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Sida Decentralised Evaluation

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Review of the partnership cooperation between the National Bureau of Enforcement of Georgia and the Swedish Enforcement Agency

Final Report

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June 2012**

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The views and interpretations expressed in this report are the authors' and do not necessarily reflect those of the Swedish International Development Cooperation Agency, Sida.

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Abbreviations and Acronyms

CIS	Commonwealth of Independent States
EU	European Union
GEL	Georgian Lari
GTZ	German Technical Co-operation
IT	Information Technologies
LFA	Logical Framework Approach
NATO	North Atlantic Treaty Organisation
NAPR	Ministry of Justice of Georgia, National Agency of Public Registry
NBE	National Bureau of Enforcement
SEA	Swedish Enforcement Agency
Sida	Swedish International Development Agency
SEK	Swedish Krona
TOT	Training Of Trainers
UNDP	United Nations Development Programme
USSR	Union of Soviet Socialist Republics

Executive Summary

The cooperation between the National Bureau of Enforcement of Georgia (NBE) and the Swedish Enforcement Agency (SEA) is part of the Swedish support to the sector democracy, human rights and gender equality in Georgia. The project started in August 2010 and the activity period ends in July 2013. The development objective for the project is that by 2015, NBE shall provide quick and effective enforcement based on justice, equality before the law, and transparency to the public.

This review was commissioned by Sida to assess the status and achievements of the cooperation and to give recommendations for a possible support to a second phase of the project.

Since the Rose revolution in Georgia in 2003, the Government has been very reform-minded, not least in the justice sector. The reforms of the enforcement function gathered speed in 2008, when the National Bureau of Enforcement became an independent government entity.

NBE has a comfortable financial situation and has invested in new premises, cars and other means. A number of new IT systems have been installed that speed up procedures and at the same time diminish drastically the possibilities for corruption. The personnel cadre has been totally renewed and the NBE staff is very young and reform-minded.

Challenges for NBE are to provide the young staff with knowledge and experience, to slow down the pace of adding new functions in favour of more strategic planning, to decide on its role in the medium term, to strengthen HR management and decrease turnover, and to modernise its management culture and organisation.

The cooperation between NBE and SEA has initially been focussed on the core enforcement process. The planned outputs, for example a map of the enforcement procedure and a code of conduct, have largely been forthcoming. The general conclusion is that the cooperation has been fruitful and that the focus for the remaining project period on strategic planning, management and organisation are correct. Cooperation with a EU twinning project has been working well.

The main **recommendation** is that Sida should consider supporting a second phase of the project, given that there is a need for additional funds. For NBE, it is recommended that NBE considers its future role and is careful with adding still new functions. NBE should also make use of the resources in the whole organisation and invest considerable resources in its personnel.

It is recommended that the cooperation between NBE and SEA continue on strategic planning and monitoring, management and corporate culture, and HR and organisational issues. A broad-based needs assessment should be made in view of a new phase. SEA should change its team and adapt its organisation and working modalities to fit the content of a new phase.

1 Background and methods

1.1 BACKGROUND

The Swedish cooperation with Georgia is guided by a country cooperation strategy 2010-2013. The main areas of cooperation are democracy, human rights and gender equality, and environment and market development.

The cooperation between the National Bureau of Enforcement of Georgia (NBE) and the Swedish Enforcement Agency (SEA) is part of the support to the sector democracy, human rights and gender equality. The objectives for this support are: strengthened democratic structures and systems, with a focus on human rights and gender equality; better conditions for free and fair elections, and better living conditions for the country's internally displaced persons. The cooperation in the enforcement area is also relevant for the sector Market development, as good enforcement practices make the markets work better.

Georgia has executed a broad reform agenda. The Ministry of Justice has been active in reforming the whole judicial sector. NBE is part of the judicial sector and up to October 2008 was a department of the Ministry of Justice. At that time it was transformed into a separate legal entity not unlike the semi-independent government authorities in Sweden, of which SEA is one.

Already in 2007, Georgia requested Swedish support for capacity building in NBE. Sida approached SEA, which made a draft proposal mid-2008. Because of the change in status of the NBE and a change in management of NBE, the discussions were discontinued. In 2009 the Georgian request was renewed, Sida discussed with the Georgian authorities, NBE made a study tour to Sweden in April 2010, and the project started in August 2010.

The development objective for the project is that by 2015, NBE shall provide quick and effective enforcement based on justice, equality before the law, and transparency to the public. The activity period for the present agreement ends in July 2013. The total amount of Swedish financing under the agreement is 14,4 million SEK. In 2010 and 2011 2,2 and 3,8 million SEK was disbursed respectively.

