connection between open government and democracy is established by Tim O'Reilly (2010), Simone Beth Noveck (2010), Chris Ansell and Alison Gash (2007), and Chapman & Micheal (2011). At the Georgian scientific level, the issues of open government are analyzed in the works of such authors as I. Manvelidze (2016), Sh. Dogonadze (2013), G. Iashvili (2022), L. Gogidze (2021), M. Tebidze (2019), G. Fartenadze (2021). Interesting papers for the research and analysis of the mentioned problem are also presented by D. Maisuradze and T. Nadiradze's (2016) English-language work - Local Government Participation in the Open Government Partnership (OGP), where the authors describe the achievements of several self-governing cities in the world in the direction of open government development. It is also worth noting - Open Government Partnership, where detailed information on Open Government Partnership projects implemented around the world, including Georgia, is given. Within the framework of the research, as a secondary source, local studies of the Institute for Development of Freedom of Information (IDFI, 2021) and all materials, documents and reports received and used by The Supreme Council of the Autonomous Republic of Ajara within the framework of the thematic research, were also used.

As a secondary source was used of the Institute for Development of Freedom of Information

(IDFI, 2021) and all the materials, documents and reports received and used by the Supreme Council of the Autonomous Republic of Adjara as part of the thematic research were used as secondary sources. (SCA...b.,)

Like international works, in Georgian works, at the sub-national level (regions, autonomous republics, districts, or other types of units) open governance has not yet become the main topic of the agenda and also, it does not refer to the study of the practice of open governance of the executive agencies of Georgia. Moreover, there is almost no emphasis on studying the development stages, directions, promotion, and challenges of open governance in the Ajara region.

Since, in modern Georgian social science, there are no scientific works that provide a comprehensive analysis of the current problems of the development of open governance in executive agencies in the Ajara region, therefore, this research is a novelty for Georgian scientific literature.

Research methodology.

A universally accepted guide to the implementation of state openness has not yet been established, open governance in states is developing with its own emphasis. However, according to the approaches of the Organization for Economic Co-operation and Development (OECD), a state can be considered open when businesses, public organizations and citizens can:

- "Know" - relevant and understandable information
- "buy" - services and be able to communicate with the state
- "Create" - participation of stakeholders in the decision-making process (OECD, 2005).

The paper uses the same components of open governance, which according to the author's views is closest to the practice in the region, therefore the study of governance openness in the executive agencies of the region is included in the following components:

- Access to information and open data
- Civic engagement and cooperation
- Accountability

The openness of information is a broad range of legal and communication tools that citizens should have to access information held by public authorities. Georgia belongs to the number of countries that have strengthened guarantees of freedom of information at the legislative level. Back in 1999, Georgia adopted the General Administrative Code, where the third chapter deals with the issue of freedom of information and establishes the presumption of publicity of information available in a public institution. (Herald...a). According to the GAC public information is: an official document (including a drawing, model, plan, scheme, photograph, electronic information, video and audio recordings), that is, kept in a public institution, as well as received and processed by a public institution or an employee in connection with official activities, Information created or sent, as well as information proactively published by a public institution. According to the General Administrative Code of Georgia, As for the criteria for determining its content, is not given in the Code. This approach of the legislator points to the fact that the concept of public information does not require a special definition, as long as any information available in a public institution (in the form given in the legal definition) is public, if it does not belong to any type of confidential information. (CSB... 2021). Freedom of information is enshrined in the Constitution of Georgia, according to which every person has the right to freely receive and disseminate information, express and disseminate his opinion orally, in writing, or by any other means. The Constitution also establishes that every citizen of Georgia has the right to get acquainted with the information about him in state institutions in accordance with the law, also the official documents there, if they do not contain state, professional, or commercial secrets. (Herald...b)

Open data refers to the existence of a mechanism for proactively obtaining information (data) from the state without discrimination. This means that the government publishes the data regardless of whether there is a request or not, that is, on a regular basis, and all interested parties

have the right to use it. Open data should be published on the Internet in the public domain, in a machine-readableⁱ format, it should be possible to reuse and redistribute the data, including mixing it with other data sets. In the proactive publishing of information, GAC considers the placement of public information of public interest on electronic resources by a public institution. According to the same code, public services were assigned the obligation to determine the public servant responsible for the proactive publication of information. Later, the rules for proactive publication of the information itself were determined, and in 2013 the resolution " On Requesting Public Information in Electronic Form and Publishing It Proactively" came into force.

Legislation on *civic engagement* (Herald...c) has been enacted at the municipal level, obliging municipal public institutions to ensure citizen engagement. The general meeting of the settlement, petition, civil advisory council, participation in the meetings of the municipality council and the commission of the municipality council, and listening to the reports on the work done by the municipality governor/mayor and the member of the municipality council are the mechanisms of involvement that the local municipality offers to the public in the exercise of self-governance.

Open dialogue implies the direct participation of citizens and businesses in government decision-making and the ability to control their quality. Its mechanisms may include public consultations, consideration of draft laws, participation, including initiative, budgeting, public discussion, and others.

