

# **Existing legal frameworks and practices of citizen participation in Georgia**

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## Summary

This report aimed to analyze the regulatory framework and practices of citizen participation at the local level and develop recommendations for further activities

The research covered only the legal norms that govern specific forms of citizens' participation. The general rights of citizens (forms of the accountability of the elected members; the list of information to be released proactively and etc.) were outside the scope of the research.

The analyze covered situation only in municipalities of 7 target regions of the country (Tbilisi, Samtskhe-Javakheti, Kvemo Kartli, Kakheti, Imereti, Guria, Racha-Lechkhumi - Kvemo Svaneti). It was not a comprehensive nationwide study.

The research only aimed to identify general tendencies and was based on the analysis of several specific issues and information obtained from a small group of stakeholders. It should not be therefore seen as an in-depth qualitative or quantitative study.

The regulatory framework of the citizens' participation in local level includes:

1. International agreements Georgia is signatory to (i.e. Association Agreement between the EU and Georgia; European Charter of Local Self-Government and Additional Protocol of the Charter; Aarhus Convention);
2. Documents issued by international organizations (recommendations, reports and guidelines of the Council of Europe; Covenants and declaration of the EU and UN; the last report of CLRA on the situation in Georgia);
3. Georgian legislation (i.e. organic law of Georgia - Local Self-Government Code (LSG));
4. The Georgian government's strategic documents and action plans (Decentralization Strategy 2020-2025 and the 2021-2022 Action Plan for the Implementation of the Strategy; Open Government Partnership (OGP) and OGP's Action Plan for 2018-2019; Public Administration Reform (PAR) and 2019-2020 Action Plan);
5. Normative acts and other documents issued by local self-governments (package of Mid-term Municipal Development and Priorities Documents; *Sakrebulo* procedural regulations to regulate different tools of citizens' participation - "Public Hall", rules for "Open Door" *Sakrebulo* sessions, General Assembly regulations; Petitioning regulations; The council of civil advisors regulations).

The practical aspects of the participatory mechanisms, including both stipulated by the law and additional ones created by municipalities on their own.

### Citizen participation mechanisms regulated by the law:

#### General Assembly of a settlement (LSG, Articles 85<sup>2</sup>-85<sup>4</sup>).

- At the initial stage (from 2015) the number of GA was small but gradually rising (15-20% of the settlements); in 2017-2018 the number of GA declined; after, in 2019-2020 - rapidly increased (approx. 45%), which can be explained by the restart of the state Rural Assistance Program.
- Most of Assemblies were convened by *Gamgebeli* (mayors), not by settlements themselves (97%).
- Attendance quorum is 20% of the legally registered residents. Achieving the quorum is a major problem for many settlements.

#### A petition (LSG, Article 86).

- Following new amendments to the law in 2015, petitioning became widespread (in 2016 the total number of petitions reached 52, more than in the previous decade combined).

- In some municipalities petitioning became particularly popular, presumably due to the existence of a well-developed and vibrant civil society (Ozurgeti, Batumi, Chkhorotsku, Khulo, Poti, Tsalendjikha).
- This mechanism is applied only in part of the municipalities and, with a few exceptions, is rarely used by local residents.
- There is a clear upward trend in online petitioning.

#### The council of civil advisors (LSG, Article 86<sup>1</sup>).

- We can see positive tendency of growth in this sphere, which can be attributed to practical implementation of the legislative base and high motivation of both local authorities and local CSOs.
- At the same time, local authorities implemented more than 60% of CCA recommendations.
- In the process of applying this mechanism, municipalities are divided into two groups: In a majority of municipalities CCA were largely formal, in a small number of municipalities CCA presenting specific alternative plans.
- Very much depends on a mayor's personal attitude towards this mechanism.

Transparency of local self-governments (LSG, Article 87). Although *Sakrebulo* meetings should be open to the public by law, in some municipalities citizens are often unable to attend the meetings due to various problems and obstacles (for example, the time and the venue of the meetings are not publicly announced in a timely manner and etc.)

#### Citizen participation mechanisms implemented by municipalities:

##### Municipal budgetary programs for the facilitation of citizens' participation

- During 2015-2020, number of municipalities have adopted such programs increased (from 5 to 13).
- Significant funds were allocated to these programs in 2015-2016 but in the following years (2017-2018) the spending reduced significantly, only to rise rapidly again in 2019-2020.

##### Public (participatory) budgeting

- More and more municipalities have introduced public budgeting programs in recent times.
- Municipal administrations - representative and executive bodies - have a significant role in the public budgeting process in Georgia. The program management regulations, project selection and implementation monitoring differ across the municipalities.
- Part of budgeting programs were sponsored by donor organizations and ended once the funding was over; another part were introduced as a private initiative of a mayor and ended after the mayor was replaced; some programs are still running.

##### Other forms of participation

- In addition to the above-described mechanisms, there are some other forms of participation on the municipal level ("Public Hall" - deliberative assembly to debate draft normative acts and Gender Equality Boards - a deliberative body of *Sakrebulo*s; PWD Boards and Social Boards - an advisory body of a mayors).
- Different participatory mechanisms are evaluated by the stakeholders differently. Most of this forms are passive and the general public is usually unaware of their existence.

During the researched period municipal administrations improved their skills and qualifications in the implementation of participatory mechanisms. This change is due to the following factors:

- The mayor's and other local officials' attitude towards citizens' involvement;
- External assistance;
- The presence of a well-developed civil society on the municipal level;
- The consensus among local activists, civil sector groups and municipal administrations about the importance of the issue.

Apart from achievements, the research shed light on some serious problems and challenges. For instance, according to LSGINDEX:

- Although the Council of Civil Advisors is mandatory by law, 11 municipalities still don't have it, while a majority of the existing CCA remain weak and underperforming;
- The number of General Assembly of a settlement remains too low;
- Many socially sensitive issues remain outside the public discourse.

The following factors are widely seen as the main obstacles in the way of the development of participatory policy instruments in Georgia:

- Municipal administrations are often skeptical about the importance of public opinion.
- The lack of strategic vision(s). A good deal of municipal administrations have no clear vision of how local participatory mechanisms should develop. As a rule, they just follow the law, often only formally.
- Some of the currently used forms of citizens' participation are not authorized by any normative acts and are implemented only on a temporary basis.
- Most of the Georgians know little, if anything, about the legal mechanisms of participation.
- There is no system in place to allow the public to monitor all stages of the implementation of decisions made with citizens' involvement.

There are also some other obstacles, such as:

- The mentality of the society. Many municipal administrations and part of the public are not fully aware of the importance of citizens' participation and view it as an unnecessary burden.
- Cooperation between municipal administrations and local civil societies is often a result of the specifics of the local social, political or personal attitudes.
- The communication process is particularly weak in large municipalities with rough terrain and underdeveloped electronic/remote services.
- CSOs struggle to ensure long-term sustainability of their activities due to fundraising problems (intermittent funding), work overload, and lack of human resources and expertise.
- Some participatory mechanisms are perceived by ordinary citizens as the government's propaganda tool.

## **Conclusions**

- In recent years the municipalities were empowered with new experience and expertise, local public servants improved their qualifications, the technical base was upgraded, and better opportunities emerged for new innovative projects. At the same time, citizens' participation remains low despite recent efforts. Citizens rarely use the available participatory mechanisms due to excessive red tape, low public confidence in government in general and, most importantly, the lack of opportunities to make real decisions, not just advice and recommendations.
- Citizens' participation varies not only from municipality to municipality but also differs from one period to another. When authorities introduce new participatory mechanisms, as part of ongoing reforms, and ensure their practical implementation, citizens' motivation to participate becomes stronger. But when participation is a mere formality and citizens have no real voice in the decision-making process, the level of their involvement declines sharply.
- Citizens' participation is directly linked to the decentralization process on the one hand (delegation of more powers to local self-governments) and the existence of real and effective mechanisms of public control, which can allow citizens to really influence the decision-making process, on the other. Real changes will be really useful and lead to practical results only if the country manages to reach full decentralization of government. Citizens will have stronger motivation to lobby policy makers to work for their interests when they see that local self-governments have sufficient powers and financial resources to this end.

- It is the government's responsibility to address political aspects of decentralization. Until the reforms grow in scope and scale, the civil society's efforts can and should be directed towards streamlining the existing mechanisms, raising public awareness and creating/sharing local success stories.

In any case, the following measures need to be supported:

- Awareness raising campaigns to properly and adequately inform the public about the essence of local self-governance. Facilitation of public debate on little known and taboo subjects (for instance, the possibility to introduce local-level referendums to resolve local problems, proposals to reform the administrative structure of authority, opportunities to intensify European integration, etc.).
- Steps to improve the regulatory norms of the existing participatory mechanisms and create/share success stories of their practical implementation. Priority should be given to the development of new, innovative approaches.

## Recommendations

Parliament of Georgia should make respective decisions on the following issues:

- Delegation of more powers to local self-governments (competences, income, property, etc.);
- Development of effective participatory mechanisms capable of having a real influence on the decision-making process (i.e. the right to hold local-level referendums, a greater role for the public in planning and implementation of certain programs);
- Participatory programs will become more effective, if local self-governments are given the right to award grants (as these aspects are acknowledged by both Open Governance - Georgia action plan 2018-2019 and the government's 2020-2025 decentralization strategy);
- Legislation should be revised to simplify barriers to entry (For General Assemblies the 20% quorum must be revised or should not be mandatory; The legislation should provide a clear definition of "Participatory budgeting" and specify the spheres and the minimum amount of funds);

Municipalities should issue:

- Normative acts to regulate mechanisms of citizens' participation. The amendments should stipulate forms (mechanisms) of participation, procedural rules, responsibilities of the involved parties, and accountability to the public;
- Templates for budgetary programs where all participation-related expenses (for instance, public budgeting, "open door", etc.) will be represented in the form of program budget items (sub-programs). To be more specific, budgetary programs should have clear objectives, evaluation criteria and indicators.

One-off activities (often favored by CSOs and donor organizations) are not enough for success. Priority should be given to constant sustainable projects in the following spheres:

- The development of specific methodologies/guidelines;
- Information campaigns to raise public awareness of the available mechanisms;
- Create conditions for wider engagement of the general public in participatory mechanisms
- Capacity development and training programs for participants of the process;
- Development of unified strategic visions for existing and future participatory mechanisms.

## 1. Introduction

The aims of the report is to analyze the regulatory framework and practices of citizen participation at the local level, to assess existing needs and to develop recommendations for further activities.

The Council of Europe Action Plan for Georgia 2020-2023, as a strategic programming instrument, aims to bring Georgia's legislation, institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy.<sup>1</sup> Under this Action Plan, the Council of Europe and the Georgian authorities have agreed to facilitate civil society participation in decision making at all levels, increase dialogue and confidence building between divided communities.

In order to achieve the specific goals and objectives set out in the Action Plan, Council of Europe currently implementing a Project "Strengthening Participatory Democracy and Human Rights at Local Level in Georgia". The project is being implemented by two entities of the Council of Europe: Directorate General of Democracy (DG II) and Congress of Local and Regional Authorities.

The project foresees to strengthen civil participation at the local level and foster innovation for effective engagement of citizens in political decision-making to ensure a more citizen-oriented, gender-sensitive, open, responsive and transparent local government. For this purpose, the project will deploy different activities to introduce new innovative participatory mechanisms, to enhance the implementation of existing mechanisms and to raise general awareness among civil society for the importance and benefits of active civil participation at all levels. The project will target public authorities, citizens and CSOs at pilot municipalities of Georgia as well as central authorities and civil society organisations at national level.

The project aimed to conduct needs analysis - baseline background study of regulatory frameworks, status of implementation, existing innovative mechanisms and ongoing trends.

The following issues are expected to be emphasised and analysed:

- The link/interrelation between the legal/regulatory frameworks and practical application of civil participation tools at local level.
- Types of existing challenges (for instance, legal, regulatory, practical or institutional) in implementation of civil participation tools at local level and corresponding causes.
- Recommendations on specific measures/steps to be taken within the framework of the project both at local and central levels.

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<sup>1</sup> <https://rm.coe.int/ap-georgia-2020-2023-en/168098f179>

## 2. Methodology

The tools used for data collection and analysis include:

- Desk research,
- Interviews with selected key stakeholders.

### 1. Desk research

Desk research consists of three stages:

1. Information retrieval;
2. Information analysis;
3. Develop recommendations.

Documents related to civil participation was found and processed:

- Normative acts (international, national, local), i.e:
  - International agreements, which Georgia is obliged to implement;
  - Code on Local Self-Government;
  - Other laws of Georgia related to civil participation;
  - International conventions and charter related to civil participation.
- International, National and Local policies, action plans and strategies:
  - Recommendations, Resolutions and guidelines of International organizations (Council of Europe, Congress of Local and Regional Authorities, Conference of INGOs, Committee of Ministers. As well as European Commission and United Nations);
  - Council of Europe - Action Plan for Georgia 2020-2023;<sup>2</sup>
  - Report CG35(2018)18 final, On Local and Regional Democracy in Georgia of the Congress of Local and Regional Authorities of the Council of Europe;<sup>3</sup>
  - OGP Georgia Action Plan for 2018-2019;<sup>4</sup>
  - Public Administration Reform Action Plan 2019-2020.
- Studies conducted by international and local organizations:
  - Development of Local Democracy in Georgia, Annual Report, (2016-2017), Open Society-Georgia Foundation, 2018;<sup>5</sup>
  - LSG Index, National Assessment of Georgian Municipalities - 2019, 2019;<sup>6</sup>
  - Citizen Participation in the Implementation of Local Self-Governance - Brief Report GIZ, CTC, 2020;<sup>7</sup>
  - Assessing of the institutional frameworks and performance of Civil Advisory Councils, UNDP, 2021;
  - Guidebook of Participatory Democracy and Cooperation Platform of the Tbilisi municipality, 2021;
  - Materials of the Thematic Inquiry of the Parliament of Georgia on Effectiveness of Citizen Engagement Mechanisms in Municipalities (2021).

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<sup>2</sup> <https://rm.coe.int/ap-georgia-2020-2023-en/168098f179>

<sup>3</sup> <https://rm.coe.int/09000016808e551a>

<sup>4</sup> <https://www.opengovpartnership.org/documents/georgia-action-plan-2018-2019/>

<sup>5</sup> <http://cldn.ge/images/pdf/032-OSGF-LG-2017-032-DL-a---LG%20Report-last%20version-eng.pdf>

<sup>6</sup> [https://idfi.ge/public/upload/IDFI\\_2019/General/LSGINDEX\\_Report\\_ENG\\_WEB3.pdf](https://idfi.ge/public/upload/IDFI_2019/General/LSGINDEX_Report_ENG_WEB3.pdf)

<sup>7</sup> [https://tvitmartveloba.ge/wp-content/uploads/2021/03/ENG-Baseline-Study\\_brief\\_Final.pdf](https://tvitmartveloba.ge/wp-content/uploads/2021/03/ENG-Baseline-Study_brief_Final.pdf)

## **2. Consultations with the stakeholders**

The format of the interviews, the list of stakeholders and the list of issues to be discussed were defined. Interviews were conducted with representatives of the municipalities, civil society organizations and central government institutions (Ministry of Regional Development and Infrastructure-MRDI; Parliament of Georgia; Open Government Partnership (OGP) Secretariat). (see Annex)

### **The desk research - the topics**

The research sought to find answers to the following questions:

- Whether and how does the Georgian legislation regulate citizens' participation in local (self-government) level?
- How efficiently are the legal instruments of citizens' participation used in practice?
- Do municipalities allow other forms of citizens' participation, different from those laid down in the law?
- What problems and obstacles stand in the way of carrying out the process?
- Is there any positive experience that other municipalities can learn from?
- Do municipal budgets include programs (sub-programs) to support citizens' participation?
- Are citizens' recommendations/initiatives followed or ignored?
- How is the current system of local-level citizen's participation ranked in local and international research papers, indexes and reports?

### **The research limitations**

The research of the regulations covered only the legal norms that govern specific forms of citizens' participation. The general rights of citizens (accountability of mayors and *Sakrebulo*s members to the public, the list of documents/information to be released proactively, other means of requesting public information) were outside the scope of the research.

The format of the research was limited and designed to analyze the existing situation only in municipalities of 7 target regions of the country (Tbilisi, Samtskhe-Javakheti, Kvemo Kartli, Kakheti, Imereti, Guria, Racha-Lechkhumi - Kvemo Svaneti). It was not a comprehensive nationwide study.

The research aimed to identify general tendencies and was based on the analysis of several specific issues and information obtained from a small group of stakeholders. It should not be therefore seen as an in-depth qualitative or quantitative study.

### 3. Regulations

Citizens' participation in local (self-government) level is regulated by:

1. International agreements Georgia is signatory to;
2. Documents issued by international organizations;
3. Georgian legislation;
4. The Georgian government's strategic documents and action plans;
5. Normative acts and other documents issued by local self-governments.

