THE COMPLIANCE OF THE GEORGIAN GOVERNMENT'S LEGAL AND POLITICAL ACTIVITIES WITH THE GOOD GOVERNANCE PRINCIPLE: EASTERN PARTNERSHIP INITIATIVE

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Abstract

The study deals with the compliance of the Georgian Government's legal and political activities with the "good governance" principle envisaged by the Eastern Partnership initiative. The research was carried out within the framework of qualitative research. Based on secondary sources, the research of the Caucasus Research Resource Center (CRRC) reflected the public's mood about the Government's political activities. Within the research framework, I studied the strategic documents and plans of the Georgian Government, in which the convergence of the country's political course with the principle of "good governance" is mentioned. Through the analysis of strategic documents of the Georgian government, analysis of secondary sources, and local and international reports, I present the compliance of the legal and political activities of the Georgian Government with the principle of "good governance." The purpose of the presented research is to answer the question: what prevents the Government in Georgia, through its activities, from absolute compliance with good Governance while such international organizations as Transparency International Georgia, ISFED, OSCE/ODIR, in the presented reports point out mistakes and issue relevant recommendations.

Keywords: Eastern Partnership Initiative, Central Electoral Commission, Election, Good Governance, Good Governance Principles, ISO.

Introduction

Description of the context

I have learned strategic documents about Georgia's responsibility regarding the Eastern European Initiative; this research aimed to show how relevant Georgian government activities are to the path chosen by the country in 2009 when Georgia signed the EaP. For that, I analyzed documents and made compliance; the research will show how consistently the Georgian Government introduces the policy. Sometimes, the country is responsible for signing different kinds of partnerships, but most of the time, things are not happening. I am clarifying why we made some differences and giving some recommendations.

This research will only use the EAP part from multilateral cooperation to strengthen institutions and Good Governance in the elections sector from Georgia. Moreover, here is the compliance of the elections to Good Governance with the responsibilities taken for the country from the Eastern European initiative/partnership. The primary source is research regarding the Central Electoral Commission of Georgia and its compliance with the concrete ISO 9001-2015 standard. The one project finishes once it changes something for the better regarding the responsibilities, which is Georgia's and its Government's duty to follow and fulfil. Otherwise, things are changing only on paper and do not have an enforcement mechanism.

1. Literature review and theoretical framework

1.1 Eastern European Partnership

Eastern Partnership Initiative is a European Union project that Poland and Sweden prepared; those countries' foreign ministers mentioned this big event at the EU's Councils of General Affairs and

External Relations meeting in Brussels on May 26, 2008. On May 7, 2009, the Easter Partnership Initiative was inaugurated in Prague, Czech Republic.¹⁸

Members are the EU and 6 Easters European countries:

- 1. Georgia
- 2. Armenia
- 3. Azerbaijan
- 4. Ukraine
- 5. Moldova
- 6. Belarus

In August 2008 was brutal for Georgia as the Russia invaded Georgian territory and, in the end, Russia in violation of international law, Recognized Georgian territory Abkhazia and South Ossetia as independent states and expanded its military footprints within the mentioned territories.

In June 2008, the European Council invited the Commission to draft a suggestion for an Eastern Partnership (EaP) to support regional cooperation, stability and reinforce EU relations with its eastern neighbouring countries.

Regarding the Regional instability it was a necessity to be suggested the clear policy framework from European Union for the Eastern countries to ensure and maintain security for the Easters Neighbourhood.

For the European Union there are main values which are the most important for the Eastern Europe and the Southern Caucasus. Stability and prosperity, Security, Democracy and rule of law presents the paramount principles for the alliance.¹⁹

In exchange for implementing political and economic reforms, the EaP offers:

- new contractual relations
- deep and comprehensive free trade agreements
- steps towards visa liberalisation and a multilateral framework in which to discuss these issues

The Eastern Partnership:

- offers a solid framework for multilateral co-operation
- facilitates deepening of the bilateral cooperation with the EU

Eastern Partnership Initiative is presented with two different kinds of cooperations which is named as Multilateral Cooperation and Bilateral Cooperation. The disparity between the two lies herein.