NBE is also supported by a twinning project financed by the European Commission. Sida supports other organisations in the sector such as the Competition Authority, the statistical organisation Geo-Stat and the Civil Registry Agency. Sida also supports capacity building of the Georgian leadership and management and training for Registration and Cadastre.

At the outset a review of the NBE/SEA project was planned to take place at the end of the project period. Instead it was decided that an earlier review should take place that would not only assess the status and achievements but also, and more importantly, give recommendations for a second and perhaps final phase of the project.

The Terms of Reference for the Review (see Annex 1) highlight that the primary users of the result of the review are NBE and SEA in view of a possible second phase. The Review should look at the relevance and the results of the project. The importance of the sustainability of the activities is emphasised. The Terms of Reference also mention risks, gender mainstreaming, the rights perspective, coordination with the twinning project and cost efficiency. The recommendations of the Review shall “aim at a final phase securing sustainability of the achieved results.”

1.2 METHODS

The documented information used for the Review has mainly consisted of reporting from SEA and from NBE, together with more general information on the situation in Georgia and on government reforms in Georgia. Interviews were held with altogether 29 persons in Georgia and Sweden. A workshop was held at the end of a five-day visit to Georgia where apart from the evaluators 11 persons participated from NBE’s management, SEA and the Swedish Embassy (the head of cooperation and the programme officer).

Two regional Enforcement Bureaus were visited, one in Tbilisi and one in Rustavi. The Rustavi Bureau is part of a new model applied by the Ministry of Justice where a number of government services are housed in the same building with modern systems of service to the citizens. The evaluators were given the opportunity to participate in a visiting round made by an enforcement officer and were present at an enforcement event with a family.

Interviews were held with the banking sector representing the creditors, and the participation in the enforcement visit gave a concrete perspective from the debtor’s side. The interviews with private bailiffs gave a contrasting view on NBE’s activities (and vice versa) and an added perspective on the situation of creditors and debtors in the society.

The usefulness of the Review for NBE and SEA was in focus. The workshop in Tbilisi was held with this purpose in mind, and the same presentation used at the workshop was used later at a meeting with the project leader at SEA. These meetings were also used to validate the findings of the Review and opened up for discussions on their future cooperation. They also served to validate the findings of the evaluation and gave possibilities to enrich this report. The evaluators were also before, during and after the visit to Georgia in constant contact with the main project persons in NBE and SEA to discuss issues and preliminary findings.

A limitation for the Review was the short time in Georgia and that it was not possible to organise an interview with the Ministry of Justice in Georgia. A difficulty has been to separate the fast overall developments in NBE from what has been caused by the cooperation with SEA. This attribution issue is discussed in Chapter 6 on project results.

2 Reforms in Georgia

Since the *perestroika* started, Georgia has, perhaps, been the most vocally independent-minded country in the former Soviet Union. Georgia announced its independence after the collapse of the Soviet Union in 1991. It was, thereafter, the state that initially and most adamantly rejected membership in the Commonwealth of Independent States (CIS); later, it remained the most pro-western state of the CIS, making NATO membership a stated ambition before any other post-Soviet state. Even before the Rose Revolution, Georgia was rightly considered one of the most liberal states emanating from the former Soviet Union. Apart from having a permissive political climate and high levels of freedom of expression, Georgia was also one of the few countries where media freedom included the existence of television channels not controlled by the state.

The first President of Georgia was soon replaced by Eduard Shevardnadze, former foreign minister of the USSR, who came back to Georgia in 1992. He led the country until 2003. His administration was unable or unwilling to prevent the emergence of independent forces in the government that accumulated large amounts of capital and power and showed it ostentatiously; and apparently little was done to rein them in. They grew into uncontrollable forces in the government that contributed greatly to the increasing popular disillusionment, and alienated the young reformers in the government who eventually started the 2003 Rose Revolution that brought down the government. The Rose Revolution occurred very much as a result of the corruption, incompetence, and criminalisation of the Georgian state.

Since 2004 the Georgian government, led by President Mikheil Saakashvili, has placed anti-corruption efforts and democratic reforms in prioritised sectors (economy, justice, health care, education) at the top of its agenda. As a result, Georgia has seen tremendous progress in clamping down on corruption and reinstating good governance.