The following is a summary of the basic principles presented in these documents.

#### 3.1. *International agreement to which Georgia is a party*

##### **Association Agreement between the EU and Georgia<sup>8</sup>**

The Association Agreement between the EU and Georgia focuses on strengthening civil society and involving citizens in the decision-making process:

- Functioning Advisory Group and Dialogue Forum in the process of sustainable development (Title IV, Chapter 13, Articles 240, 241, 243);
- Civil society cooperation (Title VI, Chapter 20, Articles 369-371);
- Functioning of the Civil Society Platform (Title VIII, Chapter 1, Articles 412-413).

Association Agenda between the European Union and Georgia presents the principles of civil participation (part 1.3):

- "1. Principles, instruments and resources for implementing the Association Agenda:
- The Association Agenda should be implemented in full respect of the principles of transparency, accountability and inclusiveness."<sup>9</sup>

##### **European Charter of Local Self-Government<sup>10</sup>**

The Charter of Local Self-Government (Strasbourg, 15 October 1985) defines the main directions of self-government activities (Article 3):

Article 3 – Concept of local self-government

1. Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.
2. This right shall be exercised by councils or assemblies composed of members freely elected by secret ballot on the basis of direct, equal, universal suffrage, and which may possess executive organs responsible to them. This provision shall in no way affect recourse to assemblies of citizens, referendums or any other form of direct citizen participation where it is permitted by statute.

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<sup>8</sup> [https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830\(02\);](https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830(02);)

[https://eeas.europa.eu/sites/default/files/association\\_agreement.pdf](https://eeas.europa.eu/sites/default/files/association_agreement.pdf)

<sup>9</sup>[https://eeas.europa.eu/archives/delegations/georgia/documents/eap\\_aa/associationagenda\\_2014\\_en.pdf](https://eeas.europa.eu/archives/delegations/georgia/documents/eap_aa/associationagenda_2014_en.pdf)

<sup>10</sup> <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treaty-num=122>

Georgia Ratified the Charter by Resolution # 515 - IIs of the Parliament of Georgia of October 26, 2004.<sup>11</sup>

### **Additional Protocol to the European Charter of Local Self-Government<sup>12</sup>**

Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (Utrecht, 16/11/2009, Georgia has joined 29 May 2019)<sup>13</sup> contains 7 articles and deals with the issue of citizen participation in the decision-making process in the member states of the Council of Europe.

Responsibilities of the signatories are set forth in Articles 1-3:

- The States Parties shall secure to everyone within their jurisdiction the right to participate in the affairs of a local authority. The law shall provide means of facilitating the exercise of this right.
- Each Party shall recognize by law the right of nationals of the party to participate, as voters or candidates, in the election of members of the council or assembly of the local authority in which they reside. Any formalities, conditions or restrictions to the exercise of the right to participate in the affairs of a local authority shall be prescribed by law and be compatible with the party's international legal obligations.
- Public administrations shall be empowered to enable, promote and facilitate the exercise of the right to participate set out in the Protocol
- Procedures shall be established for involving people which may include consultative processes, local referendums and petitions and, where the local authority has many inhabitants and/or covers a large geographical area, measures to involve people at a level close to them.

### **Aarhus Convention<sup>14</sup>**

Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus, 25 June 1998. Georgia has joined 30 October 2001) is based on three basic principles, which are enshrined in the title.

The Aarhus Convention establishes a number of the rights of citizens (individuals and their associations) with regard to the environment. The Convention provides for the right to participate in environmental decision-making. Arrangements are to be made by public administrations to enable the public affected and environmental non-governmental organizations to comment on, for example, proposals for projects affecting the environment, or plans and programs relating to the environment, these comments to be taken into due account in decision-making, and information to be provided on the final decisions and the reasons for it.

## ***3.2 Documents issued by international organizations***

A number of directives, recommendations and reports regulate public participation in the decision-making process:

- Council of Europe - 8 conventions;
- Parliamentary Assembly (PACE) - 7 resolutions and 4 recommendations;

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<sup>11</sup> <https://matsne.gov.ge/en/document/view/42658?publication=0>

<sup>12</sup> <https://rm.coe.int/168008482a>

<sup>13</sup> <https://matsne.gov.ge/en/document/view/4574659?publication=0>

<sup>14</sup> <https://unece.org/DAM/env/pp/documents/cep43e.pdf>

- Congress of Local and Regional Authorities - 11 Charters and Discussions, 16 Resolutions, 16 Recommendations;
- Conference of INGOs - 3 discussions;
- Secretary General - 5 reports;
- Committee of Ministers - 8 declarations, 6 resolutions, 26 recommendations;
- European Commission for Democracy through Law (Venice Commission) / Organisation for Security and Cooperation in Europe (OSCE) - 3 guidelines;
- European Union - 8 documents / directives / reports;
- UN General Assembly - 5 Conventions / Strategies;
- UN Human Rights Council - 11 reports / resolutions;
- UN Human Rights Committee - 1 comment;
- OECD - 1 recommendation.

Among them, it should be noted:

### **Council of Europe**

- Recommendation CM/Rec(2001)19 on Participation of citizens in local public life, Adopted by the Committee of Ministers on 27 September 2001 at the 776th meeting of the Ministers' Deputies, 6 December 2001.<sup>15</sup> The recommendation replaced the previously existing Recommendation No.R (81) 18.<sup>16</sup>
- The report - Democracy in Europe: crisis and perspective discussed at the 24th session of the Parliamentary Assembly (June 23, 2010) and documents: Resolution 1746(2018)Final and Recommendation 1928(2010)<sup>17</sup>
- Guidelines for civil participation in political decision making, CM(2017)83-final, Adopted by the Committee of Ministers on 27 September 2017 at the 1295th meeting of the Ministers' Deputies, 27 September 2017<sup>18</sup>
- The report - Transparency and open government (CG35(2018)14final) discussed at the 35th session of the Congress of Local and Regional Authorities (November 24, 2018)<sup>19</sup> and documents: Resolution 435(2018)<sup>20</sup> and Recommendation 424(2018)<sup>21</sup>
- Recommendation CM/Rec(2018)4 on the participation of citizens in local public life, Adopted by the Committee of Ministers at the 1311th meeting of the Ministers' Deputies, 21 March 2018<sup>22</sup>
- 2021-2026 Priorities of the Congress of Local and Regional Authorities (CG(2021)40-05) discussed at the 40th session of the Congress of Local and Regional Authorities (March 23, 2021) and Resolution 465(2021)<sup>23</sup>
- The report - Ensuring the respect of the European Charter of Local Self-Government in major crisis situations (CG(2021)40-07final) discussed at the 40th session of the Congress of Local and Regional Authorities (March 24, 2021) and documents: Resolution 466(2021) and Recommendation 453(2021)<sup>24</sup>

### **Documents of other international organizations**

#### ***European Union***

<sup>15</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016804f513c](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016804f513c)

<sup>16</sup> <https://rm.coe.int/native/09000016804ec7a3>

<sup>17</sup> <https://rm.coe.int/09000016805cd711>

<sup>18</sup> <https://rm.coe.int/09000016807626cf>

<sup>19</sup> <https://rm.coe.int/09000016808b2bc6>

<sup>20</sup> <https://rm.coe.int/09000016808eca26>

<sup>21</sup> <https://rm.coe.int/090000168093f542>

<sup>22</sup> [https://publicsearch.coe.int/#f=%5B%5D#k=Recommendation%20CM%2FRec\(2018\)4](https://publicsearch.coe.int/#f=%5B%5D#k=Recommendation%20CM%2FRec(2018)4)

<sup>23</sup> <https://rm.coe.int/0900001680a1b0bd>

<sup>24</sup> <https://rm.coe.int/0900001680a19f64>

Communication from the European Commission, COM(2002) 704 final, 11.12.2002 - *Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission.*<sup>25</sup>

### **United Nation (UN)**

According to article 25 of the International Covenant on Civil and Political Rights (27 August 1996):

- Covenant of the UN Human Rights Committee on the rights to participate in public affairs, voting rights and the right of equal access to public service (Art. 25), CCPR/C/21/Rev.1/Add.7: "Every citizen shall have the right and the opportunity ...to take part in the conduct of public affairs".<sup>26</sup>

The participatory approach is supported by the UN Human Rights Council, which has adopted three resolutions on equal participation in political and public affairs (2013, 2014, 2015).

Declaration of the General Assembly on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 8 March 1999 (Article 8)<sup>27</sup>

In addition to the above documents, international organizations have adopted/approved a number of documents related to citizens' participation in a local level, which provide:

- The right to participate for specific groups and segments of the society (youth, women, minorities, foreigners, people with disabilities (PWD));
- Different activities and mechanisms.

These documents are only part of the recommendations and normative acts related to the right to participate. It is a vivid indication of how important the citizens' participation is for the international community.

And, last but not least, there are reports of the Congress of Local and Regional Authorities about the situation in Georgia:

- Report CG35(2018)18final on Local and Regional Democracy in Georgia;
- Recommendation 426(2018)<sup>28</sup>

The reports point out that Georgia's current mechanisms of participation are advisory in nature and have limited ability to influence the final decision-making process. This aspect may fuel public frustration and disillusionment (Explanatory Memorandum, par.63).<sup>29</sup>

As a general conclusion, it can be noted that there is no common-European universal, complete, coherent and integrated structure of the mechanisms of citizens' participation in the local-, regional- and national-level decision-making at present in on the European s. Every country creates such mechanisms on its own (by copy-pasting another country's model or devising its own one). As a result, there are a lot of different forms of citizens' participation at all levels of government and their efficiency largely depends on how well a particular instrument is tailored to local specifics and requirements.

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<sup>25</sup> <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2002:0704:FIN:en:PDF>

<sup>26</sup> <https://undocs.org/CCPR/C/21/Rev.1/Add.7>

<sup>27</sup> <https://www.ohchr.org/en/professionalinterest/pages/rightandresponsibility.aspx>

<sup>28</sup> <https://rm.coe.int/09000016808e551a>

<sup>29</sup> <https://rm.coe.int/09000016808e551a>

### 3.3 The Georgian legislation

The organic law of Georgia - **Local Self-Government Code** (LSG) is the main piece of legislation to provide the legal mechanisms of citizens' participation in a local authority.<sup>30</sup> Article XI in particular, which was part of the amendments to the law introduced in 2015, set forth the following principles:

According to the Code, the forms of citizen participation in the exercise of local self-government are:

1. a general Assembly of a settlement;
  2. a petition;
  3. the council of civil advisors;
  4. participation in the sessions of the municipality *Sakrebulo*s and the sessions of its commission
- etc.

#### **General Assembly of a settlement:**

- Article 85<sup>2</sup>, paragraph 1: "A general Assembly of a settlement ( `the General Assembly` ) ... 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.";
- Article 85<sup>2</sup>, paragraph 7: "... the General Assembly may elect a Chairperson from among its members.";
- Article 85<sup>3</sup>, paragraph 1 - The General Assembly may:
  - a) discuss socio-economic issues important to the settlement, and draft relevant proposals for their submission to municipal bodies;
  - b) discuss the projects to be implemented in the settlement before they are included in the municipal budget, and submit reasonable remarks and proposals to the municipal bodies;
  - c) discuss the ongoing and implemented projects of the municipality, and draft relevant remarks and proposals for submission to the municipal bodies.
- Article 85<sup>4</sup>, paragraph 1: The General Assembly may be convened by:
  - a) at least 5% of the constituents registered in the relevant settlement;
  - b) the Mayor of the municipality - on its own initiative or upon the motion of the municipality Sakrebulo...
- Article 85<sup>5</sup>, paragraph 1: "The General Assembly shall be duly constituted if it is attended by at least 20% of its members ...".

In every settlement with more than 500 registered voters the local council (*Sakrebulo*) can initiate a stage-by-stage procedure to convene the General Assembly (GA) in different parts of the settlement. In big settlements, with more than 2,000 registered voters, the local council has the power to establish GA procedural regulations, responsibilities and competences. The council is also entitled to convene several GA in a settlement.

It is important that owners of the locally registered property and other adults living in the settlement (not registered residents) are allowed to attend GA with the right to deliberative vote.

#### **A petition:**

- Article 86, paragraph 1 - A petition may be filed by the following entities:
  - a) at least 1% of the constituents registered in the territory of a municipality;

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<sup>30</sup> <https://matsne.gov.ge/en/document/view/2244429?publication=44>

- b) the General Assembly.
- Article 86, paragraph 8: "... Registration may be refused if the requirements of this Law have not been met, and/or if the decision-making on the issue indicated in the petition does not fall within the powers of the municipality";
- Article 86, paragraph 24: " A municipality Sakrebulo may, taking into account the provisions of this article, determine by a resolution of the municipality Sakrebulo the procedure for submitting a petition electronically ".

The petition can be used to propose any initiative:

- A draft normative legal act;
- Main principles and specific recommendations related to a normative act;
- Requests to convene the *Sakrebulo* meeting to discuss and address specific community-wide problems of a settlement.

LSG provides a detailed procedure to file a petition and sets strict deadlines for the local authority to respond.

### **The council of civil advisors:**

- Article 86<sup>1</sup>, paragraphs:
  - 1. A council of civil advisors shall be a deliberative body of a Mayor or of a District Gamgebeli ... The council of civil advisors shall be composed of at least 10 members;
  - 2. The number of representatives of one gender in a council of civil advisors shall be at least one third of the total number of its members. A council of civil advisors shall not be authorised if the requirement of this paragraph has not been met.
  - 3. ... Other powers of the council of civil advisors approved by the Mayor and the rules of its operation shall be determined by the statute of the council of civil advisors, which shall be approved by the municipality Gamgebeli/Mayor;
  - 5. ... A council of civil advisors shall meet at least once in three months.

The Council of Civil Advisors (CCA) is comprised of the representatives of business companies, civil society organizations (CSO) and citizens-residents of a settlement.

CCA is authorized to receive from the mayor and review draft municipal budgets, spatial planning documents, proposals for changes in geographic names and other major administrative and normative acts, infrastructure and social projects.

### **Transparency of local self-governments**

According to Article 87 of LSG, **meetings of Sakrebulo and Sakrebulo commissions and Tbilisi government** should be open to the public. Every citizen has the right to freely attend a meeting of a *Sakrebulo* or *Sakrebulo* commission. No prior notification and authorization is necessary.

Citizens can also ask a speaker questions, make remarks or statements with the *Sakrebulo* chairman's consent.

Similar to previous laws, LSG also provides an opportunity to invite guest experts and other representatives of the public to participate in a *Sakrebulo* commission's work.

In addition to the above-described competences, LSG defines some extra rights and responsibilities of municipal administrations:

- Article 85, Paragraph 3: Municipal budgets should include special programs to facilitate and ensure citizens' right to participate in a local authority;

- Article 85<sup>1</sup>, Paragraph 5: Municipal administrations can issue special administrative and normative acts to define and ensure other forms of citizens' participation, supplement to the ones set forth in LSG.

Besides, Article 12 of LSG establishes the procedure for preliminary consultations with the public on proposals to create/abolish a municipality or redraw the municipality's borders.

LSG regulates all practical aspects of citizens' participation in a local authority, but citizens' right to participate in the decision-making process in general is addressed by other laws as well. For example:

- Law of Georgia on Environmental Protection (Articles 5, 6 and 15);<sup>31</sup>
- Waste Management Code (Articles: 12 and 13);<sup>32</sup>
- Environmental Assessment Code (Chapter IV - articles: 30-36);<sup>33</sup>
- Law of Georgia on Ambient Air Protection (Article 6);<sup>34</sup>
- Law of Georgia General Administrative Code of Georgia.<sup>35</sup>

### **3.4 Documents issued by the Georgian government**

#### **Decentralization Strategy 2020-2025**

(Adopted by the Government of Georgia, December 31, 2019)<sup>36</sup>

Main directions of the decentralization strategy for 2020-2025 are as follows:

1. Increase of powers of local self-government
2. Build material and financial capacity of local self-government
3. Develop reliable, accountable, transparent and results oriented self-government.

Objective 3.3 of the third directions aimed to facilitate effective participation in decision making and implementation at a local level, according to which it is planned:

- To review of existing legal framework in force and creation of possibility of participation at local self-governing level, which shall ensure the institutional participation of citizens in the decision making process at a local level.
- To study of the experience of other countries with regard to participation of interested parties in decision-making and implementation process, including the civic budgeting (participatory budgeting)
- To ensure the support of wider public for the successful implementation of reforms stipulated by the strategy, a specific communication strategy will be developed and consistently implemented.