1.2. Bilateral and Multilateral Cooperation

Multilateral cooperation

Partner countries share and face numerous common challenges. Collaboratively addressing those issues promotes cooperation and facilitates sharing best approaches.

Multilateral cooperation in the Eastern Partnership takes place across a wide array of issues:

- strengthening institutions and good governance, including resilience to external changes
- developing market opportunities through economic integration and trade agreements
- ensuring energy security and improving interconnection for energy and transport
- enhancing mobility and contacts between people with visa dialogue negotiations ²⁰

¹⁸ The Diplomatic Service of the European Union, "Eastern Partnership". https://www.eeas.europa.eu/eeas/eastern-partnership_en [L. s. 17.03.2022].

¹⁹ European Union Global Strategy, "Shared Vision, Common Action: A Stronger Europe: A Global Strategy for the European Union's Foreign and Security Policy". https://www.eeas.europa.eu/sites/default/files/eugs_review_web_0.pdf [L.s.06.2016].

²⁰ European Union, "European Neighbourhood Policy: Political Framework – Bilateral and Multilateral" https://www.eeas.europa.eu/eeas/european-neighbourhood-policy_en [L. s. 29.07.2021].

Bilateral cooperation

Association agreements (AA)

The EU has recognized specific principles and ideas for each eastern partner country to get closer to a European family regarding the association agreements.²¹

The EU has negotiated with EaP partners a series of association agreements which provide:

- 1. Enhanced political association
- 2. increased political dialogue
- 3. deeper cooperation on justice and security issues

The European Union presents the specific reforms that help partner Eastern European countries get closer to the EU values and international standards.

Free trade agreements (DCFTA)

As part of the association agreements, the European Union finalized discussions regarding an extensive and comprehensive free trade zone (DCFTA) with Georgia, Moldova, and Ukraine to:

- 1. Improve access to goods and services
- 2. Reduce tariffs, quotas, and trade barriers.
- 3. Ensure a stable legal environment.
- 4. Align practices and norms ²²

1.3. Visa Dialogue

Visa dialogue is one of the most crucial parts of the Eastern Partnership Initiative partner countries to help citizens of Eastern European countries move around Europe securely.

Visa facilitation and readmission agreements allow people from Eastern Partner Countries to travel more efficiently in Europe with visa liberalization and set some rules for people in a country illegally. Visa liberalization came into force in Georgia on March 28, 2017.²³

1.4. Responsible bodies in the Council

The Working Party on Eastern Europe and Central Asia administers all aspects of EU relations and cooperation with countries in:

- Eastern Europe: Armenia, Azerbaijan, Belarus, Moldova, Georgia, Russia and Ukraine
- Central Asia: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan

The Trade Policy Committee also advises and assists the Commission in negotiating and concluding trade agreements with the EaP partner countries.

Negotiations of international agreements with the Eastern partners

The Council is involved in all stages of negotiating and adopting the international agreements with the six Eastern European and South Caucasus partner countries:

- Providing the mandate for negotiations
- signing the agreement on behalf of the EU
- adopting the final decision and implementing it into EU law ²⁴

²¹ Eastern Partnership Civil Society Forum, "EU-Georgia, Moldova and Ukraine Civil Society Platforms". https://eap-csf.eu/aadcftaplatforms/ [[L. s. 05.02.2024];]

²² European Council of the European Union, "Working Party on Eastern Europe and Central Asia (COEST)" https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/working-party-eastern-europe-central-asia/ [L.s.29.06.2022].

²³ European Commission, "Visa liberalisation with Moldova, Ukraine and Georgia". https://homeaffairs.ec.europa.eu/policies/international-affairs/collaboration-countries/visa-liberalisation-moldova-ukraine-andgeorgia_en [L. s. 28.03.2017].