As a part of the expanding democratic reforms, changes in the justice sector were especially prominent. The Ministry of Justice of Georgia expanded to include such functions as:

- Protecting State interests at national and international courts and tribunals;
- Identifying standards of active regulatory acts;
- Harmonising legislation with international guidelines;
- Formation of the State Register;
- Adjustment of emigration and migration procedures;
- Notary Functions;
- Public Registry Services;
- Civil Registry Services;
- State Archives;
- Enforcement of court decisions;

- Arrangement of the state representation at the European Court of Human Rights.

The Ministry of Justice is considered one of the most powerful ministries and has been given ample possibilities to expand its activities. One exterior sign of this is that the ministry has been able to finance new Public Service Halls in a number of regions, where citizens get all-round service from the ministry in a number of areas (passports, civil registry, enforcement, etc.). In 2012, a mega-hall of this kind is being constructed in the center of Tbilisi.

3 National Bureau of Enforcement

During the Soviet era, an enforcement institute existed within the Ministry of Justice and was part of the Court system. Bailiffs were named court enforcement officers and operated under the supervision of the Chairman of the Court. They were responsible for the enforcement of the court decisions.

After the collapse of the Soviet Union and declaration of independence (1991), the courts continued within the Ministry of Justice and court enforcement officers (bailiffs) continued to have the same responsibilities and duties, again under supervision of the courts.

In 1998, an enforcement service was established as a separate unit within the Ministry of Justice. In 2000, the National Bureau of Enforcement was established as a department within the Ministry of Justice. This was done on the basis of a new Law on Enforcement Proceedings in 1999. An Enforcement Police was also established, supporting enforcement of decisions together with bailiffs.

In October 2008, the Enforcement Department of the Ministry of Justice was transformed into a “legal entity of the public law”, which included that it gained partial independence from the ministry. The main purpose of this change was to enable improvement of the citizen/customer service quality through expedited and efficient enforcement of legal decisions.

The new National Bureau of Enforcement (NBE) acquired premises and built new offices, housing NBE and the Tbilisi Enforcement Bureau. In 2009, an official website of the National Bureau of Enforcement was launched. Information about auctions, services, rights and responsibilities of bailiffs and of legal guarantees of creditors and debtors are systematically posted on the web. A hot line is also available which has further improved public relations.

In June 2009, the institution of private bailiffs was established to give competition to NBE. The Ministry of Justice provided licenses to around 60 private persons (bailiffs), who enforce decisions (on civil cases) independently, with authorities and means identical to state enforcement officers. Their activities are controlled by the Ministry of Justice. Since 2010, after an initial profitable time, a limitation was introduced. Private bailiffs are now only authorised to treat cases up to 500 000 GEL. In 2010, the Private Bailiffs Association of Georgia was established, uniting 23 members. At present, the total number of licensed private bailiffs is 39. Private bailiffs charge 3-4% of the case amount for their service, while NBE charges a 7% fee, irrespective of the amount.

In October 2009, NBE started using software for case management. A creditor and a debtor can receive detailed information about the case proceedings online. Each assignment or complaint received in NBE or its territorial units is automatically registered and available. NBE has full electronic access to its territorial units and other governmental institutions. Further software developments are in the offing such as

