

Support to the Anti-Corruption Strategy of Georgia (GEPAC)

Council of Europe Project No. 2007/DG1/VC/779

Evaluation Report

by

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The views expressed in this report are those of the author and do not necessarily reflect official positions of the Council of Europe or of the donors funding this project.

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1. Summary and Recommendations

The project achieved **impact** through the support of the Coordination Council in drafting a revised Anti-Corruption **Strategy** and in bringing the drafting of a Strategy Implementation Plan on the way. Various trainings for state officials have reached employees in most Georgian regions. The Ministry of Justice Training Centre is drafting a **training module** on anti-corruption with the support of the project; according to the Ministry, all newly recruited prosecutors will receive this training as well as experienced prosecutors as part of their in-service training. The Ministries of Interior and Justice are considering to adapt the module for training in the Police Academy and eventually in the High School of Justice for judges. Besides, two detailed and comprehensive corruption **surveys** have influenced the 2009 Strategy to some extent and, above all, will inform future policy decisions.

The project drafted two **laws** – on amendments to the Criminal Code and to the Law on Conflict of Interest –, which parliament adopted. By the end of the project, the beneficiary still has to draft amendments to bring national law in line with international standards as specified in the GEPAC studies, including with respect to political financing; the UNCAC-compliance study is still unclear on several points – a task that the Council of Europe plans to complete after the project's end.

The Ministry of Justice intends to staff the Analytical Department with one expert and one technical assistant, who will work for the **secretariat** of the Coordination Council and thus, focus on anti-corruption work. The secretariat, as the assistant body of the Council, will have to bring legislative projects under way, review and consolidate the implementation plans of the various state actors, and subsequently, coordinate and review its application. As soon as the secretariat will present a first consolidated draft, the Council of Europe should offer outside advice in order to ensure that the final Strategy **Implementation Plan** addresses the relevant issues in a thorough and realistic way, and the secretariat assists the Coordination Council with enforcing the plan according to best practices. In this context, the secretariat might also consider advice on enhancing **visibility** of the Council and its work, and on pro-actively raising awareness with, among others, international actors active in the field of democratic governance. Furthermore, advice on the final draft of the **training module**, and possibly the first trainings, could help unfolding its promising impact.

Besides the above measures, there seems to be no apparent need to safeguard sustainability of the project's immediate impact. However, the evaluator strongly recommends a **follow-up project** in the field of anti-corruption: Georgia should ensure the longevity of its outstanding success in reducing administrative corruption through future systemic measures, such as sectoral risk assessment and prevention, with

attention also given to other forms than administrative corruption. Outside advice would seem a significant factor for the success of such comparatively unprecedented measures.

Design of the project turned out to be a rather dynamic process: Out of the 21 activities originally foreseen in the Inception Report (November 2007), 14, i.e. two thirds (66%), changed – mostly in 2009 – into more or less differing activities. The new Workplan shifted the project's focus away from changing the anti-corruption system itself to more capacity building through training. The additional trainings, though, are relevant to the beneficiary's needs insofar as they help to fulfil recommendations made by **GRECO**. It would have been useful had the Logical Framework of the project included the **indicators** of impact; thus, any adjusted Workplan based on the Framework would have been more likely to adapt those indicators, which provide guidance for the implementation of activities. In this context, for some outputs the indicators of impact could have been more specific or quantitative: It seems, e.g., as if no target figure for the trainings was calculated. Future projects might want to assess the total of e.g. officials falling in the scope of a training activity, thus making the percentage and regional diversity of the people reached by the training more visible, and plausible. At the same time, including the terms of reference of the **evaluation** or a short version of it in the Project Document would give the Project Team a specific picture from the start as to which criteria the project has to meet to be evaluated as having been a success.

Political events influenced the timely **delivery** of the project and led to the delay and, finally, the extension of the project. Against all odds, the Project Team managed to implement almost all activities within the extended timeframe, many of them during the last year of the project; the Council of Europe will carry out two remaining training activities after the completion of the project. The Project Team has acted **efficiently** insofar as the extension in time did not require an amended budget. As for the **effectiveness** of the delivery, the constant change of external factors has to be kept in mind, such as political realignments, staff turnover, and the unfortunate lack of a full time Long-Term Advisor during the last year of the project, a function vital for providing lead responsibility; in the face of these challenges, the project has managed to produce a substantial impact. Interviewees from all sides have praised the work of the local Project Team and the project management. From the interviews, it seems also apparent that a combination of an **International Long-Term Advisor** with **National Advisors** is clearly preferable to, e.g., a team of only International or only National Advisors; the perspective, network and expertise from both inside and outside Georgia need to contribute to the project's progress. With regard to **trainings**, the project used **feedback forms** on one occasion (activity 5.1). The evaluator recommends using standardised feedback forms for all Council of Europe technical assistance trainings. The most valuable part of the trainings seemed to be such with **practical advice** at the operational level and with reference to the **Georgian framework** as opposed to – in at

least one case – theoretical elaborations of foreign regulations. One should consider this aspect when formulating **terms of reference** for trainers in the future and when deciding between inviting an international and a national trainer. At the same time, terms of reference should make it clear that experts who work on a study for the project should, as far as possible, pro-actively gather and clarify all information needed to complete their work. On a more technical note, the evaluator recommends to publish all of the project's papers and reports in **open PDF format** as is apparently done, e.g., with GRECO-documents. So far, one can not search the many closed PDF-documents on the GEPAC website for key words or copy text-parts for citation purposes, as the texts are encrypted in special characters. This would perfect the – compared with other donors' projects – outstanding online availability of Council of Europe technical papers and reports.

As an **overall assessment**, the project made a professional and substantial contribution to the strategic alignment and the capacity building for Georgian anti-corruption work, an achievement the beneficiary needs to unfold, above all through the Coordination Council, its secretariat and its working groups.

2. Project Impact

2.1. Impact According to Indicators

The Project Document has stipulated indicators for measuring the project's impact ("Expected impact", p. 20 f.). These indicators are in some cases linked to specific activities. During the course of the project, about two thirds of the activities have changed (see below annex 5.1). The indicators, however, have not been adapted to the new activities, as would have been sometimes necessary. Therefore, in order to make an assessment of the merits of the activities conducted, in some cases, the evaluator had to adapt the indicators to fit the new activities.

2.1.1. Output 1: Capacity of the Anti-Corruption body

Indicator 1: "The Office of the State Minister on Reforms Coordination will have trained personnel/experts and the necessary computer equipment."

During the course of the project, the main counterpart has changed twice and the eventual counterpart has only been in place for more or less the last, supplemental year of the project. This can be explained to some extent by the early presidential elections in January 2008, the early parliamentary elections in May 2008 and the war in August 2008:

Time	Counterpart
09/2007-01/2008	State Minister on Reforms Coordination
02/2008-09/2008	No formal counterpart
10/2008-12/2008	State Chancellery
01/2009-03/2010	Coordination Council for Fighting Corruption

The Coordination Council had no permanent staff of its own until beginning of 2010;¹ the Analytical Department of the Ministry of Justice has been providing administrative support to the Council on a good will basis.² Measuring impact in terms of "trained personnel/experts" makes only sense once permanent staff is set up for the Council, as is currently planned. None of the staff in the Analytical Department has worked for a counterpart of the project prior to 2009. Any impact created before 2009 by the project in terms of capacity building through jointly implementing the project has therefore most likely been lost.

1 According to the Monthly Report February 2010, p. 2, the Analytical Department "intends soon to recruit a new staff person responsible for the anti-corruption related activities".

2 www.justice.gov.ge/index.php?sec_id=321&lang_id=ENG (as of 7 February 2010).

The activities of output 1, however, aim at the general functioning and sustainability of the Coordination Council as the main anti-corruption body. In this respect, the workshop on "Best Practices" in Anti-Corruption bodies (11 March 2009, Tbilisi) with participants from the Coordination Council and from NGOs has arguably the biggest potential for impact. The workshop points out the Council's main shortcomings: the appointment of members by name rather than ex officio as well as a lack of statutory foundation, budget, and staff. The beneficiary plans to act upon these findings. As for the statutory framework, the "Draft Law on the Anti-corruption Bureau of Georgia" as provided for by GEPAC National Advisors in August 2008 can probably only serve in a limited way as template, since the function of the Bureau was designed as mainly investigative, whereas the Council is in fact more of a coordinating and strategic body. The Council, however, will be linked-up with all state bodies reporting on the Anti-Corruption Strategy/Action Plan and therefore, all activities aimed at supporting the drafting of a new strategy and the reporting process (output 2) also contribute to the functioning of the Council. Besides, one of the Chairpersons of the Council has been the beneficiary's main contact person for implementing the whole project.

