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TECHNICAL PAPER: TOOLS FOR REPORTING AND IMPLEMENTATION OF ANTI-CORRUPTION MEASURES IN LINE WITH THE NEW ANTI-CORRUPTION ACTION PLAN

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Introduction

The objective of this paper was initially defined as providing recommendations to the government of Georgia on “tools for reporting and implementation of anti-corruption measures in line with the new Anti-corruption Action Plan” as part of the Council of Europe project Support to the anti-corruption strategy of Georgia (GEPAC). GEPAC aims at strengthening national capacities in support of the implementation of Georgia’s Anti-corruption Strategy and Action Plan, in compliance with European and international standards. In order to achieve this objective, the project works in five complementary directions:

- strengthening the capacities of the anti-corruption policy institutions in order to manage, co-ordinate and monitor the implementation of the Anti-corruption Action Plan;
- co-ordinating and monitoring the implementation of the Anti-corruption Action Plan through reviewing the Anti-corruption Strategy and up-dating the Action Plan;
- elaborating and improving primary and secondary legislation concerning criminalization and prevention of corruption;
- strengthening the capacities of the prosecution to investigate and prosecute high-level corruption; and
- introducing pilot activities to enhance integrity and institutional capacities as tools for the prevention of corruption.

This technical paper follows a Round Table organized on 28 January 2008, and was intended to summarise these Round Table recommendations for future use. However, during the Round Table, it became apparent that there were additional important issues regarding the Anti-corruption Strategy and Action Plan themselves that needed to be addressed before turning to issues of reporting, coordination, and implementation. Hence, this paper will outline these additional key issues in addition to the original recommendations regarding their implementation.

1 THE PURPOSE OF ANTI-CORRUPTION STRATEGIES AND ACTION PLANS

In order to address the challenges with the existing Anti-corruption Strategy and Action Plan in Georgia, it may be useful to be reminded of the purpose and rationale for developing and using these documents.

The purpose of a *national anti-corruption strategy* is to lay out the array of objectives and measures necessary to combat corruption within a country and to prioritise or sequence the competing objectives, particularly in circumstances of limited resources (be they time, human or financial resources).

The approach of a national anti-corruption strategy recognizes that corruption is a symptom of shortcomings in the multi-faceted institutional system whose elements are interlinked. Such a strategy also seeks to address this complexity and coordinate specific measures in view of their constituting prerequisites for later-stage reforms in other parts of the system. In view of the complexity and extent of anti-corruption reforms in most countries, the strategy should also define and prioritise short-, medium-, and long-term objectives.

The purpose of an *action plan* is operationalise a strategy by translating the specific strategic objectives (and measures, to the extent they are identified in the strategy) into concrete actions that are assigned responsible institutions within a concrete time period. By outlining specific tasks, those responsible, and timelines, an action plan furthermore assists in monitoring the progress in the implementation of the strategy.

The purpose of *monitoring of the implementation* of an anti-corruption strategy (as organised in an action plan) is to ensure that the measures/activities are being undertaken, and much more importantly, to evaluate the progress towards the achievement of goals and objectives. The information gained in this way can then be used to refine the strategy and to inform decision making at different levels.

In order to monitor progress effectively, an action plan further needs to identify benchmarks or *indicators* that, at a minimum, designate the completion of a given measure or activity. This elementary set of indicators is often referred to as "*process indicators*" that demonstrate that the projected timeline is being respected and to identify difficulties in implementation that may arise. They are particularly useful for coordination purposes when the completion one set of measures may impact on the implementation of other measures.

Ultimately, action plans—as any other project document—should define "*outcome indicators*" that show that the measures or activities are achieving the stated objectives. While the ultimate goal of anti-corruption reforms is a reduction of corruption, and these indicators should ideally provide evidence of a reduction in corruption, it must also be recognized that measuring levels of corruption is exceedingly difficult. Instead, proxy indicators such as improvements in efficiency or other good governance benchmarks could serve that function.

Finally, in order to monitor the implementation of an anti-corruption strategy an action plan should aim to be also comprehensive in capturing the necessary changes to the implementation measures and timelines. In this respect, it should clearly note these changes with the dates when they were made, rather than simply deleting earlier versions.