#### **The 2021-2022 Action Plan for the Implementation of the Decentralization Strategy<sup>37</sup>**

<sup>31</sup> <https://www.matsne.gov.ge/ka/document/download/33340/19/en/pdf>

<sup>32</sup> <https://matsne.gov.ge/en/document/view/2676416?publication=10>

<sup>33</sup> <https://matsne.gov.ge/en/document/view/3691981?publication=2>

<sup>34</sup> <https://matsne.gov.ge/en/document/view/16210?publication=14>

<sup>35</sup> <https://matsne.gov.ge/en/document/view/16270?publication=33>

<sup>36</sup> <https://mradi.gov.ge/pdf/5e468e292b317.pdf/Decentralization-strategy-ENG.pdf>

<sup>37</sup> <https://mradi.gov.ge/ka/%E1%83%90%E1%83%93%E1%83%92%E1%83%98%E1%83%9A%E1%83%9D%E1%83%91%E1%83%A0%E1%83%98%E1%83%95%E1%83%98%20%E1%83%97%E1%83%95%E1%83%98%E1%83%97%E1%83%9B%E1%83%9B%E1%83%90%E1%83%A0%E1%83%97%E1%83%95%E1%83%94%E1%83%9A%E1%83%9D%E1%83%91%E1%83%90%20pdf%20%20ka>

To achieve the goals of the decentralization strategy, the action plan includes a number of measures aiming to:

- 3.2.1 - Facilitate and implement the open government program in at least 16 municipalities of Georgia;
- 3.3.1 - Improve the legislative base and mechanisms to ensure a higher degree of citizens' participation in the decision-making and policy implementation process;
- 3.3.2 - Ensure greater involvement of citizens in the implementation of the strategy;
- 3.3.3 - Promote and facilitate gender equality at the local level - at least in 23 municipalities;
- 3.3.4 - Engage more young people in the decision-making process - at least in 5 municipalities.

### **Open Government Partnership (OGP) - OGP Georgia Action Plan for 2018-2019<sup>38</sup>**

The action plan shows that municipalities have become involved in the implementation of action plans to a much greater extent than previously. Besides, a greater emphasis is placed on the development of participatory budgeting programs and IT technologies. Currently, 12 municipalities are participating in the OGP.

In line with the action plan, 8 municipalities (Akhaltikhe, Bolnisi, Dedoplistskaro, Dusheti, Khoni, Ozurgeti, Rustavi and Tskaltubo municipalities) developed transparency and integrity strategies, respective action plans and the monitoring framework (objective 18), while Batumi introduced a participatory budgeting process (objective 19). Some 2019 activities were not completed by the end of the year and continued into 2020 but COVID-19 slowed down the process. The following objectives were not achieved yet:

- I.Gov.Zugdidi - the development of a multi-functional mobile application (I.Gov.Zugdidi) with the schedule of municipal programs;
- Measures for greater engagement of people with disabilities in Akhaltikhe and Kutaisi;
- "Your Ideas for Mayor of Zugdidi" - the development of an online portal to allow local residents to present their ideas/initiatives to the mayor of Zugdidi.

### **Public Administration Reform (PAR) 2019-2020 Action Plan<sup>39</sup>**

The municipal development action plan implies delegation of more powers to local self-governments and the gradual introduction of electronic services on the municipal level. However, although these measures are supposed to improve the public well-being, the action plan is rather vague about citizens' participation in the process.

In 2015 the Georgian government crafted "Open Governance Guideline" to promote and facilitate an efficient, transparent and accountable public administration system. The Guidelines identified inadequate policy planning as one of the main problems. To address the issue, the government prepared 2015-2017 strategy for policy planning reform and policy planning guideline (2016) based on the public administration principles set forth by OECD initiative Support for Improvement in Governance and Management (SIGMA), including principle 11, which requires to ensure citizens' participation in policy development.<sup>40</sup>

According to the guidelines, the government is advised to create an interdepartmental commission (representing public services and government ministries) for efficient policy planning. The commission can invite representatives of the public as guest experts. In

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<sup>38</sup> <https://www.opengovpartnership.org/documents/georgia-action-plan-2018-2019/>

<sup>39</sup> [http://gov.ge/files/425\\_78221\\_358698\\_PAR-Action-Plan-2019-2020\\_Explanatory-Part.pdf](http://gov.ge/files/425_78221_358698_PAR-Action-Plan-2019-2020_Explanatory-Part.pdf)

<sup>40</sup> [http://www.gov.ge/files/425\\_49310\\_540377\\_PolicyPlanningSystemReformStrategyandActionPlan.pdf](http://www.gov.ge/files/425_49310_540377_PolicyPlanningSystemReformStrategyandActionPlan.pdf)

response to SIGMA's negative evaluation of the level of citizens' participation in Georgia, the government issued a revised version of the guidelines for efficient policy planning, monitoring and assessment.<sup>41</sup> Regrettably, the document has not been approved yet.

### **3.5 Documents issued by local self-governments**

Apart from the central government, municipal administrations have also issued some normative acts regulating different aspects of citizens' participation.<sup>42</sup>

The most important normative acts issued by municipal administrations of 7 target regions of the research include *Sakrebulo* procedural regulations, which provide some other forms of participation in addition to legal participatory mechanisms, stipulated by the law. Namely:

- Formal requests submitted to a local authority or a government official;
- The rules for citizens' public statements;
- On-the-spot meetings of *Sakrebulo* and its commissions;
- Advisory boards of *Sakrebulo* commissions;
- "Public Hall";
- *Sakrebulo* rules for hearing voters' complaints and requests ("Open Door" *Sakrebulo* sessions);
- Interviews with local residents;
- Public opinion surveys and/or responsibility to carry out such surveys;
- Public control (civilian oversight) of a local authority;
- Lobbying and advocacy.<sup>43</sup>

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<sup>41</sup>[https://www.ge.undp.org/content/georgia/en/home/library/democratic\\_governance/PolicyDevelopmentHandbook.html](https://www.ge.undp.org/content/georgia/en/home/library/democratic_governance/PolicyDevelopmentHandbook.html)

<sup>42</sup> Regulations and relevant normative acts of the municipalities, source: <https://matsne.gov.ge/>

<sup>43</sup> Kandelaki K, Introduction of Principles of Good Governance and Ensuring Citizen Involvement, Policy Brief, 19 December 2016

Table N1. Mechanisms for participation in the normative acts of the municipalities of the target regions<sup>44</sup>

	Municipality	Forms of participation reflected in the regulations of the Municipal Councils - Sakrebulo															Other forms reflected in the resolutions			
		Exit Session (at least once a year)	Exit Session of the Commissions	Public Commission (Consulting/Advisory Boards)	"Public Hall"	Petitions (Number of Signatories -% of Voters)	Possibility to Submit an E-Petition	The right to appeal to the authorities	The rule of addressing a public statement	"Open Door Session"	Public Opinion Survey	General Assembly of the settlement - In accordance with the regulations	Gender Equality Council	Public opinion polls	Public control over self-government activities	Commitment to conducting public opinion polls	Councils working on disability issues	Gender Equality Councils	General Assembly of the settlement	Citizens (participatory) budgeting
1	Lagodekhi	Yes	Yes	Yes	Yes	Yes1%	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>9</sup>		Yes	Yes	+	+	+	+
2	Telavi	Yes	Yes	Yes	Yes	Yes1% <sup>2</sup>	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	-	+	-	-
3	Akhmeta	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	+	+	+	-
4	Dedoplistskaro	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes <sup>7</sup>	Yes	Yes	Yes	Yes	-	+	+	+
5	Gurjaani	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	+	+	+	-
6	Sagarejo	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	-	+	+	+
7	Signagi	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes <sup>7</sup>	Yes	Yes	Yes	Yes	+	+	+	-
8	Kvareli	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	+	+	+	-
9	Chokhatauri	Yes	Yes	Yes <sup>1</sup>	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>7</sup>	Yes <sup>10</sup>	Yes	Yes	Yes	-	+	+	+
10	Ozurgeti	Yes	Yes	Yes	Yes	Yes1%	Yes0.5%	Yes	Yes	Yes	Yes	Yes <sup>7</sup>	No <sup>11</sup>	Yes	Yes	Yes	-	+	+	+
11	Lanchkhuti	Yes	No	No	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	+	+	+	+
12	Ambrolauri	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>8</sup>	Yes	Yes	Yes	Yes	+	+	+	-
13	Oni	Yes	Yes		Yes	Yes	No	Yes	Yes	Yes	Yes	Yes <sup>8</sup>	Yes	Yes	Yes	Yes	+	+	+	-
14	Tsageri	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No <sup>11</sup>	Yes	Yes	Yes	-	+	+	-
15	Lentekhi	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	+	+	+	-
16	Rustavi	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	-	+	-	-
17	Bolnisi	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No <sup>11</sup>	Yes	Yes	Yes	-	+	+	-
18	Dmanisi	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No <sup>11</sup>	Yes	Yes	Yes	-	+	+	-
19	Gardabani	Yes	Yes	Yes	Yes	Yes <sup>3</sup>	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	+	+	+	-

<sup>44</sup> Regulations and relevant normative acts of the municipalities, source: <https://matsne.gov.ge/>

20	Marneuli	Yes	Yes	Yes	Yes	Yes <sup>3</sup>	No	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	-	-	+	-	
21	Tetritskaro	Yes	Yes	Yes	No	Yes	No	Yes	No	No	No	Yes	No	Yes	Yes	Yes	-	+	+	-	
22	Tsalka	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>8</sup>	Yes	Yes	Yes	Yes	-	+	+	-	
23	Adigeni	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes <sup>8</sup>	No	Yes	Yes	Yes	+	+	+	-	
24	Akhaltzikhe	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes <sup>8</sup>	Yes	Yes	Yes	Yes	-	+	+	-	
25	Aspindza	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes <sup>8</sup>	No	Yes	Yes	Yes	-	+	+	-	
26	Akhalkalaki	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes <sup>8</sup>	Yes	Yes	Yes	Yes	-	+	+	-	
27	Borjomi	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes <sup>8</sup>	No	Yes	Yes	Yes	-	+	+	-	
28	Ninotsminda	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes <sup>8</sup>	Yes	Yes	Yes	Yes	+	+	+	-	
29	Kutaisi	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes <sup>8</sup>	Yes	No	Yes	Yes	-	+	-	-	
30	Baghdati	Yes	Yes	Yes	Yes	Yes0.5%	No	Yes	Yes	Yes	Yes	Yes <sup>8</sup>	Yes	Yes	Yes	Yes	+	+	+	-	
31	Kharagauli	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes <sup>8</sup>	Yes	Yes	Yes	Yes	+	+	+	-	
32	Sachkhere	Yes	Yes	Yes	Yes	Yes0.5%	Yes	Yes	Yes	Yes	Yes	Yes <sup>8</sup>	Yes	Yes	Yes	Yes	-	+	+	-	
33	Samtredia	Yes	Yes	Yes	Yes	Yes0.5%	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	+	+	+	-	
34	Terjola	No	Yes	Yes	No	Yes	No	No	No	No	Yes	Yes <sup>8</sup>	No	Yes	Yes	Yes	+	-	+	-	
35	Tkibuli	Yes	Yes	Yes	Yes	Yes0.5%	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	+	+	+	-	
36	Vani	Yes	Yes	Yes	No	Yes <sup>4</sup>	No <sup>6</sup>	Yes	Yes	Yes	Yes	Yes <sup>8</sup>	Yes	Yes	Yes	No	+	+	+	-	
37	Chiatura	Yes	Yes	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes <sup>8</sup>	No	Yes	Yes	No	-	+	+	-	
38	Tskaltubo	Yes	Yes	Yes	Yes	Yes0.5%	No	Yes	Yes	Yes	Yes	Yes <sup>8</sup>	No	Yes	Yes	Yes	+	-	+	-	
39	Khoni	Yes	Yes	Yes	Yes	Yes0.5%	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	+	+	+	-	
40	Zestafoni	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	+	-	+	-	
41	Tbilisi	-	-	-	-	Yes <sup>5</sup>	No	-	-	-	-	-	Yes	-	-	-	-	-	+	-	-

Notes:

- (1) The process of creation is not regulated
- (2) Not in accordance with the law
- (3) Only in relation to drafts of resolutions
- (4) 300 voters
- (5) Only in connection with a normative acts
- (6) The rule is not defined, the right is stated
- (7) There is mentioned as the provisions/articles in the regulations, reference is made to the Local Self-Government Code
- (8) There is a general record, not contrary to the Local Self-Government Code
- (9) There is a brief reference to the regulations
- (10) There is a short definition
- (11) Not specified in the Regulations

Due attention should be paid to the following participatory mechanisms provided by *Sakrebulo* regulations:

- **"Public Hall"**. Public Halls are created by a respective *Sakrebulo* resolutions. There are no limits on how many residents can join. Public Hall should convene at least once in a month and must be attended by a *Sakrebulo* chairman and a mayor. Its functions are similar to CCA with the only difference - Public Hall provides consultative services for a *Sakrebulo*, while CCA for a mayor.
- ***Sakrebulo* rules for hearing voters' complaints and requests ("Open Door" *Sakrebulo* sessions)**. *Sakrebulo* has a duty to hold a special session ("Open Door" session) at least once in three months to hear local voters' complaints and requests. Every participant can make a statement but only for a maximum of 5 minutes.
- **Public control (civilian oversight) of a local authority**. Public control should concentrate on the most important responsibilities of local self-governments (priority documents, municipal budgets and appropriation reports, municipal programs, creation/liquidation of administrative-territorial units and/or changes to their boundaries, spatial-territorial planning, official emblems of self-governed territories, zonal arrangement of self-governed territories, procurement management for any spending that amounts to 5% of the budget, etc.). There is also a responsibility to study public opinion prior to making decisions and respective forms (General Assemblies, interviews with local residents, interactive discussions in mass media, etc.).

A particular emphasis should be on the **General Assemblies** procedural rules, which are different from the mechanisms stipulated in the law. Namely: GA can be initiated not only by citizens or a municipal administration but by a *Sakrebulo* too, a quorum is not required, etc. These aspects can create a judicial conflict between the national laws and local self-government regulations.

With a few exceptions, these forms are stipulated in almost every *Sakrebulo* regulation. Regrettably, with rare exceptions (Ozurgeti) these forms are never implemented in practice. Moreover, most of the local residents are unaware of them at all.<sup>45</sup>

Apart from the *Sakrebulo* regulations, municipal administrations have adopted some other normative acts.

It is important to note, that most of these documents were created as a part of the central government's programs. Only a few documents (strategies and action plans) were developed by municipal administrations independently, by their own initiative.

One of the examples is a package of **Mid-term Municipal Development and Priorities Documents**.

The development of these documents began in 2014 after the Georgia-EU Association Agreement came into force. According to Chapter 21 of the agreement (Articles 372-275), the Parties shall promote mutual understanding and bilateral cooperation in the field of regional development policy, including methods of formulation and implementation of regional policies, multi-level governance and partnership, with special emphasis on the development of disadvantaged areas and territorial cooperation, with the objective of establishing channels of communication and enhancing exchange of information and experience between national and local, socio-economic actors and civil society.<sup>46</sup>

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<sup>45</sup> Conducted interviews with CSOs and international organizations

<sup>46</sup> [https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830\(02\);](https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830(02);)  
[https://eeas.europa.eu/sites/default/files/association\\_agreement.pdf](https://eeas.europa.eu/sites/default/files/association_agreement.pdf)

The Parties shall in particular cooperate with a view to aligning the Georgian practices with the following principles:

- Strengthening multi-level governance as it affects both the central level and municipal communities with special emphasis on ways to enhance the involvement of local stakeholders;
- Consolidation of the partnership between all the parties involved in regional development, and
- Co-financing through financial contribution by those involved in the implementation of regional development programs and projects.<sup>47</sup>

To streamline the implementation of the agreement, Georgia's Action Plan of the European Neighborhood Policy (ENP Action Plan) was replaced by the **Association Agenda**, which is based on the principles of transparency, accountability and citizens' participation.

Georgia's municipal administrations were supposed to adopt mid-term development documents, which should have been integrated into each region's development strategies and the Georgian regional development program. The documents were structured as a combination of Priorities Documents and Mid-term Municipal Developments and titled **Municipal vision and mid-term priorities**.<sup>48</sup> 41 municipalities adopted the documents by 2016. The problem is that these documents are very much similar to each other and do not reflect regional specifics. Besides, they were developed with little input from the public. The documents were not reviewed by CCA even formally. Moreover, most of them were never published and the general public is unaware of their existence.

Efforts to facilitate a greater role of the public in the landscaping and park development projects in Tbilisi can be seen as a positive example of municipal vision.