2. Democracy, Good Governance and Stability

Democracy, Good Governance, and Stability Work under the EaP Platform on Democracy, good Governance, and stability aims at strengthening democratic principles and good Governance in zones such as open organization, gracious benefit, legal, administration of state borders, battle against debasement, decisions, refuge and movement, Common Security and Protection Approach, respectful security, police participation or cybercrime. Work in these areas promotes the application of good Governance and appropriate reforms by learning from others and utilizing targeted pilot projects.

Participation in the system of Eastern Partnership is presented in two bearings: Multilateral and bilateral involvement. The objective of bilateral cooperation is to make a comprehensive political and legitimate system and assist in developing the participation of accomplice nations with the European Union. The goal of multilateral involvement is to supply an unused organization that permits participation within the field of standard interface and the ability to bargain with challenges. Multilateral cooperation includes four thematic platforms, flagship initiatives, and panels. The multifaceted format of the "Eastern Partnership" is coordinated by the Office of the State Minister of Georgia for Integration into European and Euro-Atlantic structures. The following sectoral ministries are responsible for the platforms: - Platform I - Democracy, Good Governance and Stability - Office of the State Minister of Georgia for Integration and Convergence with EU Policies Ministry of Economy and Sustainable Development of Georgia; - Platform III - Energy Security - Ministry of Energy of Georgia; - IV Platform - Contacts between People - Ministry of Culture and Monuments Protection of Georgia.

While the EAP itself is a vast topic, in this research, elections are more specified in terms of a discussion of the convergence of EAP to sound governance principles within the framework of the Eastern European Partnership initiative, the understanding of the responsibility taken by Georgia, how far it is by the strengthening of democratic principles and Good Governance in the part of the elections. Namely with the principles of good governance principle 1. Fair conduct of elections, representation, and participation. And Principle 4. Openness and Transparency.

2.1 Central Electoral Commission's Strategic Documents

The 2020 parliamentary elections showed that the Commission needs transparency; errors and imbalances in the voting and election summary protocols were revealed during the recount. There were cases when the representatives of non-governmental parties and non-governmental organizations were not allowed to participate in the vote-counting process, emphasizing the inconsistent policy of the Central Election Commission. This was followed by the inaccuracy of the minutes summarizing the voting results, which led to mass demonstrations, dissatisfied citizens, a politically polarized environment, a boycott of the opposition, confrontations at the polling stations, taking the table lists

outside the polling stations, which is a violation of the law, and, the fact is, this process, which took place in Georgia in 2020 After the parliamentary elections, to the CEC.²⁵

It led to a decrease in trust on the part of citizens. Even though the 2015-19 strategic document of the CEC states that the confidence of the population towards the elections was high, in the results of the 2019 survey of the Caucasus Barometer CRRC, we see that 31% of the population of Georgia (2317 respondents surveyed) do not consider the last 2018 presidential election Fair elections (CRRC, 2019). In addition, it is worth noting the research carried out by the NDI published by the Caucasus Research Resource Center (CRRC) from 2015 to 2020 (research carried out in 2015, 2016, 2020, 2021), which is related to the mood of the public about the activities of the Central Commission of Georgia.

²⁴ European Council of the European Union, "Working Party on Eastern Europe and Central Asia (COEST)". https://www.consilium.europa.eu/en/council-eu/preparatory-bodies/working-party-eastern-europe-central-asia/ [L.s.29.06.2022].

²⁵ Manvelishvili, A., "Compliance of the activities of the Central Election Commission of Georgia with quality management standards" Georgian Institute of Public Affairs [L. s. 02.08.2022].

2.2 Caucasus Research Resource Center

The main question of the mentioned research is: "How would you evaluate the activities of the Central Election Commission?" Percentage of respondents surveyed in 2015

It was distributed as follows: very bad 2, bad -13, average - 63, good 20, excellent - 2 (National Democratic Institute, 2015). Respondents interviewed in 2016: very bad - 3, foul - 20, average - 58, good - 13, excellent - 1 (National Democratic.