2 ISSUES IDENTIFIED WITH REGARDS TO GEORGIA'S NATIONAL ANTI-CORRUPTION STRATEGY AND ACTION PLAN

During the 28 January 2008 Round Table, a number of issues were identified that prevent the Georgia's national Anti-corruption Strategy and in particular the Anti-corruption Action Plan from effectively serving the purposes outlined in Section 1.

2.1 Discontinuity between the National Anti-Corruption Strategy and the 2006 & 2007 Action Plans, and appropriateness of specific objectives and measures

While it is beyond the scope of this assignment to perform a thorough, point-by-point comparison and analysis of the existing documents and comment on specific objectives and measures, it is evident that there exists a discontinuity between the various (versions of) documents. A number of examples is noted below for illustration purposes:

- Structurally, there is no continuity between the three documents in terms of the objectives and activities: objective 2 of the Strategy should ideally correspond to objective 2 of the Action Plan(s). This discrepancy makes it difficult to follow the operationalisation and progress in implementation of the strategic objectives.
- The Strategy item 2.5 calls for the reform of the office of Inspector General, and the 2006 Action plan reflect that objective in measure 2.5; the 2007 Action Plan makes no mention.
- The Strategy item 2.6 calls for strengthening the Ombudsman institution and the 2006 Action plan reflect that objective with 2 measures (12.1 and 12.2); the 2007 Action Plan makes no mention
- Where continuity can be identified, for example in the objective to improve the state procurement process, a question arises as to what happened between 2006 when one of the stated measures was to prepare changes to the Law on State Procurement (item 9.1) and 2007 when the same legislative changes still appear needing to be undertaken (item 1.15): the "current state [status]" column does not provide an explanation as to whether any progress has been made.
- The 2007 Action plan introduces new elements such as Hospital Sector Development (item 1.17). While it will likely be necessary to introduce new measures as the implementation of the Anti-corruption Strategy advances, there should be a clear rationale elaborated as to specific objectives and how these relate to the overall strategic goals.

The last example introduces a related concern: the appropriateness of inclusion of specific measures in relation to anti-corruption reforms, and the absence of others. For example, it is questionable to what extent reform measures such as changes to the Code on Imprisonment (item 3.17) and the introduction of a system of Legal Aid (items 3.18 - 3.20) relate to the fight against corruption. Certainly an argument can be made that they do, as so many institutions are dealing with corruption among other deficiencies. Nevertheless, by including more distantly-related measures, the anti-corruption efforts start to lose focus and therefore their strategic relevance. This is not to say that the broader institutional reforms are not important, on the contrary. The point of an anti-corruption strategy, however, is to pinpoint the reforms most relevant to the fight against corruption and to ensure that they are not neglected within the context of broader institutional reforms.

2.2 Lack of definition of objectives, lack of distinction between objectives and measures/activities

Both the original Anti-corruption Strategy and the two subsequent Action Plans contain a mix of objectives and activities. For example, in the 2007 Action Plan, items 1.7 (Ensure financial oversight of state-owned enterprises) and 1.10 (Develop Codes of Conduct for Civil Servants) are treated in precisely the same way, whereas 1.7 is a policy objective which requires a number of reform measures to realize, while 1.10 is a single discrete measure.

It is standard project management practice to distinguish between objectives and measures so that the efficacy of the proposed measures vis-à-vis achieving particular objectives can be evaluated as the measures are implemented. It is not unusual in any reform process that specific measures do not ultimately produce the desired outcomes, in which case their appropriateness must be re-evaluated. Not distinguishing between the two makes the process of evaluation difficult by making it unclear where the problem is located and where to make the necessary corrections: for example, whether the problem is in the assumptions and rationale for the employment of a certain measure, or whether in the implementation of the measure itself.

2.3 Lack of definition of medium- and long-term measures

A national anti-corruption strategy, per definition, should be as comprehensive as possible, and contain short-, medium- and long-term objectives. By extension, an action plan should reflect all of those objectives, with measures to reach those objectives included to the extent that they have been defined. In cases where policies on specific measures for particular objectives have not yet been identified, this should be so stated, and a reasonable timeline fixed for the policy development process.