Tbilisi government implemented a pilot project in 2019-2020 in a partnership with the Council of Europe to renovate a recreational zone around the Gldani Lake. A public advisory platform (advisory board) was created as part of the project. It was composed of the representatives of municipal administrations, CSOs and the general public. However, its activities were not regulated by any municipal-level documents stipulating its rules and procedures.<sup>49</sup>

In 2020 the Council of Europe launched the "Strengthening Participatory Democracy in Tbilisi City Hall" project in cooperation with the Tbilisi government. One of the main components of the project was the development of **Civil Participation Platform** (CPP) to review municipal programs for the development/renovation of public parks and squares in Tbilisi. The project paved the way for the creation of a respective concept and guidelines, while procedural regulations were set forth in the Tbilisi government's 20 January 2021 Decree 21.8.12, which authorized the development of a public advisory board and its regulations to ensure citizens' participation in the landscaping and park development projects in the Tbilisi municipality<sup>50</sup>

CPP is not a permanent body. It is created separately for every project by the Tbilisi mayor's order. The renovation of the Vera Park in Tbilisi was the first project to pilot CPP.

Finally, another important group of the municipal-level documents are bylaws regulating legal mechanisms of citizens' participation provided by the Georgian law.

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<sup>47</sup> [https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830\(02\);  
https://eeas.europa.eu/sites/default/files/association\\_agreement.pdf](https://eur-lex.europa.eu/legal-content/en/TXT/PDF/?uri=CELEX:22014A0830(02);https://eeas.europa.eu/sites/default/files/association_agreement.pdf)

<sup>48</sup> <https://matsne.gov.ge>

<sup>49</sup> <https://www.coe.int/en/web/civil-society/-/tbilisi-workshop-on-civil-participation-in-designing-creation-and-reconstruction-of-public-spaces>

<sup>50</sup> <https://tbilisi.gov.ge/img/original/2021/1/26/sakoordinacio.pdf>

**General Assembly regulations.**<sup>51</sup> The regulations are based on the templates, developed in the Ministry of Regional Development and Infrastructure (MRDI) and actually replicate LSG provisions. Consequently, documents of different municipalities are largely identical.

At the same time, some municipal documents include clauses that provide a more detailed and enhanced definition of the legal mechanisms:

- Some municipalities adopted General Assemblies procedural regulations for settlements with more than 2,000 residents (Gori, Akhaltsikhe);
- A considerable number of municipalities (Akhaltsikhe, Batumi, Gori etc.) have broadened the scope of issues General Assemblies are entitled to discuss (for instance, the central government's projects in a settlement, municipal transport, pre-school educational facilities, social and other municipal projects, etc.).<sup>52</sup>

**Petitioning regulations.**<sup>53</sup> Some municipalities introduced additional forms, alongside the basic ones provided by a *Sakrebulo's* normative acts:

- Electronic petitioning regulations (for instance, Gori, Batumi, Ozurgeti, Lagodekhi, and some others);
- Some municipalities used their legal authority to reduce the minimum threshold of signatures per petition from 1% to 0.5% of the qualified voters (for instance, Batumi, Zugdidi, Ozurgeti).

**The council of civil advisors (CCA) regulations.** The CCA regulations are approved not by a *Sakrebulo's* normative act but by a mayor's unilateral decision (decree or order). Nevertheless, the overwhelming majority of the current CCA regulations are almost identical as all of them are based on a template devised by the central government.

However, some regulations set a precedent for giving CCA the authority to review a broader range of issues: a mayor's reports, invitations for heads of municipal services, public and commercial entities founded by a mayor to attend hearings, participation in the organization of public debates, etc. (for instance, Batumi CCA regulations specify the timeframe and procedures for the publication of information about CCA activities, transparency of CCA decisions and CCA reports). It is noteworthy also that CCA has such additional functions only in a limited number of municipalities.

**The right to attend Sakrebulo meetings** is governed by the *Sakrebulo* regulations. In addition, the regulations of a large number of municipalities require to hold on-the-spot meetings at least once in a year.<sup>54</sup>

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<sup>51</sup>[https://www.matsne.gov.ge/ka/document/search?query=%E1%83%A1%E1%83%90%E1%83%94%E1%83%A0%E1%83%97%E1%83%9D+%E1%83%99%E1%83%A0%E1%83%94%E1%83%91%E1%83%98%E1%83%A1+%E1%83%93%E1%83%94%E1%83%91%E1%83%A3%E1%83%9A%E1%83%94%E1%83%91&geo=on&additional-filter-text=&query\\_target=title&type=main&group=&issuer=&label=&number=&signing\\_date\\_fr%5Bdate%5D=&signing\\_date\\_to%5Bdate%5D=&registration\\_code=&publishing\\_date\\_fr%5Bdate%5D=&publishing\\_date\\_to%5Bdate%5D=&status=&additional\\_status=&op=%E1%83%AB%E1%83%94%E1%83%91%E1%83%9C%E1%83%90&isvoice=0&form\\_build\\_id=form-KP64-kLAHY9nXGvteuY3yjpFN92sl2ILHHW\\_Qze5GEI&form\\_id=\\_document\\_search\\_form](https://www.matsne.gov.ge/ka/document/search?query=%E1%83%A1%E1%83%90%E1%83%94%E1%83%A0%E1%83%97%E1%83%9D+%E1%83%99%E1%83%A0%E1%83%94%E1%83%91%E1%83%98%E1%83%A1+%E1%83%93%E1%83%94%E1%83%91%E1%83%A3%E1%83%9A%E1%83%94%E1%83%91&geo=on&additional-filter-text=&query_target=title&type=main&group=&issuer=&label=&number=&signing_date_fr%5Bdate%5D=&signing_date_to%5Bdate%5D=&registration_code=&publishing_date_fr%5Bdate%5D=&publishing_date_to%5Bdate%5D=&status=&additional_status=&op=%E1%83%AB%E1%83%94%E1%83%91%E1%83%9C%E1%83%90&isvoice=0&form_build_id=form-KP64-kLAHY9nXGvteuY3yjpFN92sl2ILHHW_Qze5GEI&form_id=_document_search_form)

<sup>52</sup> Citizen Participation in the Implementation of Local Self-Governance - Brief Report GIZ, CTC, 2020, [https://tvtimmartveloba.ge/wp-content/uploads/2021/03/ENG-Baseline-Study\\_brief\\_Final.pdf](https://tvtimmartveloba.ge/wp-content/uploads/2021/03/ENG-Baseline-Study_brief_Final.pdf)

<sup>53</sup>[https://www.matsne.gov.ge/ka/document/search?query=%E1%83%9E%E1%83%94%E1%83%A2%E1%83%98%E1%83%AA%E1%83%98&geo=on&additional-filter-text=&query\\_target=title&type=main&group=&issuer=&label=&number=&signing\\_date\\_fr%5Bdate%5D=&signing\\_date\\_to%5Bdate%5D=&registration\\_code=&publishing\\_date\\_fr%5Bdate%5D=&publishing\\_date\\_to%5Bdate%5D=&status=&additional\\_status=&op=%E1%83%AB%E1%83%94%E1%83%91%E1%83%9C%E1%83%90&isvoice=0&form\\_build\\_id=form-IO05O0UP1755r\\_9kS3pG4ebtncakYx8HIJKiANt2Mjg&form\\_id=\\_document\\_search\\_form](https://www.matsne.gov.ge/ka/document/search?query=%E1%83%9E%E1%83%94%E1%83%A2%E1%83%98%E1%83%AA%E1%83%98&geo=on&additional-filter-text=&query_target=title&type=main&group=&issuer=&label=&number=&signing_date_fr%5Bdate%5D=&signing_date_to%5Bdate%5D=&registration_code=&publishing_date_fr%5Bdate%5D=&publishing_date_to%5Bdate%5D=&status=&additional_status=&op=%E1%83%AB%E1%83%94%E1%83%91%E1%83%9C%E1%83%90&isvoice=0&form_build_id=form-IO05O0UP1755r_9kS3pG4ebtncakYx8HIJKiANt2Mjg&form_id=_document_search_form)

<sup>54</sup> Regulations and relevant normative acts of the municipalities, source: <https://matsne.gov.ge/>

## 4. The practice

Even though the legislative base is in place, it does not mean that the practical implementation of the participatory mechanisms is smooth and problem-free. The practical aspects of these mechanisms, including both stipulated by the law (GA, Petition, CCA, attendance at *Sakrebulo* meetings) and additional ones created by municipalities on their own (budgeting programs, participatory budgets and others) are described in detail below.

### Participatory mechanisms stipulated by the law

#### 4.1 General Assembly (GA)

According to municipal administrations, General Assemblies were convened increasingly often in recent years, more than 5,000 instances in total (approximately more than 700 GA a year). Given that there are more than 3,500 rural settlements in the country, it's not a very big figure in percentage terms.

Table N2. The number of General Assembly of the settlement held<sup>55</sup>

Municipality	Settlement	Number of Assemblies						Number of Assemblies -%					
		2015	2016	2017	2018	2019	2020	2015	2016	2017	2018	2019	2020
Abasha	36		18	18	17	7	35	0	50	50	47	19	97
Adigeni	57							0	0	0	0	0	0
Ambrolauri	70	0	0	0	0	69	69	0	0	0	0	99	99
Aspindza	25	23	0	0	23	23	23	92	0	0	92	92	92
Akhalkalaki	65							0	0	0	0	0	0
Akhaltikhe	47	46	46	1	0	46	47	98	98	2	0	98	100
Akhmeta	105	56	56	0	0	58	58	53	53	0	0	55	55
Batumi	1							0	0	0	0	0	0
Baghdadi	31	0	3	0	0	0	0	0	10	0	0	0	0
Bolnisi	48							0	0	0	0	0	0
Borjomi	45	34	33	0	0	30	33	76	73	0	0	67	73
Gardabani	39							0	0	0	0	0	0
Gori	117	0	2	0	0	68	68	0	2	0	0	58	58
Gurjaani	31							0	0	0	0	0	0
Dedoplistskaro	16	0	0	0	0	0	0	0	0	0	0	0	0
Dmanisi	58			1		57	57	0	0	2	0	98	98
Dusheti	290					282	284	0	0	0	0	97	98
Vani	42	40	40	48	0	0	39	95	95	114	0	0	93
Zestafoni	60	0	0	0	0	0	0	0	0	0	0	0	0
Zugdidi	49	0	11	51	48	15	15	0	22			31	31
<i>Tbilisi</i> *	1	1	13	15	2								
Tetritskaro	93							0	0	0	0	0	0
Telavi	30	0	0	0	0	0	0	0	0	0	0	0	0
Terjola	46	0	0	1	0	0	0	0	0	2	0	0	0
Tianeti	87							0	0	0	0	0	0
Kaspi	75			0				0	0	0	0	0	0
Lagodekhi	68	0	0	0	0	67	67	0	0	0	0	99	99
Lanchkhuti	56			4		2		0	0	7	0	4	0
Lentekhi	61	0	0	0	0	60	60	0	0	0	0	98	98
Marneuli	78							0	0	0	0	0	0

<sup>55</sup> Mechanisms for Citizen Participation (Assessment of Involvement Level in Municipalities), August 15, 2021, Materials of the thematic inquiry of the Regional Policy and Self-Government Committee of the Parliament of Georgian order to assess the Effectiveness of Citizen Engagement Mechanisms in Municipalities

Martvili	75	54	54	0	0	54	54	72	72	0	0	72	72
Mestia	163							0	0	0	0	0	0
Mtskheta	64	?	?	0	0	0	1			0	0	0	2
Ninotsminda	32	0	0	0	0	0	0	0	0	0	0	0	0
Ozurgeti	73	0	0	0	0	0	0	0	0	0	0	0	0
Oni	65							0	0	0	0	0	0
Rustavi	1							0	0	0	0	0	0
Sagarejo	47							0	0	0	0	0	0
Samtredia	49	50	50	0	0	50	50	102	102	0	0	102	102
Sachkhere	54	0	44	44	44	44	45	0	81	81	81	81	83
Senaki	63	0	0	0	0	0	0	0	0	0	0	0	0
Signagi	21					19	19	0	0	0	0	90	90
Tkibuli	48	0	0	1	1	41	41	0	0	2	2	85	85
Poti	1	0	0	0	0	0	0	0	0	0	0	0	0
Kareli	83	0	0	1	0	45	45	0	0	1	0	54	54
Keda	65		60	2	1	63	66	0	92	3	2	97	102
Kobuleti	53	0	0	0	0	0	0	0	0	0	0	0	0
Kutaisi	1	0	0	0	0	0	0	0	0	0	0	0	0
Kazbegi	46	0	0	0	0	34	34	0	0	0	0	74	74
Kvareli	22							0	0	0	0	0	0
Shuakhevi	55	15	12	47	44	43	43	27	22	85	80	78	78
Chokhatauri	63	0	40	1	1	60	60	0	63	2	2	95	95
Chkhorotsku	31	0	0	3	0	0	0	0	0	10	0	0	0
Tsageri	59	58	62	0	0	58	58	98	105	0	0	98	98
Tsalenjikha	50	40	35	1		40	49	80	70	2	0	80	98
Tsalka	44							0	0	0	0	0	0
Tskaltubo	50	0	1	1	0	0	0	0	2	2	0	0	0
Chiatura	61							0	0	0	0	0	0
Kharagauli	79							0	0	0	0	0	0
Khashuri	84				5	65	66	0	0	0	6	77	79
Khelvachauri	64	64	64	0	0	64	64	100	100	0	0	100	100
Khobi	58	0	0	3	55	55	55	0	0	5	95	95	95
Khoni	41	0	1	0	0	0	0	0	2	0	0	0	0
Khulo	84	83	83	83	83	83	83	99	99	99	99	99	99
<b>All</b>	<b>3676</b>	<b>564</b>	<b>728</b>	<b>326</b>	<b>324</b>	<b>1602</b>	<b>1688</b>	<b>15.3</b>	<b>19.8</b>	<b>8.9</b>	<b>8.8</b>	<b>43.6</b>	<b>45.9</b>

\* According to the Tbilisi City Hall, 10 and 12 meetings were held in Nadzaladevi District in 2016 and 2017, respectively. There is no information about other districts. It is also unknown how these Assemblies were regulated.

At the same time, it should be noted that:

- According to the Ministry of Regional Development and Infrastructure (MRDI), 415 GA were convened by the start of 2017, while municipal administrations claim that 1,600 GA took place in the same period. There are more such conflicting reports - municipal administrations insist that GA was held in a settlement, while the ministry has no information about it (Kobuleti, Tianeti);
- In some municipalities, the GA statistics include consultation meetings that are carried out in rural settlements in the framework of the state Rural Assistance Program. This is not the case in other municipalities (Tkibuli);
- In some municipalities statistical data includes both GA and separate meetings held in different districts of large rural settlements (in Zugdidi municipality, for instance, 51 assemblies were conducted in different districts of 121 large settlements in 2017, and 48 assemblies in 105 districts of large settlements in 2018).<sup>56</sup>

<sup>56</sup> Mechanisms for Citizen Participation (Assessment of Involvement Level in Municipalities), August 15, 2021, Materials of the thematic inquiry of the Regional Policy and Self-Government Committee of the Parliament of Georgian order to assess the Effectiveness of Citizen Engagement Mechanisms in Municipalities

However, although the above-described aspects and the lack of information about some municipalities call into question the integrity and credibility of the available data, some tendencies are clear:

- At the initial stage (2015-2016) the number of GA was small but gradually rising (2015 - 15% of the settlements, 2016 - 20%);
- At the next stage (2017-2018) the number of GA declined (9% of the settlements);
- In recent times the number of GA rapidly increased (2019 - 44%, 2020 - 46%), which can be explained by the restart of the state Rural Assistance Program and respective assemblies in rural settlements.<sup>57</sup>

GA Chair. Only a small number of GA carried out elections of a chair. According to 2017 data, only 3% of GA (10 assemblies) elected a chair in 2015-2016. Information from municipal administrations shows that chairs were elected only by 21 GA (0.4%) in the period from 2015 to 2020. So, it was a very weak process at the beginning and weakened even further in following years. One of the explanations is that most of GAs were convened by *Gamgeoba* (mayor's office afterwards), not by settlements themselves, and the law prohibits electing a chair in such cases.<sup>58</sup>

GA initiated by settlements. As mentioned above, most of GAs were convened by *Gamgebeli* (mayors), not by settlements themselves. Only about 3% of GAs were initiated by settlements, though the real figure may be even lower. In this case GA were most likely organized by CSOs in the framework of their regional projects.<sup>59</sup>

GA with 20% quorum. The law states that GA quorum shall not be less than 20% of the registered residents of a settlement. This requirement proved hard to meet. According to available, albeit not quite accurate and reliable, data, the quorum was achieved at only 65.8% of GA. The real figures may be even lower, though in some settlements local residents are quite active.