The project also aims at supporting the Council through "design, creation and continuous update" of a webpage.³ The web-presence, though comparatively modest, provides all essential information as downloads, some also in English. It is part of the Ministry of Justice's webpage⁴ and refers to the Council of Europe's GEPAC webpage.

In this context, the secretariat might also consider advice on enhancing visibility of the Council and its work, and on pro-actively raising awareness with, among others, international actors active in the field of democratic governance. Through various interviews, the evaluator has received the clear impression that information on the Council is not visible and accessible enough, and that pro-actively approaching other international organisations with information on the function, members and ongoing work of the Council is essential for the following reason: The permanence of the Council and its impact might depend less on its future statutory base, and more on the level of awareness it enjoys among the national and international public. The evaluator therefore recommends considering, among others, the following measures:

- Set up a website of the Coordination Council with its own internet address instead of rather arcane information on a Ministry of Justice's department website.
- Publish information on the members of the Council directly on the website; currently this information is only accessible for people who download and read the Presidential

3 Activity 1.4, Action C, Workplan June 2009, p. 4.

4 www.justice.gov.ge/index.php?sec_id=321&lang_id=ENG (as of 7 February 2010).

Decree, because they already know that the members are listed in it. In this context, one has to mention that the Presidential Decree is available in English, but only the Georgian version has been put online; at the same time, the English version of the new draft Strategy 2009 is available, since July 2009, only from the Government's main webpage⁵, but not from the webpage of the Coordination Council, where all information, including e.g. the surveys etc., should eventually be consolidated.

- Have information on past and future activities and meetings of the Council and its working group available on the website.
- Maintain an email newsletter to subscribers informing, e.g., about new studies released or training activities and send it out also to international actors active in Georgia in the field of democratic governance, such as GTZ, USAID, UNDP etc.

Indicator 2: "The Contact Points in cooperating institutions (Working Party members) will be reporting regularly on progress in their respective institutions."

Indicator 3: "The reports assessing the implementation of the Action Plan will be prepared by the Office of the State Minister on Reforms Coordination and submitted to the Prime Minister."

It is still too early for both indicators to be relevant. However, the project organised a Round Table Discussion on tools of reporting and implementation of anti-corruption measures (28 January 2008, Tbilisi), with 11 institutions and 3 NGOs participating. An international expert provided input through a presentation and a technical paper. Two more workshops followed in 2010 (24 February and 25 March) on "Indicators and Reporting Tools for Monitoring the Implementation of the National Anti-Corruption Strategy".

2.1.2. Output 2: Anti-Corruption Strategy and Action Plan reviewed

Indicator 1: "Corruption perception and attitude surveys will be conducted."

One has to measure the impact of the two foreseen surveys beyond the mere carrying out of the two surveys. As a substantial part of the project budget was allocated to the surveys, it seems justified to measure their impact with detail. The following seven criteria might give indications as to how much concrete impact the surveys can unfold:

5 www.georgia.gov.ge/pdf/2009_07_27_14_08_18_1.pdf (as of 7 February 2010).

Criterion	Compliance	+/-
1. The surveys deal with a wide range of corruption.	The surveys focus on administrative corruption in all sectors. As for political corruption, they only touch on the issue through some perception questions on political parties, members of parliament and the cabinet of ministers (General Public Survey, p. 16). Since GEPAC also addresses political corruption, questions on perception should have gone into more detail on this aspect. This would require the beneficiary's willingness to enter this sensitive area. Neither survey tackles private-to-private corruption; this makes sense since GEPAC focuses on corruption of the public sector.	+
2. Locals have been involved in the design and performance of the surveys. ⁶	A local (private) survey company ⁷ carried out the survey. The survey company seems to be the ideal candidate insofar as it has comprehensive national and international experience, but has had, until now, no commissions from the Georgian Government. In July 2008, two GEPAC National Advisors took part in a Round Table Discussion in Baku on conducting corruption surveys, organised by the Council of Europe's AZPAC-project. The Project Team finalised the questionnaire based on a draft by the beneficiary. Had the Coordination Council already been in place when drafting the questionnaire, active participation of NGOs could have easily been facilitated.	+
3. The studies have been published and its findings publicly discussed.	Representatives of the survey company GORBI have presented the studies to the Media on 29 January 2010 at the State Chancellery in Tbilisi; the choice of not having state representatives presenting the studies seems sensible in order to underline the independent nature of the survey. Several journalists were present and reported on the survey. The studies are publicly available online through the GEPAC webpage since February 2010. However, the surveys should also be actively shared with international organisations and donors, so they can inform respective assistance efforts; e.g., the Democratic Governance Department of USAID Georgia was not aware of the surveys.	+

6 Cf. Global Integrity/UNDP, A Users' Guide to Measuring Corruption, 2008, p. 45: "Gravitate toward locally generated assessments".

7 www.gorbi.com.

Criterion	Compliance	+/-
4. The results of the surveys feed into the new Anti-Corruption Strategy.	The studies are available in English since December 2009 and in Georgian since January 2010. Their influence on the Strategy can therefore only come at a comparatively late stage. The studies can also feed into the Strategy Implementation Plan, which is currently drafted.	+
5. The survey's design explicitly supports concrete policy decisions. ⁸	According to their own wording, the surveys are only meant "to present general views [...] for future comparisons of trends over time" (General Public Survey, p. 6). However, the actual design of the surveys allows for policy decisions: The surveys are titled as being based on "perception" but also contain (more helpful) concrete data on actual experience of corruption (e.g. General Public Survey, p. 21, table 6). The data and accompanying explanations on different administrative sectors, on the expectations of reporting on corruption, on attitudes towards reforms, and on the experience of corruption can inform future policy or project decisions.	++
6. The surveys provide data not yet available.	The surveys carried out by the project contain sector-specific data on perception and experience of corruption, from the supply as well as from the demand side, and use a representative, random sample of interviewees. Neither, among others, Transparency International's Corruption Perception Index (CPI) and Global Corruption Barometer (GCB), nor the World Bank's Control of Corruption Index, nor Freedom House Nations in Transit Reports provide, either solely or combined, such detailed information; ⁹ in other cases, the data is outdated. ¹⁰	++

8 Cf. Global Integrity/UNDP, A Users' Guide to Measuring Corruption, 2008, p. 3: "[T]here is little value in a measurement if it does not tell us what needs to be fixed."

9 See below Fn. 21.

10 See e.g. data of the former Corruption Research Center in Tbilisi gathered in the early 2000's with support by UNDP, Fighting Corruption in Post-Communist States - Lessons from Practice, p. 14, www.transparency.org.ru/CENTER/DOC/book04_eng.pdf.

Criterion	Compliance	+/-
7. The surveys have potential as templates for future surveys.	The surveys use a clear structure, explain the presented data and make the questionnaires used transparent by providing them as an annex. A more thorough introduction, possibly done by GEPAC, distinguishing the GEPAC surveys from existing corruption indices, explaining the value added and illustrating some of the (applied) best practices of carrying out a survey might have helped a deeper understanding of the survey's user. In this context, one has to also mention that the surveys do not define what forms of corruption they aim at and what forms rather not (e.g. political corruption).	+

Whereas other beneficiaries had more or less fully resisted in carrying out or publishing the results of corruption surveys during technical assistance projects,¹¹ it should be mentioned that this was not the case with GEPAC. To complete the full publicity of the surveys, it would be useful to make the raw data of the surveys available online for use by third parties.

Indicator 2: "The Anti-Corruption Strategy and Action Plan will be monitored, and further elaborated."

The final draft Anti-Corruption Strategy is available since January 2010. A high-ranking government official made it public in a press conference, thus making a kind of self-obligation by the government to implement and continuously report on the Strategy. Representatives of the government, the project, non-governmental organisations and academia have publicly discussed the draft Strategy in January 2010, and input from this discussion was fed into the draft Strategy. As for the Strategy Implementation Plan, the relevant state institutions currently draw up their institution action plans. According to the beneficiary, a substantial number of institution action plans is already available. The secretariat of the Coordination Council will have to review and consolidate the implementation plans of the various state actors, and consequently, coordinate and monitor its application. As soon as the secretariat will present a first consolidated draft, the Council of Europe should offer outside advice in order to ensure the final Strategy Implementation Plan addresses the relevant issues in a thorough and realistic way, and the secretariat enforces the plan according to best practices.