During the 28 January workshop, one of the critiques heard from the participants was the absence of specific measures from the Anti-corruption Action Plan. The absence was explained by the fact that a reform policy has not yet been agreed upon, and that in one case no consensus had been reached as to one of two competing policy options.

Differences on opinion on policy options are a perfectly acceptable part of the public policy process in any country, and should not be concealed. Reforms of large institutional systems represent a challenge to governments in all democracies, and policy debates on how to best reform a particular system can often last years. The key issue is that the *need to define a policy* remain on the public agenda, and that the progress on the debate be reflected in the Action Plan. It is precisely the purpose of an action plan to assist in the monitoring of the progress of all relevant reform processes, and hence not allow for important policy questions to be forgotten. By noting that there is a policy decision yet to be made, the government can also invite civil society to contribute in the analysis of the various policy options and assist in arriving at the best policy option given the constraints (including financial limitations).

By providing a longer-term horizon—one that includes medium-and long-term objectives, together with those for which reform measures have not yet been defined—the Anti-corruption Action Plan further serves as an effective fundraising tool that allows interested donors to plan to direct future support in the implementation of

reform measures that have been defined, as well as in the policy development process where it is necessary.

2.4 Lack of definition of indicators

A Round Table discussion about the Anti-corruption Action Plan organized by the Council of Europe and the Office of Minister of State Reforms of Georgia on 6 -7 November 2006, and the ensuing recommendations on the improvement of the Action Plan outlined in the Technical Paper PC-TC(2006)26 “Comments on the Georgian National Anti-Corruption Action Plan” address, among other things, the need to define indicators of success. While the new Action Plan has incorporated an additional column for indicators, indicators were in fact not defined in that column. The content in the column is rather information that would be considered “current status” or “current state.”

Defining indicators is not a small challenge for all project managers be they in state institutions, international organizations, or NGOs. Volumes have been written in project management literature about how to properly define indicators. The key challenge remains defining indicators that are appropriate and in close relationship with the stated objectives.

Any project document—including an anti-corruption action plan—should have indicators defined at two levels: process indicators and outcome/impact indicators.

Process indicators generally refer to the completion of certain activities or measures, such as elaboration of laws, their coming into force, establishment of new practices, training of staff, etc. These assist in the monitoring process by demonstrating that proposed activities or measures are taking place along the planned timeline, and allowing for adjustments to the timeline if unforeseen logistical challenges arise.

Outcome or impact indicators are benchmarks that demonstrate that the activities or measures undertaken to achieve the stated objectives are having the desired effects. As the ultimate goal of anti-corruption reforms is a reduction of corruption, these indicators should ideally provide evidence of a reduction in corruption. However, considering the difficulty in measuring levels of corruption, proxy indicators such as improvements in efficiency or other good governance benchmarks could serve that function. Furthermore, considering the extended time period necessary for institutional reforms to result in actual impact on governance or corruption, impact indicators need be defined over the longer-term. Finally, in order to measure the impact of particular reform measures, ideally a baseline measurement of the given indicators would be made *before* the reforms are instituted, and the same indicators measured one-year or longer afterwards, so that change could be recorded.

2.5 Lack of definition of financial impact (resources needed to implement measures)

Once an institution sets about implementing a particular measure, it may discover that resources are needed to implement activities such as trainings, equipping offices, or even obtaining additional human resources or expertise. On larger institutional reform issues, such as for example the reform of the civil service that includes an increase of salaries, macroeconomic constraints may make that element of reform unfeasible in the short term. A lack of resources is often a key reason for the slow, or non-

implementation of particular measures. Estimating the resources needed is the first step towards securing those additional resources either from the state budget or from external sources (e.g. donors). Estimating the cost of undertaking specific measures is highly recommended, if not in the initial draft of an Action Plan, then in later versions, as part of regular updates to the Action Plan.

2.6 Recommendations on the revision of the National Anti-corruption Strategy and Action Plan

Recommendation to the Georgian authorities:

Use the process of revising the National Anti-corruption Strategy as an opportunity to address the comprehensiveness of the document, taking into account specific comments of civil society organizations. Organize a transparent process to solicit and discuss comments, allowing for reasonable timeframes for doing so. Provide sufficient narrative explanation for strategic changes, i.e. variations, between the various versions of the documents.