Institute, 2016); From the respondents interviewed in 2020: very bad - 11, foul - 27, average - 33, good - 25, excellent - 4 (National Democratic Institute, 2020);

Among the respondents surveyed in 2021: very bad - 15, foul - 26, average - 33, good - 22, and excellent - 4 (National Democratic Institute, 2021). 26 t is obvious how the public's trust in the Central Election Commission has decreased over the years.

He raised an issue that, first, called into question the qualifications of CEC employees in the relevant positions and the organizational efficiency of the system, and this generally changes the citizen's attitude towards elections, which poses a threat to democracy.

The strategic document of the Central Election Commission of Georgia for 2015-2019 emphasizes increasing employees' competence and professional development through training.²⁷

2.3 Example of Georgian Parliamentarian Election, 2020

The 2020 elections showed that the recount revealed errors and imbalances in the voting and election results.

In confirmatory summary reports. The document mentions the creation, inclusion, and use of modern electronic programs in the election processes. However, this was done for the first time during the parliamentary elections 2020, which was a pilot version only in Tbilisi's Krtsanisi district. Nevertheless, compliance with the requirements of the international standard of the strategic document management system of 2015-19 is Confirmed by the ISO 9001:2015 certificate.^{28 29}

Consequently, questions arise regarding the institute and how much everything written in the CEC's strategic documents is being fulfilled concerning the standards of the ISO 9001:2015 model. After the 2020 parliamentary elections, an "ambitious electoral reform" was to be carried out before the self-government elections, which was a response to the opposition's boycott. To improve the electoral system, the election code was reformed on June 28, 2021, at the third reading of the Parliament of Georgia, which was an obligation of our state through the mediation of the European Union, Charles Michel When signing the contract. Because of the reform, the procedure for staffing the election administration was changed to improve the institution.

The composition of the commissions has increased to 17, of which the parties will appoint nine members, and eight members will be chosen on professional grounds, which will positively affect the transparency and impartiality of further decisions. On election day, campaign materials are not allowed to be placed at the polling station within 25 meters from the entrance of the voting building. It

²⁶ Caucasus Research Resource Center, "Caucasus Barometer 2019 Georgia"

https://caucasusbarometer.org/ge/cb2019ge/factsheet/ [L. s. 09.10.2019].

²⁷ CEC, "Strategic plan of Georgian election administration 2015-2019"

https://cesko.ge/static/res/docs/%E1%83%92%E1%83%94%E1%83%92%E1%83%9B%E1%83%90.pdf [L. s. 05.02.2024]. ²⁸ International Organization for Standardization," GEOST - Georgia - Membership: Corresponden member". https://www.iso.org/member/1950.html

²⁹ The Central Election Commission of Georgia, "The Central Election Commission is the holder of the ISO 9001:2015 certificate of the international quality management standard", CEC. https://cesko.ge/ge/siakhleebi/pres-relizebi/singleview/4118588-tsentraluri-saarchevno-komisia-khariskhis-martvis-saertashoriso-standartis-iso-90012015-sertifikatis-mflobelia [L. s. 25.06.2019].

is forbidden to physically obstruct the movement of voters in the voting building or within 100 meters of the building on the day of voting. 30

2.4 Good governance principles

"Good Governance – the responsible conduct of public affairs and management of public resources – is encapsulated in the Council of Europe's 12 Principles of Good Governance. The principles cover ethical conduct, rule of law, efficiency and effectiveness, transparency, sound financial management, and accountability."