Accountability is one of the main elements of democratic governance and implies the availability of information to the public about the activities carried out by public agencies. The agency carries out transparent, regular reporting on its activities, as a result of which the public controls and evaluates the state government.

Within the framework of the research, several methods of data collection were used with their subsequent expert evaluation, in particular, the official websites of the executive agencies of the region were studied, the monitoring of the social network platforms of the agencies was carried out, the completeness and quality analysis of the published data set, the request for information in various forms and the thoughtful evaluation of the response to the requests were carried out.

The research was carried out in the following agencies:

1. Apparatus of the Government of the Autonomous Republic of Ajara
2. Ministry of Education, Culture and Sports of the Autonomous Republic of Ajara
3. Ministry of Education, Culture and Sports of the Autonomous Republic of Ajara, Sub-departmental institution - Department of Sports
4. Ministry of Education, Culture and Sports of the Autonomous Republic of Ajara, Sub-departmental institution - Archive Division
5. Ministry of Finance and Economy of the Autonomous Republic of Ajara, Sub-departmental institution - Department of Highways
6. Ministry of Finance and Economy of the Autonomous Republic of Ajara
7. Ministry of Finance and Economy of the Autonomous Republic of Ajara, Sub-departmental institution - Department of Tourism and Resorts.
8. Ministry of Agriculture of the Autonomous Republic of Ajara
9. Ministry of Health and Social Care of the Autonomous Republic of Ajara

In order to study the issue, first the questions were defined according to the main criteria and then the relevant research methodology.

In the section on *information availability and open data*, the study determined how clearly and easily accessible information is provided to interested parties and whether the methods of providing information facilitate public involvement.

- What kind of information is published on the websites and how often the information is updated

- What are the statistics of requests for information - according to citizens and legal entities, indicating the deadlines for providing answers

Whereas, the availability of open data and information, which indicates the degree of transparency of the executive bodies, was evaluated not only by the information available on the websites but also according to the evaluations of third parties.

Civic engagement and Cooperation - How do the executive agencies of the region ensure a participatory policy-making process and to what extent do they consider existing legislation in terms of engagement mechanisms?

- Is there a responsible person in the executive agencies (deliberative bodies) whose goal is the coordination of open governance processes (ensuring public involvement in the decision-making process)

- What is the agency's vision for promoting community engagement policy development?

The mentioned component was evaluated on official web pages, and e-mails on social platforms. According to the state of the services and feedback, according to the examples of engagement mechanisms in practice, as well as according to the opinions presented in writing by the agencies within the scope of the thematic research of the Supreme Council.

Accountability - what accountability mechanisms are used by executive agencies. The accountability component was evaluated not only by the obligations within the legal framework, but also by the practices beyond the obligations defined by the law, for which we analyzed the completeness and quality of the dataset published on the official websites of the agencies, and evaluated the information about the published news.

Main findings and discussion.

It is important to note that there is a unified government portal <https://ajara.gov.ge/> for the government apparatus and ministries of the Autonomous Republic of Ajara, although the ministries and sub-departmental institutions have individual social platforms in the form of Facebook pages.

Regarding the "*access to information and open data*" component, it should be noted that there is a single open data portal and the concept of open data has a special place in the open governance of Georgia. A clear example of this is the portal www.data.gov.ge created by the "Data Exchange Agency" of the public law legal entity of the Ministry of Justice within the framework of the "Open Government Action Plan" approved by the Government of Georgia in 2015. However, it should be noted that public institutions are not obliged by law to publish individual data on this portal, it depends only on their good will and activity.

As a result of the monitoring of the mentioned portal, the official websites of the executive agencies, and the social network platforms of the agencies, it was determined that the agencies of the region do not use the mentioned portal, although the regional government portal is disabled individually: General information about the administrative body, a public information window is allocated, information about the personnel provision of the administrative body, information about state purchases and privatization of state property carried out by the administrative body, legal acts and other public information by year.

Open data refers to the publication of public sector data in editable and accessible formats that will allow citizens, businesses, mass media representatives, and non-governmental and governmental institutions to freely use said data. In the case of the executive agencies of the Ajara region, the information is presented in a readable format, so that it is possible to download, print and copy the posted information without losing and/or damaging the information, although not in an easily processed format.

As a result of the study of the websites of the agencies, it was also determined that the websites are constantly updated, including in the "public information" section, where proactively published information is published. Contact information (e-mail, hotline number) is also indicated on the website, so interested parties have the opportunity to contact the institution at any time.

In the part of information availability, it is important to note that the interested party can request information electronically, both from the social network and also by forwarding the request

to the e-mail indicated on the website. However, none of the agencies have an online feedback form built into their website. It should be emphasized here that agencies regulate access to public information through the Freedom of Information Acts, and independent normative acts regulate personal data protection. In addition, according to the statistics of the agencies for 2022, the number of requested public information ranges up to 30, of which 1/2 of the requested information belongs to citizens of Georgia, and 2/3 to legal entities. It should be, also noted that the agencies participating in the study did not refuse the request for public information, nor was there any violation of the deadline established by the legislation for the provision of information. (SCA...b.,).