**4.2 Petition**

Tetritskaro was the first Georgian settlement to petition the local authority. The petition was initiated by the local non-governmental organization "Mtsvane Kavkasia" (Green Caucasus) in July 1999. Afterwards, until the law was amended to include the right to petition, residents occasionally petitioned local *Sakrebulo* in several municipalities. After petitioning became a legal tool the number of petitions increased substantially.<sup>60</sup>

Following new amendments to the law in 2015, petitioning became widespread. In 2016 alone the number of petitions to a local authority reached 52, more than in the previous decade combined.

Table N3. The total number of petitions submitted<sup>61</sup>

Municipality	Number of petitions
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<sup>57</sup> Mechanisms for Citizen Participation (Assessment of Involvement Level in Municipalities), August 15, 2021, Materials of the thematic inquiry of the Regional Policy and Self-Government Committee of the Parliament of Georgian order to assess the Effectiveness of Citizen Engagement Mechanisms in Municipalities

<sup>58</sup> *ibid*

<sup>59</sup> *ibid*

<sup>60</sup> Kandelaki K, Introduction of Principles of Good Governance and Ensuring Citizen Involvement, Policy Brief, 19 December 2016

<sup>61</sup> Mechanisms for Citizen Participation (Assessment of Involvement Level in Municipalities), August 15, 2021, Materials of the thematic inquiry of the Regional Policy and Self-Government Committee of the Parliament of Georgian order to assess the Effectiveness of Citizen Engagement Mechanisms in Municipalities

	2015	2016	2017	2018	2019	2020	Total
Abasha	0	0	8	0	3	0	11
Adigeni							0
Ambrolauri	0	0	0	0	0	0	0
Aspindza	0	0	0	0	0	0	0
Akhalkalaki	0	0	0	0	0	0	0
Akhaltzikhe	0	0	0	0	0	0	0
Akhmeta	2	3	2			1	8
Batumi	1	9	6	1	2	1	20
Baghdadi	0	0	0	0	0	0	0
Bolnisi							0
Borjomi	0	0	0	0	0	0	0
Gardabani	0	0	0	0	0	0	0
Gori	0	0	0	0	0	0	0
Gurjaani							0
Dedoplistskaro	0	0	0	0	0	0	0
Dmanisi	0	0	0	0	0	0	0
Dusheti		2			1		3
Vani	0	0	1	0	0	0	1
Zestafoni	0	0	0	0	0	0	0
Zugdidi	?	?	0	3	0	1	4
Tbilisi	0	0	0	0	0	0	0
Tetritskaro							0
Telavi	0	0	0	0	0	0	0
Terjola	0	0	0	0	0	0	0
Tianeti							0
Kaspi			0				0
Lagodekhi	0	0	0	0	0	0	0
Lanchkhuti	3	0	5	0	1	1	10
Lentekhi	0	0	0	0	0	0	0
Marneuli	0	0	0	0	0	0	0
Martvili	0	3	1	1	0	0	5
Mestia							0
Mtskheta	?	?	0	0	0	0	0
Ninotsminda	0	0	0	0	0	0	0
Ozurgeti	4	4	4	7	18	5	42
Oni	0	0	1	0	0	0	1
Rustavi	0	0	0	0	0	0	0
Sagarejo			1				1
Samtredia			1				1
Sachkhere	0	0	0	0	0	0	0
Senaki			1	5	1		7
Signagi			1				1
Tkibuli	0	0	0	0	0	0	0
Poti	0	5	3	0	1	3	12
Kareli			1				1
Keda		4	3	1	1	1	10
Kobuleti			8				8
Kutaisi	0	0	0	0	0	0	0
Kazbegi	0	0	0	0	0	0	0
Kvareli							0
Shuakhevi				5			5
Chokhatauri	0	0	9	0	1	0	10
Chkhorotsku	0	7	5	2	1	0	15
Tsageri	0	0	0	0	0	0	0
Tsalenjikha	0	4	5	0	2	0	11
Tsalka	0	0	0	0	0	0	0
Tskaltubo	0	0	0	0	0	0	0
Chiatura	0	0	0	1	0	0	1
Kharagauli			1				1

Khashuri	0	0	0	0	0	0	0
Khelvachauri	0	2	5	3	0	0	10
Khobi	0	0	6	2			8
Khoni	0	1	1	0	0	0	2
Khulo	0	8	5	0	1	0	14
<b>All</b>	<b>10</b>	<b>52</b>	<b>84</b>	<b>31</b>	<b>33</b>	<b>13</b>	<b>223</b>

In some municipalities petitioning became particularly popular, presumably due to the existence of a well-developed and vibrant civil society: Ozurgeti (42), Batumi (20), Chkhorotsku (15), Khulo (14), Poti (12), and Tsalendjikha (11).<sup>62</sup>

In Ozurgeti, for instance, most of the petitions were about infrastructure projects. Others highlighted environmental problems and needs of people with disabilities.

Online petitioning. Although the available data is incomplete, there is a clear upward trend in online petitioning (the number of municipalities where the practice is used has increased from 7 to 18 in recent times).<sup>63</sup>

In some municipalities (Ozurgeti) online petitions are usually initiated by local CSOs. Online petitions are especially widespread in municipalities with a low minimum threshold for signatures (the minimum number of residents required to sign the petition).

The initiators of petition. The overwhelming majority of the petitions (197 out of 223) were submitted by initiative groups or CSOs. Only a small number of petitions were initiated by GA, mostly in 2017 and in the first months of 2018 when the number of GA was the highest at the initial stage.<sup>64</sup>

Rejected petitions. According to municipal administrations, only one fifth of the petitions (45 out of 223) were rejected or considered invalid for registration. Most of these petitions were turned away at the initial stage.<sup>65</sup>

Table N4. Amount of not accepted petitions<sup>66</sup>

	Not accepted petitions					
	2015	2016	2017	2018	2019	2020
<b>Total</b>	<b>2</b>	<b>15</b>	<b>14</b>	<b>3</b>	<b>9</b>	<b>2</b>
%	20.0	28.8	16.7	9.7	27.3	15.4

According to municipal officials, rejections may be due to a wrong subject (for instance, the issue was beyond the competence of the local authority) or a high level of civil activism among local residents (who lacked knowledge and experience). However, the real reasons are hard to identify because of the lack of information.<sup>67</sup>

Some petitions were disqualified (and respectively were not even reviewed) because they were formulated incorrectly.

### 4.3 Council of Civil Advisors

<sup>62</sup> Mechanisms for Citizen Participation (Assessment of Involvement Level in Municipalities), August 15, 2021, Materials of the thematic inquiry of the Regional Policy and Self-Government Committee of the Parliament of Georgian order to assess the Effectiveness of Citizen Engagement Mechanisms in Municipalities

<sup>63</sup> ibid

<sup>64</sup> ibid

<sup>65</sup> ibid

<sup>66</sup> ibid

<sup>67</sup> Conducted interviews with LSGs, CSOs and international organizations

Councils of Civil Advisors (CCA) were first created in Georgia in 2011. CCA are usually initiated by a municipal administration, while its procedural regulations should be approved by a *Sakrebulo* (Ozurgeti). In 2012, in the framework of USAID/Good Governance in Georgia (G3) program, CCA were established in 10 Georgian municipalities. Their main function was to lobby the local authority to address the problems of local communities.

Since 2015 the number of municipalities with active CCA has been steadily growing. From this time this mechanism is regulated by law and it is created not with the *Sakrebulo*, but with the mayor.

Table N5. Existence of the Councils of Civil Advisors in the municipality<sup>68</sup>

Municipality	The Councils of Civil Advisors created					
	2015	2016	2017	2018	2019	2020
Abasha	1	1	1	1	1	1
Adigeni						
Ambrolauri	0	1	1	1	1	1
Aspindza						
Akhalkalaki						
Akhaltzikhe	1	1	1	1	1	1
Akhmeta		1	1	0	0	0
Batumi		1	1	1	1	1
Baghdadi		1	1	1	1	1
Bolnisi	1	1	1	1	1	1
Borjomi	0	0	0	0	1	1
Gardabani	0	0	0	0	0	0
Gori	0	1	1	1	1	1
Gurjaani						
Dedoplistskaro	0	0	0	0	0	0
Dmanisi	1	1	1	1	1	1
Dusheti	0	1	1	0	0	0
Vani	0	0	1	1	1	1
Zestafoni	1	1	1	1	1	1
Zugdidi	1	1	1	1	1	1
Tbilisi	2	7	7	7	8	6
Tetritskaro	1	1	1	1	1	1
Telavi				1		
Terjola				1	1	1
Tianeti						
Kaspi			0			
Lagodekhi	1	1	1	0	0	0
Lanchkhuti					1	
Lentekhi					1	1
Marneuli	0	0	0	1	1	1
Martvili	0	0	1	1	1	1
Mestia			1	1	1	1
Mtskheta	?	?	0	0	0	0
Ninotsminda		1	1	1	1	1
Ozurgeti					1	1
Oni						
Rustavi	1	1	1	1	1	1
Sagarejo						
Samtredia	1	1	1	1	1	1
Sachkhere	0	1	1	1	1	1
Senaki	1	1	1	1	1	1
Signagi				1	1	1

<sup>68</sup> Mechanisms for Citizen Participation (Assessment of Involvement Level in Municipalities), August 15, 2021, Materials of the thematic inquiry of the Regional Policy and Self-Government Committee of the Parliament of Georgia in order to assess the Effectiveness of Citizen Engagement Mechanisms in Municipalities

Tkibuli	0	1	1	1	1	1
Poti	1	1	1	1	1	1
Kareli	1	1	1	1	1	1
Keda	0	1	1	1	1	1
Kobuleti	0	1	1	1	1	1
Kutaisi		1	1	1	1	1
Kazbegi	0	1	1	1	1	1
Kvareli						
Shuakhevi	1	1	1	1	1	1
Chokhatauri	1	1	1	1	1	1
Chkhorotsku	1	1	1	1	1	1
Tsageri	0	1	1	1	1	1
Tsalenjikha	1	1	1	1	1	1
Tsalka				1	1	1
Tskaltubo	1	1	1	1	1	1
Chiatura						
Kharagauli	0					
Khashuri	0	0	0	1	1	1
Khelvachauri	0	0	1	1	1	1
Khobi	1	1	1	1	1	1
Khoni		1	1	1	1	1
Khulo	1	1	1	1	1	1
<b>All</b>	<b>22</b>	<b>42</b>	<b>46</b>	<b>49</b>	<b>53</b>	<b>50</b>
%	34.38	65.63	71.88	76.56	82.81	78.13

The preliminary data shows an apparently positive tendency of growth in this sphere, which can be attributed to practical implementation of the legislative base and high motivation of both local authorities and local CSOs.

**CCA membership.** According to municipal administrations, almost every CCA is made up of 10 and more members. However, some alternative sources claim that in several municipalities this requirement of the law is not met. In other municipalities, at the same time, CCA have (Akhaltikhe - 29, Tetritskaro - 22) or had (Kutaisi - 31, Bolnisi - 34) much more members.

CCA members are usually selected by a mayor. In some municipalities mayors are able to choose CCA members unilaterally, while in others CCA have different procedural regulations that provide for a more complex selection process where candidates for CCA membership are first nominated by CSOs/associations or initiative groups of citizens (for instance, Tsageri - 20 citizens, Gori - 30, Poti - 200) and then approved by the mayor.

**Gender balance.** Although the law states that at least 1/3 (33.3%) of CCA members should be women, some municipalities fall short of this requirement. However, according to the combined (albeit incomplete) data from nationwide surveys, 40.4% of CCA members in the country are women (1,503 out of 3,723).

**The number of CCA meetings.** Information (incomplete) provided by the municipal administrations demonstrates a steady upward trend in the number of CCA meetings in recent years, except 2020 when the number of CCA meetings dropped sharply due to COVID-19 (despite the increase in online meetings).

Table N6. The number of meetings held by the Councils of Civil Advisors<sup>69</sup>

	The number of meetings					
	2015	2016	2017	2018	2019	2020
<b>Total</b>	<b>34</b>	<b>99</b>	<b>96</b>	<b>130</b>	<b>164</b>	<b>88</b>

<sup>69</sup> Mechanisms for Citizen Participation (Assessment of Involvement Level in Municipalities), August 15, 2021, Materials of the thematic inquiry of the Regional Policy and Self-Government Committee of the Parliament of Georgian order to assess the Effectiveness of Citizen Engagement Mechanisms in Municipalities

Although the law requires holding CCA meetings at least once in 3 months (on the quarterly basis), a majority of municipalities (from 75% to 90% in different periods) fail to fulfill this provision.

*The number of CAA recommendations implemented by a local authority.* According to available information, this parameter was positively correlated with the number of CAA meetings and was gradually rising until 2020.

Table N7. Number of recommendations developed by the Councils of Civil Advisors<sup>70</sup>

	Developed recommendations					
	2015	2016	2017	2018	2019	2020
<b>Total</b>	<b>31</b>	<b>96</b>	<b>78</b>	<b>106</b>	<b>184</b>	<b>115</b>

At the same time, the data shows that local authorities implemented 374 CCA recommendations out of 610 (61.3%). The number of implemented recommendations varies across municipalities in the range of 1/2-2/3. However, it was impossible to verify these figures.

Table N8. Consideration of council recommendations by mayors<sup>71</sup>

	Implemented recommendations						Implemented recommendations -%%					
	2015	2016	2017	2018	2019	2020	2015	2016	2017	2018	2019	2020
<b>Total</b>	<b>20</b>	<b>53</b>	<b>53</b>	<b>71</b>	<b>104</b>	<b>73</b>	64.5	55.2	67.9	67.0	56.5	63.5

If we generalize the activities of the Advisory Boards, all municipalities can be divided roughly into two groups:

- In a majority of municipalities CCA meetings were largely formal - they convened just to rubber stamp documents prepared by municipal administrations (draft municipal budgets, ongoing or future municipal projects, etc.);
- In a small number of municipalities CCA gave close critical scrutiny to the municipal administration's performance and in more rare cases came up with practical recommendations. There are only a few examples of CAA presenting specific alternative plans different from official projects or their own initiatives in the form of a well written and justified project proposals.<sup>72</sup>

#### 4.4 Attendance at Sakrebulo meetings

Although *Sakrebulo* meetings should be open to the public by law, in some municipalities citizens are often unable to attend the meetings of a *Sakrebulo*, *Sakrebulo* commissions and working groups due to various problems and obstacles. In some instances, for example, the time and the venue of the meetings of a *Sakrebulo* and its commissions are not publicly announced in a timely manner, especially unscheduled meetings, which are usually convened at short notice as stipulated in the *Sakrebulo* regulations. Besides, in some municipalities citizens are required to notify the local authority in advance and obtain official permits to attend.<sup>73</sup>

<sup>70</sup> Mechanisms for Citizen Participation (Assessment of Involvement Level in Municipalities), August 15, 2021, Materials of the thematic inquiry of the Regional Policy and Self-Government Committee of the Parliament of Georgian order to assess the Effectiveness of Citizen Engagement Mechanisms in Municipalities

<sup>71</sup> ibid

<sup>72</sup> Losaberidze D, Assessing of the institutional frameworks and performance of Civil Advisory Councils (Guria, Samegrelo-Zemo Svaneti and Kvemo Kartli regions), UNDP project "Fostering Regional and Local Development in Georgia - Phase 2 (FRLD 2), 2021

<sup>73</sup> Conducted interviews with CSOs and international organizations

In some municipalities (Batumi, Ozurgeti) *Sakrebulo* meetings are broadcast live on the Internet. In Batumi citizens can ask the speaker questions during live broadcasts.

There are also some other ways to increase citizens' participation in the decision making process. In Lagodekhi municipality, for instance, the *Sakrebulo* has set up special working groups to visit local settlements and interview the locals about the *Sakrebulo's* agenda. People's opinions and recommendations are then presented to the *Sakrebulo* and the mayor.

One of the most common problems is that in almost every municipality the premises of municipal administrations are not adapted to people with disabilities.

Unfortunately, this mechanism of participation is hard to analyze in more detail because of the absence of complete statistical data in a majority of municipalities.