11 Council of Europe Project "Support to the Anti-Corruption Strategy of Azerbaijan (AZPAC)", Evaluation Report (July 2009), p. 10 and 16, www.coe.int/t/dghl/cooperation/economiccrime/corruption/projects/azpac/951%20AZPAC%20Evaluation%20Report%20final-1.pdf.

The late delivery of the Strategy and the Implementation Plan is not the fault of the project, but is probably due to the beneficiary's establishing of a formal counterpart only in January 2009.

2.1.3. Output 3: Legislation

Indicator 1: "Draft laws/regulations/concepts will be elaborated and available for adoption, in line with European and International standards/or best practices."

The original Workplan set a target for the project of "at least 6 draft amendments and regulations elaborated";¹² in 2009, this number was dropped after the beneficiary and the local team had managed to draft three laws in 2008:

- Draft Law on the Anti-Corruption Bureau of Georgia (August 2008); it became obsolete already in December 2008 by the Presidential Decree on the "Fight against Corruption Inter-Agency Coordinating Council".
- Amendments on the Law on Conflict of Interests and Corruption in the Public Service of Georgia (February 2008); they have been adopted in the meantime by the legislature.
- Amendments on the Criminal Code of Georgia (February 2008); they have been adopted in the meantime by the legislature.

The project has assessed to what extent Georgian law complies with Council of Europe Criminal and Civil Law Conventions on Corruption, as well as with the United Nations Convention against Corruption (UNCAC). The studies have only been available the last few weeks before the project's end. If and what legislative changes will eventually come out of the studies rests now solely with the beneficiary. This is clear true even without the UNCAC Compliance Study coming to clear assessments on all aspects of the Convention; the international expert could not always arrive at definite conclusions based on the preparatory work on the national legislation.¹³ The Council of Europe has indicated that it will finalise the study even outside the framework of the project with as clear a result as possible.

¹² Project Document (June 2007), p. 19, Output 3; Workplan (April 2008), Output 3.

¹³ See also below at Fn. 33.

Georgia acceded to UNCAC¹⁴ in November 2008 and signed the Council of Europe conventions¹⁵ even much earlier, in 1999. Against this background the studies are finalised comparatively late.

Indicator 2: "Georgia will have a better legal and regulatory framework to fight corruption, protect witnesses, prevent corruption in political finance system and cooperate internationally in criminal matters."

For this indicator the same applies as for above indicator 1. In addition, one has to mention that there seem to be no recommendations left of the 1st and 2nd evaluation round of GRECO that would need to be addressed through legislative measures. However, the Compliance Study for the Council of Europe Conventions was finalised in May 2009, with several recommendations on national legislative changes. This has left room for the beneficiary to use the project for bringing Georgian laws in compliance with international standards.

The project has also foreseen trainings on "newly enacted legislation."¹⁶ Two of the three project's trainings implement recommendations made by GRECO:

3.1 Training on Public Access to Information

Time	Location	Participants	No.	%
30/06/2008	Signagi	Municipal staff of the respective region	15	22
02/07/2008	Kutaisi	Municipal staff of the respective region	21	30
03/07/2008	Batumi	Municipal staff of the respective region	10	15
Total			46	67
Number of local self governing units in Georgia ¹⁷			69	100

The trainings have probably reached up to two thirds of all municipalities by now. A technical paper on "Access to Public Information" (August 2008) is available to brief state officials who could not attend the trainings. The evaluator recommends making this paper available online on sites such as the Training Institute's and the Coordination Council's, in order to allow future interested parties to make use of it. The trainings correspond to recommendation vii of the GRECO Compliance Report (2nd Round), May 2009 (p. 6). This recommendation, however, seems to be only fulfilled if "all designated officials entrusted with responding to information requests" are trained.

14 www.unodc.org/unodc/en/treaties/CAC/signatories.html.

15 <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>.

16 Activity 3.3 of Project Document June 2007; Activity 3.2 of Workplan July 2009.

17 www.coe.int/t/dgap/localdemocracy/Programmes_Democratic_Stability/IMC/Warsaw_Documents/Warsaw_Melua.pdf; www.osce.org/item/20782.html.

3.2 Workshop on the Law on Legalisation of Property

Time	Location	Participants	No.
22/02/2008	Tbilisi	Staff of Ministries and Mayor's Office	7

The workshop's aim was not to train on the implementation of the law but rather on identifying weaknesses in the current application of the Law on Legalisation of Property and the General Administrative Code. Recommendations made by the workshop's members have not yet been tackled, according to interviews with representatives of the beneficiary and NGOs.

3.2 Training on the Criminal Liability of Legal Persons

Time	Location	Participants	No.
08/07/2008	Tbilisi	Prosecutors of all 10 regions	44

The trainer based the training on 10 actual cases pending in Tbilisi courts. A technical paper on the "Outcomes of the Training" (July 2008) is available to brief state officials who could not attend the trainings and should be made available online in the same way as the paper on activity 3.1. The project has installed a second training on Criminal Liability of Legal Persons under activity 4.4 (see infra 2.1.4). The training will also be part of the training module on anti-corruption.

2.1.4. Output 4: Capacity of Prosecution

Indicator 1: "The staff of specialised services within the Prosecution and other institutions fighting corruption will be able to deal with complicated high profile corruption cases with international ramifications using multidisciplinary and pro-active approach."

To meet the aspirations reflected in the wording of this indicator, probably more than the two trainings and two study visits provided for under this output are needed. Prosecutors would largely need the following expertise in order to deal with "complicated high profile corruption cases with international ramifications":

Topic ¹⁸	covered	by Training
Role of the Prosecutor and the Investigator	slightly	Special Investigative Means
Corruption Defined/Substantive Law Issues	partly	Liability of Legal Persons ¹⁹

18 Cf. e.g. the different chapters of the United Nations Handbook on Practical Anti-Corruption Measures for Prosecutors and Investigators, 2004, www.unodc.org/pdf/crime/corruption/Handbook.pdf.

19 Carried out under output 3; a second training is planned for by the Council of Europe outside the project's timeframe and budget.

Topic¹⁸	covered	by Training
Preconditions for Successful Investigations	partly	Study visit to Hamburg
Detecting Corruption	partly	Study visit to Hamburg
Gathering and Use of Evidence Cases	partly	Special Investigative Means
Informants, Witnesses and their Protection	partly	Special Investigative Means
Whistleblower Protection	-	-
Financial Investigations	-	-
Electronic Surveillance	fully	Special Investigative Means
Undercover Operations	fully	Special Investigative Means
Integrity Testing	-	-
International Judicial Cooperation	-	-
Extradition	-	-
Mutual Legal Assistance	-	-
International Repatriation of Illicit Assets	-	-

Given the limited resources of the project, the trainings have already covered quite a substantial part of the above fields.

“Complicated” and “high-profile” cases tend to involve complex money or business transactions. According to the conclusion to recommendation i of the GRECO Compliance Report (2nd Round), May 2009 (p. 3), the beneficiary seems to be equipped with sufficient financial expertise, also thanks to previous trainings by the Council of Europe. The content of the training also does not reflect the international aspect of the indicator; there seems to be, however, no need of such international training, as the international department of the Ministry of Justice is providing this training at the Training Institute, and has recently received support from another donor through the Basel Institute of Governance.

4.1 Training on Special Investigative Means (SIM)

Time	Location	Participants	No.	%
9-10/12/2008	Tbilisi	Prosecutor’s Office, Ministry of Interior	34	100
Prosecutors/investigators specifically assigned to corruption cases			34	100

Feedback for this training has reportedly been very positive due to the very practical and operational usefulness of the advice. SIM will also be part of the following training

module on anti-corruption, since also prosecutors not specifically assigned to corruption cases have to handle corruption cases, albeit possibly comparatively minor ones.

4.2 Training Module

The Ministry of Justice Training Centre is about to finalise a training module on anti-corruption. The project supported this through a 5-day workshop with advice on audience and knowledge gap identification, trainer's skills and teaching methods. The current draft foresees the following topics for which the Training Centre could already identify several trainers: Definition of corruption offences, liability of legal persons, law and practice of public procurement, whistleblower protection, investigative actions, detective operations, detection of illicit assets, internal and external control and audit. According to the Ministry, all newly recruited prosecutors will receive this training as well as experienced prosecutors as part of their in-service training. The beneficiary considers to adapt the module for training in the Police Academy and eventually in the High School of Justice for judges. The training module will incorporate part of the trainings delivered by GEPAC. As the module will be finished soon, further advice by the Council of Europe on the final draft of the training module and possibly on the first trainings could ensure unfolding its promising impact.