Principle 1

"Fair Conduct of Elections, Representation, and Participation

- Local elections are conducted freely and fairly, according to international standards and national legislation, and without fraud.
- Citizens are at the center of public activity, and they are involved in clearly defined ways in public life at the local level.
- All men and women can have a voice in decision-making, directly or through legitimate intermediate bodies representing their interests. Such broad participation is built on the freedoms of expression, assembly, and association.
- All voices, including those of the less privileged and most vulnerable, are heard and considered in decision-making, including over-allocating resources.
- There is always an honest attempt to mediate between various legitimate interests and to reach a broad consensus on what is in the best interest of the whole community and how this can be achieved.
- Decisions are taken according to the will of the many, while the rights and legitimate interests of the few are respected. "

Principle 2 - Responsiveness

Principle 3 - Efficiency and Effectiveness

Principle 4 - "Openness and Transparency

- Decisions are taken and enforced by rules and regulations.
- There is public access to all information that is not classified for well-specified reasons as provided by law (such as protecting privacy or ensuring the fairness of procurement procedures).
- Information on decisions, implementation of policies, and results is made available to the public in such a way as to enable it to effectively follow and contribute to the work of the local authority. "

Principle 5 - Rule of Law

Principle 6 - Ethical conduct

Principle 7 - Competence and Capacity

- Principle 8 Innovation and Openness to Change
- Principle 9 Sustainability and Long-term Orientation
- Principle 10 Sound Financial Management
- Principle 11 Human rights, Cultural Diversity and Social Cohesion
- Principle 12 Accountability"³¹

³⁰ Legislative Herald of Georgia," Article 10 – Composition of the CEC and procedures for electing the CEC Chairperson". https://matsne.gov.ge/en/document/view/1557168?publication=79 [Last edited 03.07.2023].

³¹ Council of Europe, "12 Principles of Good Governance" https://www.coe.int/en/web/good-governance/12-principles#{%2225565951%22:[11]} [L. s. 05.02.2024].

Compliance is determined only concerning the first and fourth principles. Good Governance principles initiated to implement EU accession priorities for Eastern partner countries. ³²

2.5 Ist Platform - Democracy, Good Governance and Stability

Multilateral cooperation includes four thematic platforms, flagship initiatives, and panels. The multifaceted format of the "Eastern Partnership" is coordinated by the Office of the State Minister of Georgia for Integration into European and Euro-Atlantic structures. The following sectoral ministries are responsible for the platforms: - Platform I - Democracy, Good Governance and Stability - Office of the State Minister of Georgia for Integration into European and Euro-Atlantic Structures.

3. Compliance of the legal and political activities of the Government of Georgia with the principle of "good governance" envisaged by the Eastern Partnership Initiative in terms of Elections

The study deals with the compliance of the Georgian Government's legal and political activities with the "good governance" principle envisaged by the Eastern Partnership initiative. The research was carried out within the framework of qualitative research. Based on secondary sources, the study of the Caucasus Research Resource Center (CRRC) is presented, which reflects the mood of the public concerning the political activities of the Government. Within the research framework, I studied the strategic documents and plans of the Georgian Governance" is mentioned. Through the analysis of strategic documents of the Government of Georgia, analysis of secondary sources, and local and international reports, I present the compliance of the legal and political activities of the Government of Georgia with the principle of "good governance." The purpose of the presented research is to answer the question: what prevents the Government in Georgia, through its activities, from actual compliance with good Governance while such international organizations as Transparency International Georgia, ISFED, OSCE/ODIR, in the presented reports point out mistakes and issue relevant recommendations.

In research, the crucial observation is on the first principle of good Governance: Ensuring fair elections, representation, and inclusive participation.

4. Research question

What is preventing Georgia's Government, through its activities, from absolute compliance with good Governance while such international organizations as Transparency International Georgia, ISFED, and OSCE/ODIR, in the presented reports, point out mistakes and issue relevant recommendations regarding elections?

5. Analysis and Results

The Eastern Partnership does not propose an alternative to EU membership but seeks to deepen integration processes, promote shared values, and bolster security and economic development in partner countries. As I delve into this research, conducted through qualitative methods, I examine how much Georgia's political trajectory aligns with the principles of good Governance advocated by international organizations.