Revise the Action Plans on the basis of the revised Strategy, ensuring that the document reflects the progress made since the first version of the Strategy (2005). Further, ensure that the Action Plan includes all reform objectives defined in the Anti-corruption Strategy, including those for which specific policy decisions and resulting measures have not yet been defined. In consultation with implementing agencies, prioritise these objectives into short-, medium-, and long-term measures, being realistic about what can reasonably be accomplished with limited human and financial resources.

In addition, define appropriate process and outcome indicators for the proposed objectives and activities point by point. Review the feasibility of carrying out baseline measurements in key sectors in order to measure the outcome of the planned reforms. NB: perception surveys are commonly used in an attempt to measure corruption. Due to a lack of reliability of perception-based data, it is recommended that other methodologies – in particular, experience-based surveys – be used instead.

Recommendations for the Council of Europe:

Assist the Georgian authorities in defining meaningful indicators for the Anti-corruption Action Plan by providing sustained technical assistance in the form of workshops for responsible officials. Be mindful that this is a challenging task for any institution, and it is made more difficult in the case of comprehensive action plans as it concerns a large number of sectors and activities.

Direct project funds designated for corruption perception surveys toward experience-based methodologies in key sectors to assist Georgian authorities in measuring the impact of proposed anti-corruption reforms. The added value of this approach is building capacity to apply more reliable methodology, which can then be used to monitor the impact in other sectors as well.

3 TOOLS FOR REPORTING AND IMPLEMENTATION OF ANTI-CORRUPTION MEASURES IN LINE WITH THE NEW ANTI-CORRUPTION ACTION PLAN

As noted in section 2 above, a properly-drafted action plan – one that clearly identifies measures, responsible institutions, timelines, and indicators of success – also becomes

the principal instrument guiding the reporting on the implementation of anti-corruption measures.

The action plan is intended as the primary 'overview' document that can provide the government, as well as the public, a manageable view of the progress of anti-corruption reforms. In this respect, the 'current status' column is of primary interest in obtaining a picture of progress to date.

The "current status" field should contain a summary of the key activities undertaken in relation to accomplishing the set task, activity, or measure. It is especially important that it reflect any difficulties or delays in implementing the measure in order to draw attention to the fact that all is not going according to plan so that appropriate attention can be given to the challenges at hand.

Of course, the actual reporting on the implementation of the stated measures by responsible institutions needs to be more extensive than the single paragraph that is reflected in the action plan. The reporting from all institutions noted in the action plan should be consistent in order to facilitate the task of the persons or body responsible for reviewing and possibly evaluating the information and updating the action plan on the basis of the received information.

3.1 Reporting template

Templates can be useful tools in achieving a level of consistency of information, at least in form if not content. By following a set template, each institution/responsible person provides the same information in the same order, which facilitates its reading and analysis.

Defining content: In designing templates, the most important step is to identify the information that it should contain. In the case of the Georgian Anti-corruption Action Plan, the reporting template should include, at a minimum, the following items:

- Identification of reporting entity:
 - Agency Name
 - Responsible person
 - Reporting PeriodThis information is needed to avoid confusion among reports of different agencies involved in the implementation of the Action Plan.
- List of specific activities and measures which they are responsible to implement:
 - Objective identified in action plan
 - Specific measure relating to the objective:

Many institutions will be reporting on more than one objective, and it is likely that each of the numerous objectives will contain more than one measure or activity. For ease of following the numerous activities, a system of enumeration of objectives and activities is recommended in action plans (as is already the case in the Georgian Action Plan), and the same enumeration should be followed in the reports.
- Update on status of each activity/measure:
 - Brief description of activity/measure
 - Dates new activities implemented
 - Progress toward indicator/benchmark

- Challenges
- Next steps (with timeframe)
- Estimated cost*

*Estimating the cost of undertaking specific measures is highly recommended, if not in the initial draft of an Action Plan, then in its subsequent versions. Once an institution sets about implementing a particular measure, it may discover that resources are needed to implement activities such as trainings, equipping offices, or even obtaining additional human resources or expertise. On larger institutional reform issues, such as for example the reform of the civil service that includes an increase of salaries, macroeconomic constraints may make that element of reform unfeasible in the short term. A lack of resources is often a key reason for the slow, or non-implementation of particular measures. Estimating the resources needed is the first step towards securing those additional resources either from the state budget or from external sources (e.g. donors).