## Programs implemented by municipalities

### *4.5 Municipal budgetary programs for the facilitation of citizens' participation*

Table N9. Municipalities where there are support programs for participation<sup>74</sup>

Municipality	Budget programs					
	2015	2016	2017	2018	2019	2020
Abasha	0	0	0	0	0	0
Adigeni						
Ambrolauri	0	0	0	0	0	0
Aspindza	0	0	0	0	0	0
Akhalkalaki	0	0	0	0	0	0
Akhaltzikhe	0	0	0	0	0	0
Akhmeta	0	0	0	0	0	0
Batumi						
Baghdadi	0	0	0	0	0	0
Bolnisi						
Borjomi	0	0	0	0	0	0
Gardabani						
Gori	1	1	1	1	1	1
Gurjaani						
Dedoplistskaro	0	0	0	0	0	0
Dmanisi	0	0	0	0	0	0
Dusheti	1	1	1	1	1	1
Vani			0	0		
Zestafoni	0	0	0	0	0	0
Zugdidi			1	1	1	1
Tbilisi	0	0	0	0	0	0
Tetritskaro						
Telavi				0	0	0
Terjola	0	0	0	0	0	0
Tianeti						
Kaspi				1		
Lagodekhi	0	0	0	0	0	0
Lanchkhuti	0	0	0	0	0	1
Lentekhi	0	0	0	0	0	0
Marneuli	0	0	0	0	0	0
Martvili	0	0	0	0	0	0

<sup>74</sup> Mechanisms for Citizen Participation (Assessment of Involvement Level in Municipalities), August 15, 2021, Materials of the thematic inquiry of the Regional Policy and Self-Government Committee of the Parliament of Georgian order to assess the Effectiveness of Citizen Engagement Mechanisms in Municipalities

Mestia						
Mtskheta			1	1	1	1
Ninotsminda	0	0	0	0	0	0
Ozurgeti	0	0	0	0	0	0
Oni						
Rustavi						
Sagarejo						
Samtredia	1	1	1	1	1	1
Sachkhere	0	0	0	0	0	0
Senaki	0	0	0	0	0	0
Signagi						0
Tkibuli	0	0	0	0	0	0
Poti	0	0	0	0	0	0
Kareli	0	1	1	1	1	1
Keda	0	0	0	0	0	0
Kobuleti	0	0	0	0	1	1
Kutaisi	1	1	1	1	1	1
Kazbegi	0	0	0	0	0	0
Kvareli						
Shuakhevi	0	0	0	0	1	1
Chokhatauri					1	1
Chkhorotsku	0	0	0	0	0	0
Tsageri	0	0	0	0	0	0
Tsalenjikha	0	0	0	0	0	0
Tsalka	0	0	0	0	0	0
Tskaltubo					1	1
Chiatura	0	0	0	0	0	0
Kharagauli						
Khashuri	0	0	0	0	0	0
Khelvachauri	1	1	0	0	1	1
Khobi	0	0	0	0	0	0
Khoni	0	0	0	0	0	0
Khulo						
<b>All</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>12</b>	<b>13</b>
%	7.8	9.4	10.9	12.5	18.8	20.3

According to 2015-2020 data, an increasing number of municipalities have adopted such programs.

As a rule, these programs provide support for environmental (for instance, Green Budget program in Zugdidi), social, youth, sport and gender equality projects. Some programs are specifically designed to promote and facilitate initiatives for citizens' participation (for instance, "Civil Participation" program in Tskaltubo municipality).

A detailed analysis of the content and impact of these programs is beyond the scope of the given research.

Regarding the costs of these programs, the available, albeit incomplete, information shows that:

- The number of municipalities implementing such programs has steadily increased in recent years from 5 to 13;
- Significant funds were allocated to these programs in 2015-2016 but in the following years (2017-2018) the spending reduced significantly, only to rise rapidly again in 2019-2020.<sup>75</sup>

<sup>75</sup> Mechanisms for Citizen Participation (Assessment of Involvement Level in Municipalities), August 15, 2021, Materials of the thematic inquiry of the Regional Policy and Self-Government Committee of the

However, it is impossible to draw more detailed conclusions due to the lack of information.

#### 4.6 Public (participatory) budgeting

Public or participatory budgeting is a form of citizens' participation in which citizens are involved in the process of deciding how public money is spent. It means that municipal budgets allocate part of their funds to finance citizens' initiatives.

Marneuli was the first Georgian municipality to adopt the public (participatory) budgeting mechanism in 2015. It was a joint Polish-Georgian pilot project, titled "Local Activism - Local Participatory Budgeting in Marneuli", which was implemented by Polish and Georgian CSOs. In the framework of the project, citizens submitted 49 project proposals, 34 of which were approved and funded. On the whole, the municipal administration allocated 1.5 mln. GEL of municipal budgetary funds in 2016 to this end. In 2016 the number of submitted citizens' initiatives soared to 137 and 50 of them received budgetary funds in 2017.<sup>76</sup> In 2018, however, after the election of a new mayor in the municipal elections (2017), the project was suspended.

Inspired by the success of the Marneuli project, other municipalities followed suit soon and implemented similar projects - Gori, Borjomi, Signagi, Zugdidi, Sachkhere, Tskaltubo, and Mestia. All of them continue to use the public budgeting principles and methodology today. The process attracted attention of different donor organizations. With financial support from German international development agency (GIZ), National Democratic Institute (NDI), and Good Governance Initiative (GGI), Batumi, Kutaisi, Ozurgeti and Akhaltsikhe municipalities adopted this mechanism too. In 2020 they were joined by Lanchkhuti and Ambrolauri municipalities.

The data provided by municipal administrations shows that more and more municipalities have introduced public budgeting programs in recent times.

Table N10. Municipalities where participatory budgeting programs are implemented<sup>77</sup>

Municipality	2015	2016	2017	2018	2019	2020
Ambrolauri						1
Akhaltsikhe				1	1	1
Batumi					1	1
Gori			1	1	1	1
Zugdidi						1
Marneuli	1	1	1			
Ozurgeti					1	1
Sachkhere		1				
Signagi						1
Keda						1
<b>Total</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>8</b>

At the same time, it should be emphasized that the available information is hard to verify. Some municipal administrations (for instance, Marneuli, Borjomi, and Sachkhere) remain tight-lipped about details of their past projects, which were terminated after the international donors stopped funding them or following personnel changes in the municipal administration.

Parliament of Georgian order to assess the Effectiveness of Citizen Engagement Mechanisms in Municipalities

<sup>76</sup> Kandelaki K, Introduction of Principles of Good Governance and Ensuring Citizen Involvement, Policy Brief, 19 December 2016

<sup>77</sup> Mechanisms for Citizen Participation (Assessment of Involvement Level in Municipalities), August 15, 2021, Materials of the thematic inquiry of the Regional Policy and Self-Government Committee of the Parliament of Georgian order to assess the Effectiveness of Citizen Engagement Mechanisms in Municipalities

The information of municipalities sheds light on some aspects of the public budgeting process (concerning mainly selection criteria and decision-making procedures to choose the winning projects):

- Ambrolauri (2020 - 50 thousand GEL). Project proposals can be published at the municipal administration's official webpage by clicking on "Plan Your Budget" link. The winner is decided by an online voting system;
- Akhaltsikhe (2018 - 50 thousand GEL; 2019 - 250 thousand GEL; 2020 - 50 thousand GEL). One or more citizens' initiatives are supported on a daily basis;
- Batumi (2019 - 120 thousand GEL, 2020 - 500 thousand GEL, 2021 (planned) - 500 thousand GEL). The respective regulations, procedures and timetable are approved by the mayor (2019 - orders N102, N360, N1230; 2020 - orders N1030, N729);
- Gori (2017 - 900 thousand GEL, 2018 - 900 thousand GEL, 2019 - 2,710 thousand GEL, 2020 - 2,800 thousand GEL). Decisions on selection of projects and allocation of funds are made by the public budgeting board;
- Zugdidi (2020 - 389.3 thousand GEL). Decisions are made by the public budgeting board. It is interesting that the minimum age limit for submitting a proposal is 14 years;
- Ozurgeti (2019 - 150 thousand GEL, 2020 - 300 thousand GEL). Most of the selected initiatives are infrastructure projects. Decisions are made using an electronic tool, the so called "online voucher". The current level of citizens' involvement stands at 40%;
- Signagi (2020 - 300 thousand GEL). 25 project proposals (worth 500 thousand GEL in total) were selected and funded by the 2020 municipal budget. The projects are implemented gradually, one after another, due to COVID-related restrictions and budgetary cuts;
- Keda (2020 - 300 thousand GEL). The implementation is scheduled for 2021.<sup>78</sup>

As a rule, under the participatory budgeting program, municipalities allocate funds directly to finance projects, and the costs of program administration are covered by the support of donor organizations (although there are exceptions - Ozurgeti, where all components of the program were funded from the municipal budget).

Municipal administrations - representative and executive bodies - have a significant role in the public budgeting process in Georgia. The program management regulations, project selection and implementation monitoring differ across the municipalities.

#### The regulations

- The procedural regulations should be approved by a *Sakrebulo* and are binding for a local authority (Zugdidi);
- The procedural regulations are approved by a local authority in a respective decree/order (Batumi, Gori);
- The procedural regulations are decided by a *Sakrebulo* and its commissions (Kutaisi);
- The procedural regulations are annually determined by the municipal budget (Ozurgeti)<sup>79</sup>

#### The program management

- Management issues fall within the competence of a local authority (Batumi, Kutaisi, Gori, Akhaltsikhe, Ozurgeti);
- *Sakrebulo* is entrusted with management decisions (Zugdidi).

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<sup>78</sup> Mechanisms for Citizen Participation (Assessment of Involvement Level in Municipalities), August 15, 2021, Materials of the thematic inquiry of the Regional Policy and Self-Government Committee of the Parliament of Georgia in order to assess the Effectiveness of Citizen Engagement Mechanisms in Municipalities

<sup>79</sup> *ibid*

In Ozurgeti the process is managed by a municipal worker. In Gori the responsibility for management lies with *Sakrebulo* and representative councils created in territorial-administrative units. In Kutaisi the process is supervised by CCA.

In Batumi and Zugdidi local participatory bodies are comprised of the representatives of the municipal administration, *Sakrebulo* and CSOs, while in Gori and Akhaltsikhe they are made up of public servants.<sup>80</sup>

### The project selection

In some municipalities (Batumi, Kutaisi, Ozurgeti) projects are selected electronically. In Akhaltsikhe, in addition to the electronic selection, projects can be also chosen by a direct vote. In Zugdidi projects are selected by a public vote only when the combined budget of the projects exceeds a preset spending limit for the respective territorial unit, though the final decision rests with the *Sakrebulo* in any case.

Some municipalities rely on service centers (Batumi) or public participation centers (Ozurgeti) to assist citizens in the voting procedure, while some municipalities arrange working meetings (Kutaisi, Akhaltsikhe). Almost all municipalities offer online consultations and "open door" days.

Keda municipality can serve as a positive example of a successful project selection scheme, which had a number of distinctive features:

- Aggressive door-to-door information campaign, which was carried out by civil sector activists and local volunteers (community mobilization), not by municipal workers;
- Transparent selection process where winning project proposals were selected by a direct public vote;
- All projects were openly debated and unsuccessful projects were given an opportunity for improvement. Besides, unlike other municipalities, the projects addressed a wide range of topics, not only infrastructure.<sup>81</sup>

### Implementation monitoring

Few Georgian municipalities have participatory citizen-based monitoring and evaluation schemes, and there are no respective accountability procedures.<sup>82</sup>

## **4.7 Other forms of participation**

In addition to the above-described mechanisms, there are some other, more or less successful, forms of participation on the municipal level. Although their description, given below, is incomplete, it is enough to illustrate their diversity.

Under the existing law (LSG, Article 85<sup>1</sup>), a local authority has the discretion to create additional forms of citizens' participation, which are already in place in some municipalities.

According to municipal administrations, a number of programs are under way in this sphere.

Table N11. Municipalities where there are additional forms of citizen involvement<sup>83</sup>

<sup>80</sup> Citizen Participation in the Implementation of Local Self-Governance - Brief Report GIZ, CTC, 2020, [https://tvtimmartveloba.ge/wp-content/uploads/2021/03/ENG-Baseline-Study\\_brief\\_Final.pdf](https://tvtimmartveloba.ge/wp-content/uploads/2021/03/ENG-Baseline-Study_brief_Final.pdf)

<sup>81</sup> Facilitating the Introduction of Participatory Budgeting at the Institutional Level in Keda Municipality in accordance with the SDGs goal 16, April-September 2021, Project Report

<sup>82</sup> Citizen Participation in the Implementation of Local Self-Governance - Brief Report GIZ, CTC, 2020, [https://tvtimmartveloba.ge/wp-content/uploads/2021/03/ENG-Baseline-Study\\_brief\\_Final.pdf](https://tvtimmartveloba.ge/wp-content/uploads/2021/03/ENG-Baseline-Study_brief_Final.pdf)

<sup>83</sup> Mechanisms for Citizen Participation (Assessment of Involvement Level in Municipalities), August 15, 2021, Materials of the thematic inquiry of the Regional Policy and Self-Government Committee of the

<b>Municipality</b>	<b>Forms of involvement / programs</b>
Akhaltzikhe	"Public Hall"
Baghdadi	Field sessions of Sakrebulo commissions
Gori	Facebook - "Livestream". Project co-financing programs
Tbilisi	Meetings with citizens. Online platform "Your idea to the mayor of the city"
Lagodekhi	LAGs. Meetings with the population (water supply issues)
Marneuli	Meetings Sakrebulo with citizens in communities
Ozurgeti	"Public Hall." Information "Cyberspace". Broadcast of Sakrebulo sessions
Tkibuli	Consultations regarding the change of the settlement boundary
Poti	Online City Council. "Youth Idea to Poti"
Kareli	Consultation meetings
Shuakhevi	Youth Advisory Board
Khobi	Platform "Idea for the Mayor" - online projects

### The general situation

Tbilisi municipality is in the vanguard of the development of inclusive participatory mechanisms. Just like in other Georgian urban settlements, there are both formal and informal tools. *Homeowners associations* are the first to be mentioned. They are involved in the implementation of local projects in partnership with the local authority (1,256 projects were carried out in 2018 alone; their combined budget amounted to 14,066,645 GEL).

*Social media* is another important tool in Tbilisi government's arsenal to communicate with the public. Its Facebook page is freely accessible and regularly updated. One of the notable examples is the "Green or Silver?" online poll, which was carried out on Facebook and concerned the choice of color for new buses in the capital. A total of 27,100 people took part in the poll and the process was not based on any formal procedural regulations.

As part of cooperation between the Tbilisi government and Open Government Partnership (OPG), the mayor signed Order N04.26.129 in 2018 to create an online platform "Your Idea to Mayor" ([idea.tbilisi.gov.ge](http://idea.tbilisi.gov.ge)) where anyone can post a project proposal. Only projects liked by at least 2,500 registered Tbilisi dwellers can proceed to the next stage to be reviewed by the city government.

Other municipalities also have identical or other similar mechanisms.

Gori municipality has a co-funding program to assist CSO projects, which can cover up to 90% of the project costs. Priority is given to cultural, educational, youth development, and social projects (28 projects were financed in 2018 and 29 in 2019).

Ozurgeti municipality stands out as the one with the most robust and diverse programs. The following initiatives were carried out there in 2015-2020:

- Programs: "Local Self-Government for Education", "Manage from Home", "Public Participation Center";
- Live online broadcasts of *Sakrebulo* meetings on the municipal webpage (information about the broadcasts was distributed via SMS messages).

### Specific programs

"**Public Hall**" acts as a deliberative assembly in some municipalities. Its main activity is to debate draft normative acts and other *Sakrebulo* policies and prepare problem-solving recommendations for a local authority.

Public Hall members usually include locally registered commercial or public organizations, though in some municipalities (Akhaltzikhe, Zugdidi) ordinary citizens can take part too.

In reality, Public Halls remain largely passive and their membership has not been officially approved in the overwhelming majority of municipalities.

Apart from Public Halls, there are some other municipal-level advisory mechanisms, which are usually *targeted on specific social groups*:

- Gender Equality Boards (GEB) - a deliberative body of a *Sakrebulo*;
- PWD Boards - a deliberative body of a mayors;
- Social Boards - an advisory body of a mayors (Gori, Zugdidi).

GEBs are created and governed by the gender equality law. As a rule, GEB is made up of the representatives of the mayor's office and *Sakrebulo*, though in some municipalities (Batumi, Gori, and Kutaisi) these boards include members of the public too. Most of them are passive and the general public is usually unaware of their existence.

**Participatory Urban Planning (PUP)** can be seen as an example of the targeted participatory mechanism. It is not mandatory by the law and is usually initiated by a local authority or CSO. For example, a pilot PUP project was carried out in Tetrtskaro in 2016. The process, which was spearheaded by the local CCA, paved the way for a project proposal on the development of a recreational park in downtown Tetrtskaro.