4.3 Study Visits

Time	Location	Participants	No.
12-16/01/2009	Zagreb, Hamburg	Police officers, prosecutors	8
02/2010	Slovenia	Prosecutors, Head of Department etc.	5
Total			13

The project chose people participating in the study visits based on their sufficient degree of experience as well as their involvement in operative fieldwork. Participants confirmed the practical aspects of the study visits as useful.

It is probably fair to say that the above three activities will not by themselves fully enable the counterparts "to deal with complicated high profile corruption cases" or such with "international ramifications"; the latter though are dealt with by trainings given by the International Department of the Ministry of Justice. Special investigative means are likely to be used in high profile cases; no activities deal with "complicated" cases (i.e., e.g., such with complex business or money transactions or such involving organised criminal structures). However, especially the training module will bring prosecutorial and investigative capacity an important step further towards efficiently prosecuting corruption cases.

Indicator 2: "National interagency cooperation in corruption cases will have improved."

None of the project's activities specifically addresses this indicator. However, all activities with interagency roundtables and trainings, bringing together staff of different branches, as well as the establishment of the Coordination Council should help interagency cooperation. Also activity 5.3 (Training for Tax Officers on Corruption Detection), which the Council of Europe plans to deliver after the termination of the project, might improve cooperation between tax inspectors and the Prosecutor's Office.

Indicator 3: "Networking among bodies investigating corruption offences improved throughout Europe."

The three study visits organised by GEPAC have established informal contacts with four European counterparts and sensitised the participants in dealing with different structures when cooperating internationally.

2.1.5. Output 5: Integrity and Preventing Corruption

Indicator 1: "Corruption prevention plans for Prosecution will be made available."

Indicator 2: "The risks of corruption will have been lowered by improving the system of control, recruitment, promotion, rotation and mechanisms preventing the conflicts of interests."

The above indicators rather reflect activities contained under output 5 in the original Workplan than those carried out eventually. The activities actually delivered aim at improving integrity in general (5.1, Training on Public Access to Information, and 5.2, Training on Police Code of Conduct) and on capacity building for tax officers (5.3, Training for Tax Officers on Corruption Detection).

5.1 Training on Access of Public to Information

Time	Location	Participants	No.	%
26/12/2009	Tbilisi	Staff of Mayor's Office Tbilisi	19	100
Total number of people needing the training			19	100

For comments on this training see above, 2.1.3, indicator 2. The training covers 100% of the people who would need the training: all designated staff for freedom of information in each of the 13 departments, as well as 6 more staff centrally concerned with the issue. The training is of significant relevance with reportedly about 3.000 information requests

to the Mayors Office per year. Feedback given on the forms used for this training has been unanimously positive, with the participants also expressing a strong motivation to take part in future training activities.

5.2 Training on Codes of Conduct for Police Officers

Time	Location	Participants	No.
9-10/12/2009	Tbilisi	Police and Ministry of Interior	16

This activity did not aim at training police officers in the code of conduct; such training takes place as part of the regular curriculum of the Police Academy. The aim of the activity was rather to update decision makers on current practical dilemmas of conduct and possible ways of solutions. Impact of the international part of this training could have arguably improved with a stronger focus on practical aspects and case studies of ethical dilemmas, rather than focusing on foreign regulations that lack a sufficient relation to the Georgian framework.

5.2 Code of Conduct for Prosecutors

Time	Location	Participants	No.
20-21/04/2008?	Tbilisi	Heads of prosecutors' units from all 10 regions	32

One of the co-authors of the Code of Conduct gave the training. As the Code is fairly new, participants showed a need for explanations and engaged in lively discussions, which reportedly inspired also the trainer. The heads of units might carry some of the training into their respective units. Besides, code of conduct is part of the basic training for newly recruited prosecutors, but not of the in-service training yet, which is currently focusing more on the introduction of the new criminal procedure code.

2.2. Impact Lost Due to Changes in Workplan?

There are six activities, where the project (partially) carried out actions under the original activity, before the activity was changed or dropped:

Act.	As defined by Incept. Report (Nov. 2007)	Activity delivered before change of definition	As defined by Workplan (July 2009)
1.4	Advice to and training of respective institutional Contact Points (Working Party members) on interaction with cooperating institutions, reporting and feedback templates and procedures in line with the new Anti-Corruption Action Plan	Round table discussion on tools of reporting and implementation of anti-corruption measures (28 January 2008, Tbilisi)	Consolidate and create institutional sustainability for the Coordination Council
1.7	Elaboration of a concept on the nature, legal and institutional framework of future specialised anti-corruption structure of Georgia	Round table discussion on the possible options of the future specialised Anti-corruption structure of Georgia (6 March 2008, Tbilisi)	[activity dropped at 2 nd Steering Group Meeting, October 2008]
3.2	Contribute to elaborate amendments/implementing tools pertaining to the reform of the system of financing of political parties and electoral campaigns	Expert Opinion on the political party finance and election campaign finance provisions, by Quentin Reed (May 2009)	[activity <i>dropped</i> at 3 rd Steering Group Meeting] Provide training on issues related to the newly enacted anti-corruption legislation [former activity 3.3]
3.4	Assistance in drafting of the legal framework of the future specialised anti-corruption structure of Georgia	Draft Law on the Anti-Corruption Bureau of Georgia (August 2008)	[activity dropped at 2 nd Steering Group Meeting, October 2008]

Act.	As defined by Incept. Report (Nov. 2007)	Activity delivered before change of definition	As defined by Workplan (July 2009)
5.1	Assist in elaboration and publication of internal corruption prevention plans for prosecution: control, recruitment, promotion, rotation, conflict of interests	Round table discussion on integrity and risk assessment (4-5 March 2008)	Training for those public officials designated to respond to request for public information
5.2	Training on Codes of Conduct for prosecutors and police officers	Workshop on the Code of Ethics for Prosecutors (20-21 April 2008)	Training on Codes of Conduct for police officers with particular focus on training for head of units

In two cases (1.4 and 5.2), the activities carried out under the original Workplan provided training/capacity building that is also useful within the framework of the current Workplan 2009 (output 1 and 5). In three more cases (1.7 and 5.1), the activities carried out under the original Workplan contributed to the decision-making process of the beneficiary or provided opportunity for future legislative changes (3.2). However, the drafting of a Law on the Anti-Corruption Bureau of Georgia (3.4) will most likely be an effort lost.

2.3. Sustainability

By the end of the project, the beneficiary still has to draft amendments to bring national law in line with **international standards** as specified in the GEPAC studies, including with respect to political financing;²⁰ the UNCAC-compliance study is still unclear on several points, a task that the Council of Europe plans to complete after the project's end.

The Ministry of Justice intends to staff the Analytical Department with one expert and one technical assistant functioning as the **secretariat** of the Coordination Council and thus, focusing on anti-corruption work. It will be primarily the task of this secretariat to bring such legislative projects underway. Furthermore, the secretariat, as the assistant body of the Council, will have to review and consolidate the implementation plans of the various state actors, and consequently, coordinate and review its application. As soon as the secretariat will present a first consolidated draft, the Council of Europe should offer outside advice in order to ensure the final strategy **implementation plan** addresses the relevant issues in a thorough and realistic way, and the secretariat assists the Coordination Council with enforcing the plan according to best practices. In this context, the secretariat might also consider advice on enhancing **visibility** of the Council and its work, and on pro-actively raising awareness with, among others, international actors active in the field of democratic governance. Furthermore, advice on the final draft of the **training module**, and possibly the first trainings, could ensure unfolding its promising impact.

Besides the above measures, there seems to be no apparent need to safeguard sustainability of the project's immediate impact. However, the evaluator strongly recommends a **follow-up project** in the field of anti-corruption: Georgia should ensure the longevity of its outstanding success²¹ in reducing administrative corruption through future systemic measures such as sectoral risk assessment and prevention, with attention also given to other forms than administrative corruption. Advice by the Council of Europe would seem a significant factor for the success of such comparatively unprecedented measures. The project's **office** for a follow-up should probably be located in, or close to, the Ministry of Justice. Since GEPAC has not used or built national

20 Expert Opinion on the Political Party Finance and Election Campaign Finance Provisions by Quentin Reed (May 2009); see also: Venice Commission, Opinion on the Organic Law of Georgia on changes and additions to the Organic Law of Georgia on Political Unions of Citizens, No. 526/2009, 16 June 2009, [www.venice.coe.int/docs/2009/CDL-AD\(2009\)033-e.asp](http://www.venice.coe.int/docs/2009/CDL-AD(2009)033-e.asp)

21 Cf. World Bank Governance Indicator "Control of Corruption" showing more rise between 1996 and 2008, and a higher final score, than three other Eastern Europe States (Azerbaijan, Moldova, Ukraine) with technical assistance projects by Council of Europe; Transparency International's CPI shows an improvement from 1.8 in 2003 to 4.1 in 2008; however, according to Freedom House Nations in Transit Report 2009 there has been no steady improvement since 1999.

academic capacity so far, including academics should be considered for a possible follow-up. This would increase the probability of corruption and combating it becoming part of university teachings.