Regarding the issues of "*civic engagement*", from the thematic research of The Supreme Council, "Evaluation of the open governance of the executive bodies of the Autonomous Republic of Ajara", it turns out that the use of online platforms of agencies for the purpose of communicating with interested parties is mainly carried out through the official websites of the agency, and the most advanced social platforms are Facebook. Community engagement with online platforms is different in the Department of Tourism and Resorts of Ajara compared to other agencies, where they actively use several websites (visitbatumi.com, serviceajara.ge, visitajara.com, infoajara.com), here it offers the target groups information thematically according to their needs, and at the same time provides registration fields for involvement in projects on the websites. (SCA...c.,)

- As a result of the monitoring of the unified government portal and individual social networks, it was established that civic engagement depends on the topic of the issue, in particular, the special activity of citizens was highlighted in relation to the budget issue.

- In addition, the fact that the degree of public involvement with the already existing platforms is quite high, a number of agencies confirmed it by the statistics of the number of consultations made through their Facebook page and the number of letters issued through e-mail during the year 2022.

- None of the agencies of the region has a responsible person (deliberative bodies) whose goal is to coordinate open governance processes (ensuring public involvement in the decision-making process).

- As for the vision of the executive agencies regarding the increase of civil involvement, agencies consider it necessary to have a structural unit responsible for civil engagement. In addition, they also consider it important to introduce modern platforms for online petitions, to regularly update information on websites and social networks.

In relation to the "*accountability*" component, it was established that the executive agencies of the region, in accordance with Article 49 of the General Administrative Code of Georgia, submit a report to the Parliament of Georgia, the President of Georgia, and the Prime Minister of Georgia on December 10 of each year, and also publish a report in the "Legislative Herald of Georgia". Also, it was confirmed that once a year, in the last month of the plenary sessions of the spring session, the chairman of the government submits a report on the government's activities to the Supreme Council. In order to agree on basic data and direction with The Supreme Council, every year the Chairman of the Government submits to it information about the main directions of the ministries. The ministers of the Autonomous Republic of Ajara submit once a year to The Supreme Council of the Autonomous Republic of Ajara a report on the activities of the Ministry in the format of the minister's hour, as well as a quarterly report to the relevant sectoral committee of The Supreme Council.

In the part of accountability, beyond the legal obligation, the executive agencies of the region provide information to the public and employees through a presentation about planned activities and implemented projects.

Conclusions and recommendations.

Based on the study of the existing practice in terms of open governance in the executive agencies of Ajara using different methods, several findings were revealed, which will not only help us overcome the challenges related to the formation of the principles of open governance in the executive agencies but will also become the starting point for the development of open governance in the executive institutions of Ajara.

Access to information and open data assessed by component, executive agencies of Ajara show very good results in terms of providing information, and according to the information published on the website, detailed information about the provision of information is provided. The exception is the Department of Highways, which confirms this within the framework of the thematic research.

According to the component of citizens' involvement, it was revealed that the executive agencies of Ajara have experience in the part of citizens' meetings, although the format of the meetings is not clear.

In many cases, public involvement is equated with awareness by the executive agencies participating in the research, it was also revealed that public involvement depends on the importance of the issue under discussion.

Since the existing regulations ensure the involvement of citizens in the process of developing the budget, which was confirmed by the opinions presented by the agencies, it is possible to promote the increase of civil involvement by creating a further legislative framework.

Due to the absence of a legal obligation to implement measures in the direction of open governance, it is necessary for agencies to develop a uniform standard for citizen involvement.

In the part of accountability, almost all agencies consider submitting a report to The Supreme Council, and nothing is said about submitting an activity report to the general public, the exception here is the Department of Tourism, which makes a presentation about planned and implemented projects for employees as well as for the public.

Since the authorizing agencies of the draft laws do not have the obligation to provide the government apparatus with detailed information about the measures implemented for the purpose of citizens' involvement in the process of preparation of draft normative acts and their results, which should be reflected in the reports and minutes of the results of the meetings, discussions, and public discussions. Accordingly, the government apparatus does not have the obligation to provide The Supreme Council with information about the measures implemented for the purpose of citizens' involvement in the process of preparing the draft laws and their results, even when officially initiating the draft laws. For this purpose, it is necessary to involve citizens in the very first stages of decision-making.

It was also determined that none of the executive bodies of Ajara have experience in open governance beyond the management of public information, and this experience is confirmed by the presence of persons responsible for providing public information, and in order for executive bodies to improve open governance, in this direction, agencies need to allocate structural units responsible for civil engagement.

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ⁱ For purposes of this document and research, machine-readable format means any document format that allows the information in the document to be searched, copied, or otherwise processed. If the document is uploaded as a PDF, it should not be a scanned PDF.

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