Finally, there are some participatory programs that are not legally associated with municipal administrations but involve them in the implementation process:

- **Urban Foresight** (implemented by Rustavi municipality and Rustavi innovation hub with UNDP assistance). The program was launched in 2018 to streamline landscaping and urban planning in the city of Rustavi;
- **Associations of Active Citizens (AAC - "Amagi")** of the Autonomous Republic of Adjara (implemented by the agriculture ministry of the Autonomous Republic of Adjara). AAC are comprised of volunteers and can be seen as the Georgian equivalent of the European Local Action Group (LAG). AAC are created to outline strategic development priorities for the Adjarian government and municipal administrations. There are 46 AAC in Adjara today with 700 members in total;
- **LEADER Approach** (implemented with the help of ENPARD (the European Neighborhood Program for Agriculture and Rural Development) and its partner organizations). The consortium of ENPARD CSOs has already begun implementing the LEADER method in 12 municipalities of the country (Akhalkalaki, Akhmeta, Borjomi, Dedoplistskaro, Tetrtskaro, Lagodekhi, Mestia, Keda, Kazbegi, Tsalka, Tskaltubo and Khulo).<sup>84</sup>

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<sup>84</sup> Kiguradze K, Mechanisms of Citizen Participation in Georgia (Working Document), UNDP project "Sustainable Rural Development in Georgia", 2020

## 5. The assessment of the innovative participatory mechanisms

### 5.1 The general situation

Although municipal administrations provided rather fragmented and incomplete data, useless for an in-depth analysis, it is enough to identify some general tendencies in the implementation of the participatory programs.

As the research results have been corroborated by the **Local Self-Government Index** (LSGINDEX) data, it is possible to extrapolate the findings of the research from separate municipalities to the entire country.

At present, LSGINDEX remains the only source of reliable information, which was verified by alternative sources used in the present research, to assess local self-governments nationwide.

The main objective of LSGINDEX is to facilitate the development of a transparent and accountable local self-government system in Georgia by means of integrated national assessment of municipal administrations, and promote and strengthen citizens' involvement in the local-level decision-making process. LSGINDEX consists of three thematic sections, which include 98 assessment criteria in total:

1. Proactive publication of public information (comprises 11 subsections and 52 criteria);
2. E-government (4 subsections and 27 criteria);
3. Citizens' participation and accountability (2 subsections and 19 criteria).<sup>85</sup>

The first national LSGINDEX assessments were carried out in 2017 and 2019. It is possible, therefore, to analyze the dynamic of the process.

#### Progress in citizens' participation

LSGINDEX showed that the average score of municipalities increased from 21% in 2017 to 28% in 2019.<sup>86</sup> The improvement (7%) can be attributed to better transparency and accountability in municipal administrations and *Sakrebulo*. The progress was greatly facilitated by international assistance programs (International Solidarity Fund, UNDP, GIZ, USAID, NDI, etc.) and CSO projects, as well as better public governance policies (for instance, Open Government Partnership (OGP) initiatives).

According to the presentation made by MRDI to the Committee on Regional Policy and Self-Government of the Parliament of Georgia on March 10, 2021, the 2021-2022 Action Plan of the Decentralization Strategy has been largely implemented:

- 3.2.1 - Facilitate and implement the open government program in at least 16 municipalities of Georgia - mostly completed - 51-99%;
- 3.3.1 - Improve the legislative base and mechanisms to ensure a higher degree of citizens' participation in the decision-making and policy implementation process - mostly implemented;
- 3.3.2 - Ensure greater involvement of citizens in the implementation of the strategy - 51-99%;
- 3.3.3 - Promote and facilitate gender equality at the local level - at least in 23 municipalities - mostly implemented;
- 3.3.4 - Engage more young people in the decision-making process - at least in 5 municipalities - Achieved - 100%.

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<sup>85</sup> <http://www.lsgindex.org/>

<sup>86</sup> LSGINDEX, National Assessment of Georgian Municipalities, 2017 <http://www.lsgindex.org/>

Citizens' involvement and accountability, the main topic of the research, improved by 5% compared to 2017, mainly due to the progress in such criteria as: upgrades of infrastructure for citizens' participation in *Sakrebulo* meetings, Council of civil advisors performance, access to public information, etc.

The citizens' participation score increased from 19% in 2012 to 25% in 2019, while accountability went up from 38% to 42%.<sup>87</sup>

During the researched period municipal administrations improved their skills and qualifications in the implementation of participatory mechanisms:

- A higher number of General Assembly of a settlement was initiated by a local authority (mayor);
- More municipalities adopted electronic petitioning schemes; in some municipalities (Ozurgeti, Khoni, etc.) electronic petitioning is preceded by intensive information campaigns.

Apart from the instruments prescribed by the law, there was some progress in the implementation of other mechanisms of communication with the public:

- An increasing number of municipalities have developed their own websites as a public relations tool;
- In the same vein, more and more municipalities have resorted to social media to communicate with citizens;
- A few municipalities, though their number is rather small yet, occasionally conduct online opinion polls.

Even more importantly, many municipalities harnessed IT technologies to communicate with the public and even allocated budgetary funds to IT and communication programs. According to municipal administrations:

- The number of municipalities with IT development programs has grown from 5 to 13 (almost 2.5 times increase);
- at the same time, the appropriation of budgetary funds is clearly inconsistent: after allocation of relatively large funds in 2015-2016, the spending dropped dramatically in 2017-2018 only to recover again in 2019-2020;
- Some municipalities (Tbilisi, Ozurgeti) used their legal authority to develop alternative forms of citizens' participation, different from those established by the law (internet platforms for citizens' initiatives and project proposals, live online broadcasts of *Sakrebulo* meetings, communication with the public by SMS messages).<sup>88</sup>

The present research and other studies that were carried out in Georgia in recent years helped identify a number of major factors behind this progress:

- **The mayor's and other local officials' attitude towards citizens' involvement.** When mayors are sufficiently aware of the significance of the issue, they themselves often come up with innovative methods of communication with the public;
- **External assistance.** As a rule, citizens' participation programs are implemented by CSOs with financial assistance of international donors;
- **The presence of a well-developed civil society on the municipal level.** The available statistics show that the number of success stories is noticeably higher in municipalities with a vibrant and well-developed civil society, compared to other regions;

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<sup>87</sup> LSGINDEX, National Assessment of Georgian Municipalities, 2019, <http://www.lsgindex.org/>

<sup>88</sup> Mechanisms for Citizen Participation (Assessment of Involvement Level in Municipalities), August 15, 2021, Materials of the thematic inquiry of the Regional Policy and Self-Government Committee of the Parliament of Georgia in order to assess the Effectiveness of Citizen Engagement Mechanisms in Municipalities

- **The consensus among local activists, civil sector groups and municipal administrations about the importance of the issue.** Municipalities where these stakeholders share converging views on the subject usually demonstrate higher levels of citizens' participation.<sup>89</sup>

### Problems and challenges

Apart from achievements, the research shed light on some serious problems and challenges. For instance, according to LSGINDEX:

- Although CCA is mandatory by law, 11 municipalities (Including Tbilisi) still don't have it, while a majority of the existing CCA remain weak and underperforming (municipal administrations often ignore the law and do not present municipal projects to CCA for consideration, CCA lack motivation to develop their own initiatives and do not receive sufficient material-technical and information support);
- The number of GA remains too low. For instance, it reduced from 10% to 9% in 2017-2019, mainly due to the passiveness of local CSOs).
- Many socially sensitive issues (for instance, budgetary problems) remain outside the public discourse. In the last year 65% of municipalities never held even a single public debate on such issues.<sup>90</sup>

According to LSGINDEX 2021 preliminary data, which have not been fully analyzed yet, some parameters seem to have further worsened in recent times. In a majority of municipalities the above-described problems have become endemic and the argument that COVID-19 is to blame just does not hold water. Moreover, even the lack of funds cannot justify the downward trend.<sup>91</sup>

According to LSG, Article 85, Paragraph 3, to ensure citizens' participation in the exercise of local self-government, a municipality shall incorporate relevant programmes in the municipal budget. Municipal budgets indeed include funds for participatory mechanisms, but the money is usually spread across a wide range of budgetary programs and sub-programs and cannot ensure long-term sustainability of the participatory instruments.

Tbilisi municipality can serve as a good example. Despite a quite strong civil society, it faces problems that are missing in other, relatively smaller municipalities. For example:

- Under the current law, Tbilisi *Sakrebulo* has the primary power to draft and enact *General Assembly (GA)* regulations. Although territorial executive bodies, *Gamgeoba*, do arrange GA with local residents, the city does not have a unified legal framework for such assemblies;
- Tbilisi government' normative acts do not allow electronic petitioning and disqualify all written petitions signed by fewer than 1% of the registered voters (or 10 thousand signatures), which makes petitioning harder. According to official data, Tbilisi *Sakrebulo* received zero petitions in 2018-2020. It is noteworthy that the petitioning policy in Tbilisi is regulated not by LSG but by the previous law, which often contradicts the current legislation.
- As to the electronic petitioning, although some petitions were posted on the respective portal, manifest.ge, the city officials have no legal responsibility to respond to them and when they do, it is only a goodwill gesture (in 2019, for instance, the city government satisfied the request of 3 thousand residents to clean the city streets).

<sup>89</sup> Losaberidze D, Assessing of the institutional frameworks and performance of Civil Advisory Councils (Guria, Samegrelo-Zemo Svaneti and Kvemo Kartli regions), UNDP project "Fostering Regional and Local Development in Georgia - Phase 2 (FRLD 2), 2021

<sup>90</sup> LSGINDEX, National Assessment of Georgian Municipalities, 2019, <http://www.lsgindex.org/>

<sup>91</sup> LSGINDEX, National Assessment of Georgian Municipalities, 2021, <http://www.lsgindex.org/>

- The Tbilisi government has not created *Council of civil advisors (CCA)* yet. The *Gamgeoba* of the capital's 10 districts each have CCA but only five of them are active at present. However, their efficiency remains low, according to various studies (they rarely initiate and submit their own projects to the mayor). The problem is aggravated by the absence of district-level representative bodies in Tbilisi. Even though some *Gamgebeli* have created district-level participatory mechanisms on their own, these instruments are not stable and cannot improve the situation.

The following factors are widely seen as the main obstacles in the way of the development of participatory policy instruments in Georgia:

- Municipal administrations are often skeptical about the importance of public opinion. State institutions have a habit of making decisions without involvement of the public, often in breach of the law (for instance, although under LSG Article 12 it is mandatory to hold prior consultations with local residents before creating/disbanding a municipality, 14 self-governed territorial units were merged into one in 2017 in complete disregard of the local public opinion).
- The lack of strategic vision(s). A good deal of municipal administrations have no clear vision of how local participatory mechanisms should develop. As a rule, they just follow the law, often only formally (and sometimes don't obey the law at all). The local reality and the real needs of local communities are not adequately addressed in strategic documents on municipal development.
- Regulations. Some of the currently used forms of citizens' participation are not authorized by any normative acts and are implemented only on a temporary basis. As a rule, these programs are terminated after personnel changes in government or the end of donor-sponsored municipal projects.
- Low public awareness. Most of the Georgians know little, if anything, about the legal mechanisms of participation. Even local civil activists are sometimes unaware of specific participatory programs available in their municipality.
- Problems in the implementation of decisions. There is no system in place to allow the public to monitor all stages of the implementation of decisions made with citizens' involvement. Citizens are not informed about whether and how their initiatives are enacted in practice.

Apart from institutional problems, there are also some other obstacles, such as:

- The mentality of the society. Many municipal administrations are not fully aware of the importance of citizens' participation and view it as an unnecessary burden. Furthermore, part of the public, influenced by their past negative experience, have doubts as to whether these mechanisms are really needed. For these people, the participatory process is a mere formality that should be followed only because it is required by the law.
- Low motivation for cooperation. Cooperation between municipal administrations and local civil societies is often a result of the specifics of the local social or political environment or is encouraged by personal attitudes of the stakeholders.
- Communication problems. The communication process is particularly weak in large municipalities with rough terrain and underdeveloped electronic/remote services.
- Challenges to civil society activities. CSOs struggle to ensure long-term sustainability of their activities due to fundraising problems (intermittent funding), work overload, and lack of human resources and expertise. To make things worse, donor organizations, which are actually the only source of funds for CSOs, often change their funding priorities.
- Low public confidence. Some participatory mechanisms (including GA) are perceived by ordinary citizens as the government's propaganda tool, while authorities view them as a parallel version of the public administration.

## 5.2 Specific instruments of participation

Analysis of the data obtained from municipalities about the practical implementation of participatory mechanisms helped identify some of their specific features.

### General Assembly of a settlement

1. Under LSG, a minimum attendance quorum for GA is set at 20% of the legally registered residents of a settlement. In most of the settlements, however, the actual number of local residents is usually lower than stated in the registration papers. As a result, achieving the 20% quorum is a major problem for many settlements (according to official sources, only 66% of GA were able to meet the quorum requirement, though there are serious questions about the credibility of this information);
2. GA is carried out at best in half of the Georgian settlements. Besides, it is very likely that a good deal of them are just a formality.
3. The dynamic of GA implementation shows that:
  - After the participatory mechanisms were incorporated into the law, citizens' participation gradually increased in 2015-2016. At the next stage (2017-2018), however, the process somewhat slowed down, probably because GA did not have real decision-making powers and their only goal was to present recommendations to a local authority;
  - In 2019-2020 the number of implemented GA increased exponentially, most likely because GA became a procedural part of the renewed state rural assistance program. This point can be illustrated by the fact that most of the GA were organized by a local authority. Only 3% of GA were initiated by settlements themselves.
4. Only a few GA held elections of a chair. Besides, the number of such assemblies reduced from 3% in 2015 to mere 0.4% in 2020. It is yet another indication that GA lack real powers.<sup>92</sup>

According to a considerable number of the participants and stakeholders of the process, two main problems make this mechanism inefficient - excessively complicated procedural aspects of GA implementation and the 20% quorum, which is hard to fulfill.<sup>93</sup>

These problems may be probably resolved through amendments to LSG. The law can set only basic principles and minimal standards, while practical steps can be regulated by normative acts (procedural regulations, resolutions) of municipal administrations.

### Petition

1. The available data on the dynamic of petitioning shows that this mechanism is applied only in part of the municipalities and, with a few exceptions, is rarely used by local residents.
  - In this case the implementation went through the same stages as GA: initial enthusiasm among local CSOs soon waned and the process slowed down. Although petitioning is used in more municipalities today, the total number of petitions remains low.
  - Municipalities differ widely in this respect - in some of them (Ozurgeti, Batumi, Chkhorotsku, Khulo, Poti, Tsalendjikha) the petitioning practice is well-established and frequently used, while in about half of municipalities not a single petition has been filed in recent years.

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<sup>92</sup> Mechanisms for Citizen Participation (Assessment of Involvement Level in Municipalities), August 15, 2021, Materials of the thematic inquiry of the Regional Policy and Self-Government Committee of the Parliament of Georgia in order to assess the Effectiveness of Citizen Engagement Mechanisms in Municipalities

<sup>93</sup> Citizen Participation in the Implementation of Local Self-Governance - Brief Report GIZ, CTC, 2020, [https://tvtimmartveloba.ge/wp-content/uploads/2021/03/ENG-Baseline-Study\\_brief\\_Final.pdf](https://tvtimmartveloba.ge/wp-content/uploads/2021/03/ENG-Baseline-Study_brief_Final.pdf)

2. As a rule, petitions are initiated by CSOs and local activists. Few petitions were submitted by GA.<sup>94</sup>

### The council of civil advisors

1. The respective provisions of LSG remain on paper. In some municipalities:
  - CCA is not created at all (11 municipalities: Adigeni, Akhmeta, Chiatara, Gardabani, Kaspi, Mtskheta, Ninotsminda, Sagarejo, Tbilisi, Terjola, Tianeti);
  - The male-to-female ratio falls short of the quota requirement of the law (at least 1/3 of the members should be women);
  - In the overwhelming majority of municipalities (75-90%) CCA are convened less often than quarterly, as required by the law. COVID-19 only worsened the problem.<sup>95</sup>
2. Although a majority of municipalities have CCA, their efficiency varies widely from municipality to municipality.
  - In some municipalities CCA is - or was - quite successful and has already gained some first-hand practical experience and expertise (Chkhorotsku, Ozurgeti, Rustavi, Senaki etc.).
  - In other municipalities CCA is only formally implemented and does not communicate with the public actively (Most of the municipalities).
3. CCA is more active in municipalities with a robust civil society. The available statistical data shows that such CCAs convene more often, discuss a wider range of issues, and present more recommendations for a local authority (Bolnisi, Tetrtskaro, Ozurgeti, Rustavi, Senaki, Chkhorotsku).
4. Very much depends on a mayor's personal attitude towards this mechanism. CCA is most effective if a mayor understands its positive role and significance and implements this mechanism efficiently (one of the main indicators is a mayor's willingness to follow CCA recommendations).
5. If a mayor is replaced, CCA either becomes passive or stops functioning at all. It means that personalities play a bigger role in CCA success than institutions (Kutaisi, Batumi and some others).