2.4. Overview of Training Activities

Trainings, study visits and workshops (according to the current Workplan 2009; for activities that are only relevant to earlier versions of the Workplan see above, 2.2):

Time	Location	Topic	♀	♂	Σ
Activity 1					
11/03/2009	Tbilisi	Best Practices in Anti-Corruption Bodies	5	9	14
24/02/2010	Tbilisi	Indicators and Reporting Tools	3	1	4
25/03/2010	Tbilisi	Indicators and Reporting Tools	2	1	3
Activity 2					
16-17/07/2008	Baku	Conducting Surveys on Corruption	0	2	2
Activity 3					
22/02/2008	Tbilisi	Legalisation of Property	1	6	7
08/07/2008	Tbilisi	Criminal Liability of Legal Persons	11	33	44
30/06/2008	Signagi	Public Access to Information	9	6	15
02/07/2008	Kutaisi	Public Access to Information	12	9	21
03/07/2008	Batumi	Public Access to Information	5	5	10
Activity 4					
09-10/12/2008	Tbilisi	Special Investigative Means	6	28	34
12-16/01/2009	Zagreb, HH	Study visit to Croatia and Germany	4	2	6
22-25/02/2010	Tbilisi	Anti-Corruption Training Module	6	11	17
15-17/03/2010	Ljubljana	Study visit to Slovenia	2	4	6
Activity 5					
20-21/04/2008	Tbilisi	Code of Conduct for Prosecutors	2	30	32
26/12/2009	Tbilisi	Public Access to Information	16	5	21
09/12/2009	Tbilisi	Code of Conduct for Police Officers	1	18	19
Σ			85	170	255
%			33	67	100

One third of participants in the training activities have been women, which roughly corresponds to the average percentage of women in the combined respective workforces, according to estimation by the beneficiary.

3. Project Design

Out of the 21 activities originally foreseen in the Inception Report (November 2007),²² a total of 14, i.e. two thirds (66%),²³ changed – mostly in 2009 – into more or less differing activities (see annex 5.1). The high number of changes does not reflect a general weakness of the original design, but rather the change of **political priorities** by the beneficiary. An example is **output 1**: The original Workplan contained four activities²⁴ alone designed around a specialised anti-corruption body, which was the beneficiary's "main objective"²⁵ in October 2007, but ceased to be "a priority"²⁶ in October 2008. Two activities²⁷ depended on the Ministry of Reforms Coordination, a counterpart that ceased to exist in February 2008.

Because of the changes in the Workplan, the project could not carry out (fully) most activities that aim to change regulations or set up plans and thus bring along **systemic changes**: 3.1 "Draft legal amendments", 3.2 "Amendments pertaining to the reform of the system of financing of political parties", 3.4 "Legal framework of anti-corruption structure", 5.1 "Elaboration of corruption prevention plans". Instead, the new Workplan focused more on capacity building mostly through **trainings**. Those trainings aim at a different kind of sustainability than systemic changes, but are in line with recommendations made by GRECO and are probably one of the easier tasks in politically difficult times.

No major changes have occurred as regards to **output 2**. In the case of the surveys (activity 2.2), the indicator for measuring impact ("Corruption perception and attitude surveys will be conducted.") could have been more specific than the mere implementation of the output: Carrying out a survey on corruption will be different depending on whether its impact is meant to raise public awareness or if its impact is meant to be an instructive model for other similar surveys. The surveys actually delivered, though, have been useful in various senses (see above 2.1.2). It has also been useful to install, under activity 2.3, a public event for presenting the surveys.

Within **output 3**, activity 3.2 on political financing has been an important building stone of the project, with no actual implementation though. The Project Document still defines

22 The Workplan, p. 12, and the Summary of Outputs, p. 7, each contain only 20 activities, but each omit one activity respectively (4.4 missing in the Workplan, 5.2 missing in the Summary).

23 Not counting 3.3 (only change of numbers) and 5.3 (additional activity).

24 Activities 1.6 to 1.8 and 3.4.

25 Inception Report, p. 11.

26 Minutes of 2nd Steering Group Meeting, October 2008, p. 2.

27 Activities 1.4 and 1.5.

"Amendments pertaining to the reform of the system of financing of political parties" as part of activity 3.2, whereas the Inception Report foresees under activity 3.2 two trainings on financing of political parties. At the 3rd Steering Group Meeting on 25 June 2009, activity 3.2 apparently was dropped altogether,²⁸ a fate this activity shares with a similar activity of another technical assistance project²⁹. The beneficiary has emphasised the fact that the executive side did not want to interfere with any possible reform projects on political financing planned by the Central Election Commission. Nonetheless, possible advice to the Central Election Commission through GEPAC should have been sounded out: the Council of Europe is the only international body providing comparatively detailed guidelines on party financing ("Recommendations on Political Funding"³⁰): The otherwise very detailed United Nations Convention against Corruption (UNCAC) contains only a very short, non-binding reference to party financing in Art. 7 par. 3. As the Third Evaluation Round by GRECO deals, among other, with the issue of party financing, it would seem natural to make an effort of bringing Georgian law into line with Council of Europe standards and international best practices.

The trainings on "Public Access to Information" and on "Criminal Liability of Legal Persons" delivered under activity 3.3 correspond to recommendations in the GRECO Compliance Report (2nd Round), May 2009, recommendation xii (p. 9) and recommendation vii (p. 6).

Output 4: The training module for anti-corruption foreseen under activity 4.2 could create far-reaching sustainability, with many trainees reached, and with the training module of the Training Institute of the Ministry of Justice eventually also influencing the training of the Police Academy and the High School of Justice for judges.

Output 5: The trainings for access to information follow recommendation vii of the GRECO Compliance Report (2nd Round), May 2009, p. 6, the training for tax officers follows recommendation xiii (p. 10). The project does not, however, support the implementation of recommendation iv, which concerns the development and application

28 The Minutes of the 3rd Steering Group Meeting, p. 3, talk of a workshop that is however not contained in the Workplan as of June 2009.

29 See activity 2.5 "Review and evaluation of regulatory framework related to [...] financing of political parties [...]" of "Support to the Anti-Corruption Strategy of Azerbaijan (AZPAC)", Evaluation Report (July 2009), p. 7; however, the respective activities 1.7 "Ensure the implementation of the law on the financing of political parties" and 1.2 "Legislation improved" of the "Project against Corruption, Money Laundering and Terrorism Financing in Moldova (MOLICO)" were delivered successfully, Evaluation Report (June 2009), p. 7 and 15.

30 Recommendation Rec(2003)4 of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns (Adopted by the Committee of Ministers on 8 April 2003 at the 835th meeting of the Ministers' Deputies), www.coe.int/t/dghl/cooperation/economiccrime/corruption/default_en.asp.

of a common auditing methodology and standards for auditing in the public sector, a task of which reportedly the Ministry of Finances is currently taking care of.

Unlike other Council of Europe project documents, the Logical Framework of GEPAC did – probably inadvertently – not include the **indicators** of impact; thus, when drafting new Workplans with changed activities, the indicators of impact were not adapted. The parallel updating of indicators when changing activities seems to be important not only for the evaluation at the end of the project, but above all, for guidance for the implementation of activities.

The indicators of impact exclusively use **qualitative** criteria; in general, a mixture of qualitative and quantitative criteria as with other Council of Europe projects³¹ does seem more suited to giving the Project Team and even the beneficiary some concrete targets; e.g., for the training events of output 3 and 4, the project document could have set some quantitative targets such as “percentage of total workforce trained”. In this context it is noteworthy that apparently, no target figure for the trainings was calculated. Future projects might want to assess the total of e.g. officials falling in the scope of a training activity, thus making the percentage and regional diversity of the people reached by the training more visible, and plausible.³² As already mentioned (see above 2.1.2), the indicator for output 2 “surveys” could have been more detailed. At the same time, including the terms of reference of the **evaluation** or a short version of it in the project document would give the Project Team a specific picture from the start as to which criteria the project has to meet to be evaluated as having had success.

31 Council of Europe Project “Support to the Anti-Corruption Strategy of Azerbaijan (AZPAC)”, Evaluation Report (July 2009), p. 19, www.coe.int/t/dghl/cooperation/economiccrime/corruption/projects/azpac/951%20AZPAC%20Evaluation%20Report%20final-1.pdf.