Research analysis draws on secondary sources, notably the Caucasus Research Resource Center (CRRC), which offers insights into public sentiment regarding the Government's political activities.

In the research, the analysis of secondary sources, the Caucasus Barometer (CRRC), studies how the data change about the activities of the Central Election Commission of Georgia in the part of voter confidence.

³² Council of Europe," About the Partnership for Good Governance". https://www.coe.int/en/web/programmes/partnership-good-governance [L. s. 05.02.2024].

In the part of the qualitative research, case analysis, CEC strategic documents of 2015-19 and 2020-23 were used, which showed the implementation of the papers written by the CEC in actual activities, how much the CEC follows its own established regulations about the requirements of the international standard.

The core question guiding research is: What impedes the Georgian Government from fully embracing sound governance principles despite recommendations from international organizations such as Transparency International Georgia, ISFED, and OSCE/ODIR?

In focusing on multilateral cooperation, a study there explored the thematic platforms, flagship initiatives, and panels of the Eastern Partnership—research primarily concerns Platform I - Democracy, Good Governance, and Stability.

Reviewing recent parliamentary elections in 2020 uncovered significant lapses in transparency and accuracy, evident in errors and imbalances within voting and election summary protocols. Instances where non-governmental representatives were barred from the vote-counting process underscore the inconsistency of the Central Election Commission's policies. Such shortcomings fuel public discontent, foster political polarization, and erode trust in democratic processes.

Despite strategic commitments to enhancing employee competence and organizational efficiency within the Central Election Commission, findings reveal a decline in public trust over the years. While efforts have been made to introduce modern electronic programs and adhere to international standards, such as ISO 9001:2015 certification, challenges persist in implementing reforms effectively.³³

Following the 2020 elections, an ambitious electoral reform was initiated to address opposition concerns. Changes to the election code and commission staffing procedures aim to enhance transparency and impartiality in decision-making. However, the gap between technical-organizational improvements and public-political satisfaction remains palpable.

Through case analysis and the examination of international reports, study findings assess the extent to which the Central Election Commission's activities align with the principles of good Governance. At the same time, strides have been made, particularly in technical domains, but public dissatisfaction persists, underscoring the need for sustained efforts to bridge this gap.

Ultimately, the journey toward good Governance demands procedural reforms and a genuine commitment to democratic principles and public accountability. As Georgia continues its path toward European integration, it must ensure that institutional reforms translate into tangible improvements in Governance and public trust.

Conclusion

In conclusion, while adopting international standards signals progress, faithful adherence to the principles of good Governance requires comprehensive reforms driven by political will and public engagement.

As part of the recommendations, it is essential that in the future, the election administration is staffed with persons selected on professional grounds; however, based on the results obtained and the current political reality, it is only possible to switch to this model partially. Representatives of the Precinct Election Commission appointed by political parties should not be limited to performing the registrar function; this will make the process more transparent. Publicizing the audit findings and reports of the Central Election Commission is essential. Disclosure refers to internal and international audit findings to allow stakeholders to review reports on whether the Central Election Commission complies with the ISO 9001:2015 model standard requirements.

Quality management audit of CESC, precisely ISO 9001:2015 model standard, should be public; an internal audit was conducted in 2020, 2021, and 2022, as well as an international control audit, which was carried out by "TUV AUSTRIA CERT GMBH." None of the audit results are public and

³³Manvelishvili, A., "Compliance of the activities of the Central Election Commission of Georgia with quality management standards" Georgian Institute of Public Affairs [Last seen 02.08.2022].

accessible, which, based on the existing practice, raises more doubts in society, ultimately leading to voters' distrust towards the elections in general. Based on this, it is essential to make the system more transparent and periodically regulate internal and external audits; only in this way will it be possible to improve the existing model.

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