In some municipalities CCA was - and in some places is still - widely seen as an unwelcome burden imposed by the law or as a mere formality. According to respondents, the newly created CCAs were often dismissed by both a local authority and CSOs as "dead in the water" and "one more headache". Mayors (*Gamgebeli* before them) genuinely believe that CCA is nothing but a duplicate of the already existing tools, such as a mayor's meetings with citizens, rural assistance programs, mayor's deputies in settlements, and *Sakrebulo*. Such attitudes impeded CCA development, fueled negative perception of this instrument in local communities and poured cold water on the motivation of CCA members.<sup>96</sup>

In a considerable number of municipalities low motivation of CCA members is aggravated by:

- Insufficient knowledge and understanding of the local self-government system among part of CCA members;

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<sup>94</sup> Mechanisms for Citizen Participation (Assessment of Involvement Level in Municipalities), August 15, 2021, Materials of the thematic inquiry of the Regional Policy and Self-Government Committee of the Parliament of Georgian order to assess the Effectiveness of Citizen Engagement Mechanisms in Municipalities

<sup>95</sup> Losaberidze D, Assessing of the institutional frameworks and performance of Civil Advisory Councils (Guria, Samegrelo-Zemo Svaneti and Kvemo Kartli regions), UNDP project "Fostering Regional and Local Development in Georgia - Phase 2 (FRLD 2), 2021

<sup>96</sup> *ibid*

- Low public awareness of the role of CCA, even though CCA members are often well-known in local communities due to their active work outside CCA;
- In some municipalities CCA costs are not covered by municipal budgets (in some rural municipalities CCA members sometimes spend their own money to travel from remote settlements to the municipal administration's office).

### Participatory budgeting

Some municipalities (Ambrolauri, Akhaltsikhe, Batumi, Gori, Zugdidi, Ozurgeti, Signagi, and Keda) have - or had in the past - participatory budgeting programs.

- Part of them were sponsored by donor organizations and ended once the funding was over;
- Another part were introduced as a private initiative of a mayor and ended after the mayor was replaced;
- Some programs are still running.

Participatory budgeting is one of the mechanisms most of the stakeholders have a positive attitude to:

- Local respondents usually describe participatory budgeting as one of the most successful initiatives they have ever seen;
- Participatory budgeting is viewed favorably by a majority of local residents and people are usually better informed about this mechanism;
- It is also assessed as useful and valuable by CSOs, though some of them say that the process is not free from shortcomings and propose different ways to address them.

At the same time, implementation of the budgeting decisions remains the weakest point. There are neither public monitoring mechanisms to control the process nor public evaluation tools to assess the results of the implemented projects.

Furthermore, sometimes even the projects that are supported by the locals and selected as the best ones in a contest are not included in the municipal budget, fuelling public skepticism about these programs (Batumi, Kutaisi, Mestia ...).<sup>97</sup>

### Other forms

Different participatory mechanisms are evaluated by the stakeholders differently. For instance, some CSOs are skeptical about some forms (Public Hall or other deliberative bodies), as they believe that these instruments are more likely to just rubber stamp a municipal administration's policy.<sup>98</sup>

## **5.3. Findings and conclusions**

### Findings

1. The development of participatory mechanisms in Georgia in recent years has led to some positive changes: local municipalities were empowered with new experience and expertise, local public servants improved their qualifications, the technical base was upgraded, and better opportunities emerged for new innovative projects.
2. At the same time, citizens' participation remains low despite recent efforts. Citizens rarely use the available participatory mechanisms due to excessive red tape, low public

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<sup>97</sup> Conducted interviews with CSOs and international organizations

<sup>98</sup> *ibid*

confidence in government in general and, most importantly, the lack of opportunities to make real decisions, not just advice and recommendations.

3. It is important to note that citizens' involvement is directly correlated with powers and capacities: the participatory mechanisms are widely used by citizens only when people see that their participation really bears fruit.
4. According to municipal administrations, citizens' participation varies not only from municipality to municipality but also differs from one period to another. When authorities introduce new participatory mechanisms, as part of ongoing reforms, and ensure their practical implementation, citizens' motivation to participate becomes stronger. But when participation is a mere formality and citizens have no real voice in the decision-making process, the level of their involvement declines sharply.
  - One of the successful examples is the growth of GA after this mechanism became one of the necessary conditions for getting funds from the state rural assistance program. The participatory budgeting can serve as another example - citizens tend to use this mechanism more actively just because it delivers real results;
  - Elections of GA chair and petitioning can be cited as negative examples because in both cases there are usually few real results (for instance, people do not see the point in petitioning, which requires collecting hundreds of signatures, as a collective petition is essentially an advisory document, just as a citizen's individual complaint to a local authority). As a result, both mechanisms are rarely used.

### Conclusions

- **Citizens' participation is directly linked to the decentralization process on the one hand (delegation of more powers to local self-governments) and the existence of real and effective mechanisms of public control, which can allow citizens to really influence the decision-making process, on the other.**
- **The above-described changes will be really useful and lead to practical results only if the country manages to reach full decentralization. Citizens will have stronger motivation to lobby policy makers to work for their interests when they see that local self-governments have sufficient powers and financial resources to this end.**
- **It is the government's responsibility to address political content of decentralization. Until the reforms grow in scope and scale, the civil society's efforts can and should be directed towards streamlining the existing mechanisms, raising public awareness and creating/sharing local success stories.**

In any case, the following measures need to be supported:

1. Awareness raising campaigns to properly and adequately inform the public about the essence of local self-governance. Facilitation of public debate on little known (for instance, the possibility to introduce local-level referendums to resolve local problems, proposals to reform the administrative structure of authority, opportunities to intensify European integration, etc.).
2. Steps to improve the regulatory norms of the existing participatory mechanisms and create/share success stories of their practical implementation. Priority should be given to the development of new, innovative approaches.

## 6. Recommendations

### Regulation-related recommendations

In addition to general recommendations concerning policy making and implementation in the sphere of citizens' participation, there are also specific recommendations, which address ways to improve the efficiency of the existing participatory mechanisms. They include both proposals for legislative amendments and measures to streamline regulations and practices.

Generally speaking, the country's main legislative body, parliament, should make respective (positive - make appropriate changes or negative - refuse to discuss the issue) decisions on the following issues:

- Delegation of more powers to local self-governments (delegating certain competences to local self-governments and empowering them to make independent decisions);
- Institutional capacity-building of local self-government (local self-governments should be given financial and other resources they need: own incomes, more municipal property, etc.- only in such conditions (when municipalities will be able to solve existing problems) will be possible for citizens to protect their own interests on the local level);
- Development of effective participatory mechanisms capable of having a real influence on the decision-making process (the right to hold local-level referendums on the basis of a clear legal framework (the list of eligible issues that can be put to a vote), a greater role for the public in planning and implementation of certain programs (for instance, participatory budgeting);
- Participatory programs will become more effective, if local self-governments are given the right to award grants (the practice already exists de facto - municipal administrations can use municipal funds - which act as grants in this case - to finance certain programs). If the practice is legalized, the process will become more transparent both for the public and for the central government. The significance of these aspects is acknowledged by both Open Governance - Georgia action plan 2018-2019 and the government's 2020-2025 decentralization strategy.

Besides, the proposed changes in the law aim to reduce some impeding barriers (for instance, to simplify the currently complicated regulations for petitioning, GA and *Sakrebulo* meetings).

- **General Assembly of a settlement.** GA procedural regulations need to be streamlined. The 20% quorum must be revised or should not be mandatory (the law can define only basic principles, minimal standards, while detailed procedures will be regulated by normative acts (procedural regulations, resolutions) of municipal administrations);
- **Participatory budgeting.** The legislation (LSG, Budget Code)<sup>99</sup> should provide a clear definition of "Participatory budgeting" and specify the spheres where it can be applied and the minimum amount of funds (for instance, 1% of the municipal budget). It is noteworthy that group of CSOs (Solidarity Fund PL in Georgia and others) have already drafted a respective bill.
- **Other available forms of citizens' participation.** Two groups of measures were proposed in this field: regulatory changes and modifications in practices. The former can be illustrated by the proposal to legalize the already existing forms in some spheres (the licensing process for the use of lands and natural resources, the decision-making process regarding privatization of state-owned agricultural lands) and create a legal framework for respective mechanisms (proactive publication of related information and citizens' participation in discussions, permission to deal with some problems on the basis of public administration principles).

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<sup>99</sup> <https://matsne.gov.ge/en/document/view/2244429?publication=44>;  
<https://matsne.gov.ge/en/document/view/91006?publication=49>

In this case the onus is on the legislature, the Georgian parliament. However, drafting and adopting respective bylaws is the local self-government's prerogative.

- Municipal administrations should issue normative acts to regulate mechanisms of citizens' participation. The amendments should stipulate forms (mechanisms) of participation, procedural rules, responsibilities of the involved parties, and accountability to the public;
- It is necessary to create a template for all budgetary programs related to participation where all participation-related expenses (for instance, public budgeting, "open door", etc.) will be represented in the form of program budget items (sub-programs). To be more specific, budgetary programs should have clear objectives, evaluation criteria and indicators.

More specifically, this process can be divided into several stages:

- Selection of pilot municipalities - it is desirable to have in the group both strong (where there is a successful participatory practice and strong civil society) and weak (where the practice of participation is weak) municipalities;
- Analysis of the situation in specific municipalities;
- Promoting the forms of participation established by law, as well as locally existing mechanisms:
  - Creating a change group (to invite local CSOs, recruiting active citizens);
  - Development of joint action plans (strategy of changes);
  - Implementation of specific activities with the participation of the society and cooperation with self-government structures;
  - Disseminate information about successful examples (exchange programs, forums)  
- Develop incentive forms for successful participants.

### Best practice recommendations

The basic principles of good practices have been already developed. However, one-off activities (often favored by CSOs and donor organizations) are not enough for success. Priority should be given to constant sustainable projects in the following spheres:

#### **The development of specific methodologies/guidelines**

There is a need for a unified methodology and standards for both general and specific aspects of participation, which should be prepared with involvement and cooperation of all stakeholders (this goal is set by the decentralization action plan too and is supposed to facilitate citizens' participation (CSOs, academia) in the process.

#### **Information campaigns to raise public awareness of the available mechanisms**

Municipal administrations should develop and implement communication and information strategies. All stakeholders, including authorities, should take part in the process. It would be useful if these strategies and action plans are reflected in mid-term municipal development programs and priorities, and other relevant documents.

#### **Create conditions for wider engagement of the general public in participatory mechanisms**

- It would be helpful to expand the circle of people who are usually invited to take part in participatory mechanisms (for instance CCA). The invitation procedure should be well organized and/or recruit members of associations from respective spheres.
- The current participatory mechanisms (for example General Assemblies and homeowners associations), should be encouraged and supported, and the process should be implemented with participation of CSOs and in line with the government's decentralization policy and strategy.
- To facilitate citizens' more active involvement in local self-government issues, especially in large municipalities, it would be useful to create sub-municipal mechanisms of participation,

for instance to modify the election rules for CCA of territorial units to prevent them from becoming a local extension of the municipal bureaucracy (the Saburtalo district of Tbilisi has already set a precedent for such CCA where CCA members were selected on the basis of a contest rather than the *Gamgebeli's* arbitrary decisions and what is more, CSOs were actively involved in the process).

### **Capacity development and training programs for participants of the process**

It is important to improve knowledge and skills of public servants, CCA members, civil society activists and various social groups (for instance, youths). Targeted capacity building and training programs are necessary to raise their awareness of the participatory mechanisms.

### **Development of unified strategic visions for existing and future participatory mechanisms**

All interested segments of the society/stakeholders should be encouraged to take a more active part not only in efforts to improve planning/implementation of specific measures but also in the development of long-term strategic visions of how public confidence in government could be increased.

It is essential at least to initiate a broad public debate on such controversial topics as:

- Is a local-level referendum adequate and appropriate for Georgia?
- Pros and cons of the alternative models of the political and administrative organization of the state.
- The redistribution of certain administrative functions on the basis of subsidiary principle.

## 7. Conducted interviews

### Local self-government

1. Barbakadze Revaz - Advisor to the Mayor of Rustavi Municipality, Kvemo Kartli Region;
2. Iritsiani Nair - Chairman of Akhalkalki Municipality Sakrebulo, Samtskhe-Javakheti region;
3. Jamburia Kakha - Chairman of Lagodekhi Municipality Sakrebulo, Kakheti region;
4. Kapanadze Elene - Deputy Head of the Tbilisi Municipality Sakrebulo;
5. Lursmanashvili Koba - Mayor of Kharagauli Municipality, Imereti Region;
6. Mamulashvili Rezo - Municipal legal entity - Mtskheta Cultural Heritage and Tourism Center, Mtskheta Municipality, Mtskheta-Mtianeti region;
7. Mikautadze Beka - Gamgebeli of Krtsanisi district of Tbilisi Municipality;
8. Saganelidze Aslan - Chairman of Ambrolauri Municipality Sakrebulo, Racha-Lechkhumi-Kvemo Svaneti region;
9. Tavdumadze Nana - Head of Ozurgeti Municipality Sakrebulo, Guria region;

### Central Government

10. Subari Sozar - Chairman of the Committee on Regional Policy and Self-Government, Parliament of Georgia;
11. Tsanova Ketii - Head of the Open Government Partnership (OGP) Secretariat, Administration of the Government of Georgia;
12. Rosebashvili Nikoloz, Head of the Department for Relations with Regions and local Self-government agencies, Ministry of Regional Development and Infrastructure (MRDI);

### CSOs and international organizations

13. Abkhazava Natia - Civil Society Institute (CSI), Batumi, Adjara;
14. Abramiuk Volodymyr, Solidarity Fund PL in Georgia;
15. Andghuladze Gia - Union of Democratic Meskhs, Akhaltsikhe, Samtskhe-Javakheti region;
16. Chanidze Aslan - CSO Independent Journalists' House, Chairman, Batumi, Adjara;
17. Chanturia Anano - GIZ;
18. Gigineishvili Amiran - CSO Georgian Rural Council, Lanchkhuti, Guria region;
19. Gorgadze Marika - GGI / USAID;
20. Gotsiridze Lasha - Center for Socio-Economic Development, Tbilisi
21. Khalilov Zaur - CSO Civic Integration Foundation, Tbilisi;
22. Kharebava Giga - Gepra - PR & Marketing Communications, Tbilisi;
23. Kighuradze Koka - CSO Management Systems' Development Center, Tbilisi;
24. Mamulashvili Maia - Media Center "Voice of Kakheti", Gurjaani, Kakheti region;
25. Matsukatov Makhare - Akhalkalaki Business Center, Akhalkalaki, Samtskhe-Javakheti region;
26. Mchedlishvili Achiko - Civil activist, Tanamgzavri (Satellite) TV, Telavi, Kakheti region;
27. Mosiashvili Maka - Civil Activist, Tanamgzavri (Satellite) TV, Telavi, Kakheti Region;
28. Mzhavanadze Levan - CSO Ozurgeti Pogrash House, Executive Director, Ozurgeti, Guria Region;
29. Samkharadze Mariam - Marneuli Center for Democratic Involvement, Marneuli, Kvemo Kartli region;
30. Shervashidze Nikoloz - CSO Eastern European Center for Multiparty Democracy - EECMD, Telavi, Kakheti region;
31. Sokhadze Nana - CSO Ambrolauri Information Center, Ambrolauri, Racha-Lechkhumi-Kvemo Svaneti region;
32. Torinava Tea - Fund Sukhumi, Kutaisi, Imereti region.

## Sources used

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1. Association Agreement between the European Union and Georgia, 2014
2. European Charter of Local Self-Government (CETS № 122) 15 October 1985
3. Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (ETS No. 207, 2009)
4. Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ("Aarhus Convention"), 25 June 1998

### Documents developed/adopted by international organizations

#### **Council of Europe**

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5. European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations, ETS No. 124
6. European Social Charter (revised), ETS No. 163
7. Council of Europe Action Plan for Georgia 2020-2023, CM(2019)158, 22 October 2019

#### **Parliamentary Assembly (PACE)**

##### *PACE Resolutions*

8. Resolution 1353 (2003) on the future of democracy: strengthening democratic institutions
9. Resolution 1589 (2007) on co-operation between the Assembly and the Conference of INGOs
10. Resolution 1746 (2010) on "Democracy in Europe: crisis and perspectives" (and Doc.12279) - report of the Political Affairs Committee: Assembly debate on 23 June 2010 (24th Sitting))
11. Resolution (2096) on How can inappropriate restrictions on NGO activities in Europe be prevented?"

##### *PACE Recommendations*

12. Recommendation 1928 (2010) on Democracy in Europe: crisis and perspectives (Final version)
13. Recommendation 2086 (2016) "How can inappropriate restrictions on NGO activities in Europe be prevented?"

#### **Congress of Local and Regional Authorities**

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15. Youth work: the role of local and regional authorities, CG-FORUM(2021)01-02final 12 February 2021
16. 2021-2026 Priorities of the Congress of Local and Regional Authorities, CG (2021)40-05, 23 March 2021
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