32 See the equivalent recommendation in Council of Europe Project „MOLICO: Project against corruption, money laundering and the financing of terrorism in Moldova”, Evaluation Report (30 June 2009), p. 3, http://www.coe.int/t/dghl/cooperation/economiccrime/MoneyLaundering/Projects/MOLICO/912_MOLICO_EvalRep3a%20_3july09.pdf.

4. Project Delivery

4.1. Delivery of Workplan

The Project Team has faced quite a few challenges during the course of the project, namely a temporary halt in activities due to the political situation, changes of political priorities by the beneficiary, resulting in the need to adapt the respective activities, and a comparatively high turnover of staff:

Function	Time	Name
Project Manager	09/2007 – 12/2008	Ms. Tanya Peshovska
	01/2009 – 05/2009	Mr. Franck Daeschler
	06/2009 – 03/2010	Ms. Ilknur Yuksek
Long-Term Advisor	12/2007 – 12/2008	Mr. Levan Khetsuriani
Short-Term Advisor	10/2009 – 03/2010	Ms. Marijana Trivunovic*
National Advisor	12/2007 – 09/2009	Mr. Givi Kutidze
	12/2007 – 04/2009	Ms. Natia Khantadze
	10/2009 – 03/2010	Ms. Nino Mtvarelishvili
Local Project Officer	09/2007 – 03/2010	Ms. Tamara Katsitadze

Against all odds, the Project Team managed to implement almost all activities within the extended timeframe, many during the last year of the project. Due to this special effort of the team, the project was able to deliver almost all activities foreseen in the latest **Workplan**. Interviewees from all sides have praised the work of the Long-Term and National Advisors. From the interviews, it seems also clear that a combination of an **International Long-Term Advisor** with **National Advisors** would clearly seem preferable to, e.g., a team of only International or only National Advisors. The perspective, network and expertise from both levels need to contribute to the project's progress, with the International Long-Term Advisor ideally linking the local Project Team especially with the project management and the donor.

The counterparts interviewed by the evaluator as well as the donor have referred to the very good **cooperation** and support by the Project Team. The impact finally achieved is down to the acute engagement of the local Project Team and the project management.

The National and Long-Term Advisors have provided various **technical papers** of high quality. As far as the activities give room for discretion, e.g., activity 2.2 "Corruption Surveys", the Long-Term Advisor and the beneficiaries opted for effective implementation (see above 2.1.2, indicator 1).

* Part time (<7 days per month).

As far as can be seen from the presentations and papers produced, as well as from the feedback of trainees, and other stakeholders outside the project, the national and international **experts** chosen and guided by the Long-Term Advisor and the Project Manager have in general contributed to the project in a professional and valuable manner. On some occasions, the project chose trainers from local NGOs, who received very good feedback by trainees. It has been the almost unanimous feedback from several interviewees (and from the feedback forms used with training 5.1, see above chapter 2.1.5) that the most valuable part of the trainings was such with **practical advice** on the operational level as opposed to – in at least one case – theoretical elaborations of foreign regulations. In addition, interviewees described trainings where the trainer was aware of the **Georgian framework** as much more useful than trainings without such relation to the domestic situation. This concurs with the evaluator's experience, who recommends specifically mentioning the practical focus of the training in the terms of reference for the trainer in future projects, also with the requirement that the trainer prepares the basic Georgian framework of the topic, if necessary, with assistance of the local team. The relevance of the domestic background might also be an important fact when deciding between inviting an international or a national trainer.

On two occasions, **experts** have complained about the documents needed for their task not being fully clear.³³ The evaluator feels that the project should ask the experts to proactively clarify those issues, if necessary with the assistance of the Project Team – a simple translation clarification or sending of a needed document –, before accepting the draft papers as final documents. The **terms of reference** should also support such a more active obligation of the experts.

The project used **feedback forms** with one training (activity 5.1). The evaluator recommends using standard feedback forms with all Council of Europe technical assistance trainings and developing such forms for future projects, if such a standard form is not available yet.³⁴ This would allow comparing feedback of different trainings against each other.

During the interviews, the issue of the need to invite representatives of **NGOs** to observe training activities, mainly in order to get an idea of the level of capacity building achieved by state officials was raised. As for transparency of the activities, this is generally a good

33 Expert Opinion on the political party finance, p. 17: "the translation provided of the provisions of the Election Code was of a very low standard, and the meaning of certain provisions [...] was insufficiently clear to provide a full commentary on their substance"; Compliance of the Georgian Legislation with the United Nations Convention on Corruption, p. 2 f.: "the reviewer has not seen the original ToR", etc.

34 See the equivalent recommendation in Council of Europe Project "Support to the Anti-Corruption Strategy of Azerbaijan (AZPAC)", Evaluation Report (July 2009), p. 16, www.coe.int/t/dghl/cooperation/economiccrime/corruption/projects/azpac/951%20AZPAC%20Evaluation%20Report%20final-1.pdf.

idea; active involvement of state officials and their free expression of thoughts in participatory teaching exercises might be hampered, though, with outside observers present. This issue has probably to be decided on a case by case basis.

The project and its donor were **well visible**: All stakeholders interviewed by the evaluator were well aware of the Kingdom of the Netherlands as the donor of the project. All **technical papers** mention funding by the Kingdom of the Netherlands and provide visibility of the Council of Europe. The same was ensured when carrying out training activities. The **website** of the Georgian Ministry of Justice mentions on its homepage the contribution made by the Kingdom of the Netherlands.

Reporting of the project has been detailed and informative, and the GEPAC website provided news on all activities. It is, however, quite difficult for an outside observer to keep track of the many changes in the project. This is mainly due to the following reason: Whenever the Steering Committee decided to replace a former activity by a new one, it replaced the text of the former activity in the Workplan by the text of the new activity. This does not allow, however, for allocating outcomes produced under former activities to the Workplan. It also makes communication about the project quite confusing: E.g., which version of activity 1.4 is meant – the one of the inception report 2007, the Workplan of April 2008 or the Workplan of July 2009? Furthermore the reason for an activity “vanishing” are not always clear; e.g. the reason for (former) activity 3.2 “party financing” being replaced is only contained in the non-public minutes of the 3rd Steering Group Meeting. Therefore, it seems more transparent to formalise changes in the Workplan as follows: The former activity is marked as dropped or changed; the new activity gets an **additional number** not yet foreseen in the Workplan.

3.2	Contribute to elaborate amendments/ implementing tools pertaining to the reform of the system of financing of political parties and electoral campaigns	<i>activity dropped at 3rd Steering Group Meeting</i>
3.4	Provide training on issues related to the newly enacted anti-corruption legislation [<i>former activity 3.3; activity 3.4 since 3rd Steering Group Meeting</i>]	

With a Workplan containing all changes, any outside (and inside) observer would be able to see changes in activities, their time, and cause at one glance and without having to extract information from all project reports as was necessary for the exercise of putting

together of table "2.2 Impact Lost Due to Changes in Workplan?" and the annex table "5.1 Changes of Workplan".

In this context, it would also be helpful for an outside observer if the regular project reports would list all **technical papers** produced so far, as well as list, in a separate table, all **training activities** and workshops, similar to "2.4 Overview of Training Activities and Technical Papers".

On a more technical note, the evaluator recommends to publish all of the project's papers and reports in **open PDF format** as is apparently done, e.g., with GRECO-documents. So far, one can not search the many closed PDF-documents on the GEPAC website for key words or copy text-parts for citation purposes, as the texts are encrypted in special characters. This would perfect the – compared with other donors' projects – outstanding online availability of Council of Europe technical papers and reports.

The Special Representative of the Secretariat General continuously maintains bilateral exchanges with other international organisations and donors on current and future technical assistance projects; in this way, the Special Representative supported the Project Team in ensuring **coordination** with other donors. Therefore, no overlaps with other projects have occurred; on the contrary, GEPAC seems well complementing democratic governance efforts of other donors such as UNDP, USAID and GTZ.