It is furthermore important to note that unless the objectives and activities are properly defined in the action plan, it will be difficult to understand and analyse any progress reported. Similarly, unless indicators have been defined in the action plan, it will be difficult to assess to what extent the reported progress has indeed contributed to their achievement.

Defining format: Two common formats are recommended for reporting on the implementation of Action Plans: a questionnaire-type format or a table-type format.

The questionnaire, or narrative format (see Annex 1) has the advantage of flexibility with the space required to sufficiently describe progress, and simplicity of formatting that can be an advantage for less experienced computer users. It is recommended that some limits on the length of the narrative be defined, however, as individual institutions could present hundreds of pages of text for consideration, making the task of review and summary rather time consuming.

The table format (see Annex 2) has the advantage of easy visual correlation between activities, indicators, and status updates, particularly for the readers of the report. The disadvantage, however, is with the formatting that can be difficult to use for less experienced users, and the excessive length a table can reach when a considerable amount of text is inserted.

3.2 Frequency of Reporting

Currently, the Georgian authorities foresee reporting by institutions on a bi-monthly basis. This may be too frequent both from the perspective of administrative burden and also in view of many measures require a longer period to even partially implement.

3.3 Coordination and Compliance

It is difficult to comment at this stage on the challenges in obtaining reports from implementing agencies as their obligations appear not to have been clearly defined (through reporting templates) and reasonable reporting periods defined. If compliance

with reporting obligations has not improved after the recommendations above have been implemented, the question should be revisited. Ultimately, an explicit demand for compliance from the highest government officials may be necessary to remove any doubts as to the importance of these reporting obligations.

3.4 Recommendations on the tools for reporting and implementation of anti-corruption measures in line with the new anti-corruption action plan

Recommendation to the Georgian authorities:

Consult with the implementing agencies on the content and format of the reporting templates to ensure that they are defined in the most user-friendly manner possible. When finalised, organise a workshop for the implementing agencies/persons responsible for reporting to guide them through the form and their reporting obligations.

Consider extending the period of reporting to quarterly, or every 4 months (3 times per year). This should significantly reduce the administrative burden on the implementing authorities as well on the coordinating body while still providing a regular overview of the implementation progress.

4 CONCLUSIONS

A number of challenges have been identified with both the form and content of the National Anti-Corruption Strategy and Action Plan(s) and with the monitoring and the implementation process.

A number of observations and recommendations have been made in Section 3 of this paper on the form and content of the Anti-Corruption Strategy and Action Plans that should be reviewed for further revisions and updates.

An additional number of recommendations on the tools for reporting, coordination, and monitoring of the implementation of the anti-corruption strategy are outlined in Section 4 (with examples in the Annexes).

5 ANNEXES

Annex 1: Reporting Template-Questionnaire/Narrative Format

Annex 2: Reporting Template-Questionnaire/Narrative Format

Annex 1: Reporting Template-Questionnaire/Narrative Format

Agency Name: _____

Responsible person: _____

Reporting Period: _____

Objective identified in action plan: _____

Specific measure relating to the objective: _____

Update:

- Brief description of activity/measure
- Dates implemented
- Progress toward indicator/benchmark
- Challenges
- Next steps (with timeframe)
- Estimated cost*

Objective identified in action plan: _____

Specific measure relating to the objective: _____

Update:

- Brief description of activity/measure
- Dates implemented
- Progress toward indicator/benchmark
- Challenges
- Next steps (with timeframe)
- Estimated cost*

Annex 2: Reporting Template-Questionnaire/Narrative Format

Agency _____ Reporting Period _____							
Objective __:							
measure	Dates implemented	imple-	partner(s)	indicator	progress toward indicator	challenges	next steps
Objective __:							
measure	Dates implemented	partner(s)	indicator	progress toward indicator	challenges	next steps	