4.2. External Factors

The Project Document makes assumptions about how external factors support the delivery of the outputs.³⁵ These assumptions have materialised as follows:

Out-put	Assumption	Materialisation
	Continuing commitment of the Georgian government to the implementation of Georgia's Anti-Corruption Action Plan.	The government has supported the drafting of the new Anti-Corruption Strategy and Action Plan 2010.
1	The Georgian government provides the Office of the State Chancellery with the necessary resources and competencies.	The Coordination Council has had no own permanent staff until beginning of 2010; the Analytical Department of the Ministry of Justice has been providing administrative support of the Council on a good will base.
	Co-operating institutions nominate their contact points and give them the appropriate competencies.	It is too early yet to comment on this assumption.
	Allocation of the state budget to the Office of the State Minister on Reforms Coordination is expected to be higher than the present.*	There is no budget yet for the Coordination Council, replacing the Minister on Reforms Coordination as Anti-corruption body. However, a budget for two staff is planned.
	Equipment and other project deliveries shall be solely used for the overall objective of this project, also after its end, and shall remain to be useful tools for use from the same structures as established within the Ministry.*	According to the Project Team, the computer equipment procured for the project's office either will be used by a possible follow-up project or will be donated to the secretariat of the Coordination Council.

³⁵ Logical Framework (p. 28 ff.) and additional "Assumptions and Risks", p. 17; the latter are marked in the table by (*).

Out-put	Assumption	Materialisation
2	All relevant institutions and stakeholders participate in the process of reviewing [the Strategy].	State institutions as well as NGO's and academia have to some extent participated in the process of drafting the new National Anti-Corruption Strategy.
3	Draft laws are submitted to the relevant Ministries.	Three laws have been drafted within the framework of the project and have been adopted.
4	The Prosecution and the Ministry of Interior allocate the necessary human resources.	The staff of the two institutions has participated in the training events in comprehensive numbers.
	The specialised units for investigation of high-level corruption are provided with the necessary resources.*	According to the beneficiary, this assumption is fulfilled.
5	Plans and codes elaborated are formalised, published and implemented in practice.	Output 5 has changed towards trainings for among others tax inspectors and prosecutors. The respective Ministries have supported the trainings.
	Corruption prevention measures are sufficiently coordinated with the whole reform of the Public Service.*	There is no apparent need to coordinate the trainings provided for with the reform of the Public Service.

Besides the above factors, three political events have influenced the project's delivery time-wise: The early presidential elections in January 2008, the early Parliamentary elections in May 2008 and the war in August 2008. Besides, a rather comprehensive change of strategic and/or political targets (see above chapter 3) has resulted in quite different activities than originally foreseen.

5. Annexes

5.1. Changes of Workplan

Act.	Inception Report (November 2007)	Workplan July 2009
1.4	Advice to and training of respective institutional Contact Points (Working Party members) on interaction with cooperating institutions, reporting and feedback templates and procedures in line with the new Anti-Corruption Action Plan	Consolidate and create institutional sustainability for the Coordination Council
1.6	Conduction of feasibility study and possible models for a specialised anti-corruption structure	<i>[activity dropped at 2nd Steering Group Meeting, October 2008]</i>
1.7	Elaboration of a concept on the nature, legal and institutional framework of future specialised anti-corruption structure of Georgia	<i>[activity dropped at 2nd Steering Group Meeting, October 2008]</i>
1.8	Provision of needs assessment (human and financial resources) of the future specialised anti-corruption structure of Georgia.	<i>[activity dropped at 2nd Steering Group Meeting, October 2008]</i>
1.5	Study visit for up to 8 staff members (Minister on Reforms Coordination)	<i>[moved to 4.4 according to 3rd Steering Group Meeting minutes]</i>
2.3	Organise a National Conference to review and overall monitor the implementation of the updated Anti-Corruption Strategy and the Action Plan	Support the Coordination Council in organisation of the workshop on the results and finalisation of these studies [=surveys]

Act.	Inception Report (November 2007)	Workplan July 2009
3.2	Contribute to elaborate amendments/ implementing tools pertaining to the reform of the system of financing of political parties and electoral campaigns	<i>[activity dropped at 3rd Steering Group Meeting]</i> Provide training on issues related to the newly enacted anti-corruption legislation <i>[former activity 3.3]</i>
3.3	Provide training on issues related to the newly enacted anti-corruption legislation	<i>[now activity 3.2]</i>
3.4	Assistance in drafting of the legal framework of the future specialised anti-corruption structure of Georgia	<i>[activity dropped at 2nd Steering Group Meeting, October 2008]</i>
4.1	2 in-country training sessions for the staff of units specialised in investigation and prosecution of high level corruption (case studies, pro-active and multidisciplinary approach)	Multi-disciplinary training for prosecutors/law enforcement officers on use of SIMS and criminal law procedures when investigating and prosecuting high-level corruption cases (outside Tbilisi)
4.2	Workshop on criminal justice and proceedings against corruption-related offences	A training module is developed within the Ministry of Justice through consultation with other relevant ministries to sustain and consolidate the implementation of the training beyond the work of the project

Act.	Inception Report (November 2007)	Workplan July 2009
4.3	Up to 2 study visits for 6 prosecutors and 6 police officers from the specialised services	Training on criminal liability of legal persons to all officials concerned with a view to ensuring that full use of the provisions is made in cases of bribery, trading in influence and money laundering [<i>study visits moved to 4.4</i>]
4.4	International conference on investigation and prosecution of high level corruption (Tbilisi) ³⁶	Up to 2 study visits for representatives of specialised units (law enforcement) to European counterpart institution Up to 2 study visits for 6 prosecutors and 6 police officers
5.1	Assist in elaboration and publication of internal corruption prevention plans for Prosecution and Ministry of Interior: control, recruitment, promotion, rotation, conflict of interests	Training for those public officials designated to respond to request for public information
5.2	Training on Codes of Conduct for prosecutors and police officers	Training on Codes of Conduct for police officers with particular focus on training for head of units
5.3	[<i>not foreseen</i>]	Training to improve the ability of tax inspectors to detect corruption offences, in particular as regards bribes concealed as legitimate expenses.

36 Not contained in the Workplan (p. 20) of Inception Report, but in the Summary of Outputs, p. 7.

5.2. Evaluation Assignment

The Terms of Reference (ToR) of the project foresees two external and independent evaluators carrying out the evaluation exercise two months before the end of the project. To make the evaluation fit with the revised budget, donor and Council of Europe decided to assign only one evaluator.

i) Overall Objective

The assignment is to provide an evaluation of the overall project progress from its start in September 2007 to date against the objectives and indicators of achievement as set out in the ToR, as well as its overall impact.

ii) Specific Objectives

The evaluation should address the following issues:

a) Results and Impact Produced

- Results produced (against indicators of success),
- Achievement of project objectives (against indicators of success),
- Actual or likely impact of the project on anti-corruption and public sector area (among other things against GRECO recommendations),
- Overall impact of assistance provided through the project.

b) Relevance of Project Design

- To what extent was the initial needs assessment relevant to the project structure and design?
- How was it translated into the rationale for specific project objectives and activities?
- Which other inputs could/should have been used at the project design stage?
- To what extent did the project Workplan and calendar of activities take into account the need for possible adjustments?
- How were quantifiable indicators of performance used?
- To what extent did the project address needs of beneficiaries/counterpart institutions?

c) Efficiency/Effectiveness of Implementation

- To what extent have the activities as defined in the original logframe and the Workplans been implemented?
- To what extent were the beneficiaries receptive to the project proposals and assistance provided, and to what extent did they participate in/contribute to the project?
- Activities of which type proved to be most effective throughout the project implementation?

d) Assumptions/Influence of External Factors

- What were the external factors that had a positive/negative influence of the course of project implementation?
- To what extent was the project influenced by them?
- To what extent have the assumptions indicated in the logframe materialised?

e) Sustainability Potential

- What kind of effort will be required from the beneficiaries in order to prolong the project impact after its conclusion? Is it feasible?
- How can the CoE/other donors assist in ensuring the sustainability of impact beyond the project completion date?

f) Relationship With Other Projects/Donor Actions

- How efficient/relevant/visible was the project's placement amongst other actions in the field?
- What were its relationships with other projects?

g) Conclusions and Implications for Future Projects

- What are the overall conclusions regarding this project?
- What lessons can be drawn, what recommendations could be made to the Project Management for future projects/interventions as such?
- Which areas/institutions should be addressed in the future through Technical Assistance or as follow up project?

5.3. Methodology

This report is the result of work carried out between February and April 2010. The work included:

- Desk review of relevant country background information;
- Available project documents (primarily forwarded by the Council of Europe secretariat in Strasbourg and by the local Project Team in Tbilisi; some information was also taken from the project website);
- A meeting with the project manager in Strasbourg;
- An in-country visit to Tbilisi from 23 to 26 March 2010 consisting of semi-structured interviews with various beneficiaries, the donors, peers and the Project Team on the ground (see Annex for list of interviewees); The counterparts of the interviews were chosen by the evaluator based on the project reports, supported by recommendations made by the local Project Team;
- E-mail exchanges with the Project Team before and after the completion of the in-country visit;
- E-mail exchange/telephone interview with other interviewees.

5.4. Meetings/Interviews

Monday, 8 February 2010, Strasbourg
<ul style="list-style-type: none"> - Mr. Alexander Seger, Head of Economic Crime Division, Council of Europe - Ms. Ardita Abdiu, Head of Anti-corruption and Fraud Unit, Council of Europe - Ms. Ilknur Yuksek, GEPAC Project Manager, Council of Europe - Ms. Tanya Peshovska, former GEPAC Project Manager, Council of Europe - Mr. Franck Daeschler, former GEPAC Project Manager, Council of Europe
Tuesday, 9 February 2010, Tbilisi
<ul style="list-style-type: none"> - Ms. Marijana Trivunovic, GEPAC International Short Term Advisor - Ms. Nino Mtvarelishvili, GEPAC National Long Term Advisor - Ms. Tamara Katsitadze, GEPAC Local Project Officer - Ms. Natia Khantadze, former National Long Term Advisor - Mr. Levan Khetsuriani, former National Long Term Advisor - Mr. Merab Pachulia, Director of GORBI Survey Company - Mr. Vakhtang Lejava, Chief Advisor to the Prime Minister
Wednesday, 10 February 2010, Tbilisi
<ul style="list-style-type: none"> - Mr. Giorgi Jokhadze, former Head of Analytical Department, Ministry of Justice, and GEPAC local expert - Mr. Otar Kakhidze, Head of Analytical Department, Ministry of Justice - Ms. Nino Beruashvili, Ministry of Justice Training Centre - Mr. Robert Maghlakelidze, Ministry of Justice Training Centre - Ms. Tamar Karosanidze, former Executive Director, Transparency International, Georgian Chapter - Mr. Vakhtang Kobaladze, Executive Director, Transparency International, Georgian Chapter - Mr. Giorgi Meladze, GEPAC Expert, Executive Director of Liberty Institute
Thursday, 11 February 2010, Tbilisi
<ul style="list-style-type: none"> - Mr. Heino Van Houwelingen, Counsellor/Deputy Head of Mission, Embassy of the Netherlands in Tbilisi, Georgia - Mr. Borys Wodz, Special Representative of the Secretary General of the Council of Europe to Georgia - Ms. Tinatin Burjaliani, First Deputy Minister of Justice - Ms. Ekaterine Zguladze, Deputy Minister of Interior - Mr. Ivane Khazhalia, Trainer on "Code of ethics for police" - Mr. Ucha Gogokhia, Trainer on "Criminal liability of legal persons" - Mr. Malkhaz Ghughunishvili, Trainer on "Code of ethics for prosecutors" - Ms. Lana Lagvilava, Co-author of the training module for investigators - Ms. Nino Chikovani, Trainee on "Free Access to Public Information" - Mr. Otar Tatalashvili, Trainee on "Free Access to Public Information"

Friday, 12 February 2010, Tbilisi
<ul style="list-style-type: none">- Ms. Khatuna Khvichia, Democratic Governance, USAID, Tbilisi- Mr. Giorgi Vashakidze, Democratic Governance, USAID, Tbilisi- Participation in the Closing Event of GEPAC Project
Telephone and Email Interviews
<ul style="list-style-type: none">- Ms. Vera Devine, GEPAC Short Term Expert, London- Mr. Eike Ulrich Vater, Former Coordinator of a GTZ-project in Georgia

5.5. Reports, Technical Papers and other Documents

The evaluator has reviewed the following documents:

GEPAC-Documents (as provided for by Council of Europe)
Project Document (June 2007)
Reports
Inception report (1 Sept-30 Nov 2007)
First Progress report (1 Sept 2007-29 Feb 2008)
Second Progress report (1 March 2008-31 August 2008)
Third Progress Report (1 Sept 2008-28 Feb 2009)
Fourth Progress Report (1 Sept 2008-28 Feb 2009)
Monthly Report (December 2009)
Monthly Report (January 2010)
Monthly Report (February 2010)
Lists of participants and activity synopses for study visits and training activities
Technical Papers
Activity 1.1
Work Plan for the Development of Georgian National Anti-Corruption Strategy and Action Plan (November 2009)
Activity 1.4
Presentation on Tools of Reporting and Implementation of Anti-Corruption Measures, by Marijana Trivunovic, United Kingdom (January 2008)
Technical Paper: Tools for Reporting and Implementation of Anti-Corruption Measures in line with the new Anti-corruption Action Plan, by Marijana Trivunovic, United Kingdom (February 2008)
Activity 2.1
PowerPoint-Presentation on Tackling Anti-Corruption Strategies, Marijana Trivunovic (March 2009)
Activity 2.2
Perceptions of Corruption in Georgia, General Public Survey (July 2009)
Perception of Corruption in Georgia, Survey of Public Officials (September 2009)

Activity 3.1
Summary of the Legal Framework on Access to Public Information in Georgia, by Tamar Gurchiani, Georgia (August 2008)
Amendments on the Law on Conflict of Interests and Corruption in the Public Service of Georgia, Levan Khetsuriani, Givi Kutidze and Natia Khantadze (February 2008)
Amendments on the Criminal Code of Georgia, Levan Khetsuriani, Givi Kutidze and Natia Khantadze (February 2008)
Technical Paper on the Compliance of the Georgian Legislation with the United Nations Convention on Corruption, Alan Doig (January 2010)
Technical Paper on the Compliance of the Georgian Legislation with the Council of Europe Criminal and Civil Law Convention on Corruption, Bostjan Penko (May 2009)
Expert Opinion on the political party finance provisions of the Organic Law of Georgia on Political Unions of Citizens, and election campaign finance provisions of the Unified Electoral Code of Georgia, by Quentin Reed (May 2009)
Activity 3.3
Outcomes of the Training on the Implementation of the Amendments to the Criminal Code of Georgia related to the Liability of Legal Persons, by Georgi Rupchev, Bulgaria (July 2008)
Activity 3.4 [activity dropped at 2 nd steering group meeting]
Draft Law on the Anti-Corruption Bureau of Georgia, Levan Khetsuriani, Givi Kutidze and Natia Khantadze (August 2008)
Activity 4.1
Workshop for law enforcement agents on the use of Special Investigative Means, by Davor Pesic (Slovenia) and Gerhard Spiesberger (Germany) (December 2008)
Activity 5.1
Presentation on "The Integrity Plan", by Roman Prah, Slovenia (March 2008)
Presentation on "Using Risk Assessment Methodology", by Sandra Blagojevic, Slovenia (March 2008)
Technical Paper: The Integrity Plan as the Risk Management Plan Methodology, by Sandra Blagojevic and Roman Prah, Slovenia (March 2008)
Presentation on International Standards on Ethics for Prosecutors, by Shamshuddin Makkan, United Kingdom (April 2008)
Outcomes of the Workshop on the Code of Ethics for Prosecutors, by Malkhaz Ghughunishvili and Giorgi Jokhadze, Georgia (May 2008)
Miscellaneous
Minutes 1 st Steering Group Meeting 22 April 2008

Minutes 2 nd Steering Group Meeting 8 October 2008
Minutes 3 rd Steering Group Meeting 25 June 2009
Financial Report September 2009
Non-GEPAC Documents
GRECO-Evaluation Report, Second Evaluation Round (2003-2006), December 2006
GRECO-Compliance Report, Second Evaluation Round (2003-2006), May 2009
GRECO-Evaluation Report, First Evaluation Round (2000-2002), June 2001
GRECO-Compliance Report, First Evaluation Round (2000-2002), December 2003
GRECO-Compliance Procedure, First Evaluation Round (2000-2002), June 2006
GRECO-Compliance Procedure, First Evaluation Round (2000-2002), October 2007
Georgian National Anti-Corruption Strategy, 2009
National Anti-Corruption Strategy Implementation Action Plan, 2009
Decree No. 622 of the President of Georgia on the approval of the Composition and the Statute of the Fight against Corruption Inter-Agency Coordinating Council (26 December 2008)
The National Anti-Corruption Strategy of Georgia, 2005
Georgia's National Anti-Corruption Strategy Implementation Action Plan, 2005
The National Anti-Corruption Strategy and Action Plan: Elaboration and Implementation, Tamuna Karosanidze, Transparency International, Georgia
OECD-ACN, Monitoring Report Georgia, June 2006
Venice Commission, Opinion on the Organic Law of Georgia on changes and additions to the Organic Law of Georgia on Political Unions of Citizens, No. 526/2009, June 2009