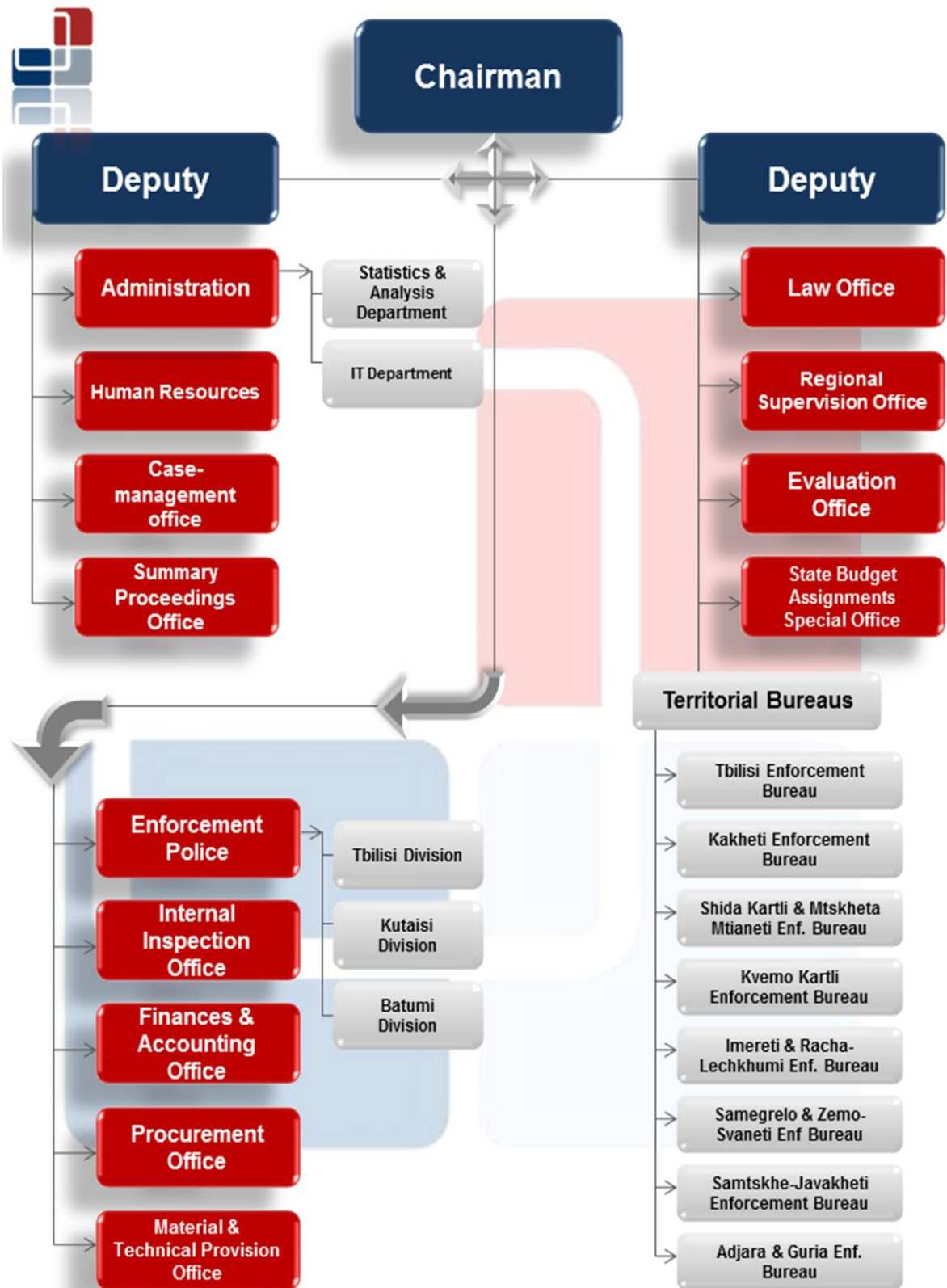
giving banks electronic access to the debtor's register. Each enforcement officer will also be given full remote mobile access to the e-network on tablets.

An important IT system used both by NBE and private bailiffs is the system for electronic auctions, e-auctions, that superseded the former physical auctions. E-Auction managers carry out preparatory procedures before an auction takes place – they study the physical and legal state of the property and make full information publicly available.

The National Bureau of Enforcement has 8 regional offices countrywide. NBE's territorial bodies are progressively placed in Public Service Halls together with other services from the Ministry of Justice. All regional offices are equipped with the same type of equipment, computer programmes and vehicles.

In addition to the basic task of enforcement, NBE has added new tasks such as tax enforcement, and bankruptcy and summary proceedings. For this, NBE receives remuneration and thereby increases its income. From 2012, NBE is fully self-financed.

Structure of National Bureau of Enforcement



4 Challenges for NBE

The NBE is in a good position to continue the reform process that has taken place during the last few years. It has a comfortable financial situation (see chapter 8). It has also shed most of the old personnel and recruited young employees straight from university. The willingness to change is there. Also the management cadre is young. At the same time, the number of personnel is the limiting resource for NBE as the number of personnel is difficult to increase, in accordance with general Government policy.

One challenge is the high turnover of personnel. It is partly a consequence of the “makeover” of NBE from 2009. Only 15 percent of the personnel recruited before 2008 remain in the organisation, mainly in the regional offices. There was a peak in 2011 when the turnover was 17.5 percent of which 16.4 percent were leaving involuntarily.

The number of new recruits also peaked in 2011 when 132 persons, or 40 per cent of the present staff, were recruited. NBE replaced old staff with young former interns. It also added personnel for new tasks, such as tax collection. The turnover has in 2012 returned to more normal levels. One reason for the turnover is that NBE now has many applicants for internships, of which the best are recruited. These are young, ambitious and prone to move to other pastures. One type of post that is especially difficult to recruit is head of regional offices.

NBE has lately given more attention to Human Resources management. A performance assessment system is being developed and a “talent pool” has been created.

The Ministry of Justice is a very strong ministry in Georgia. It has a strong influence on NBE. The increased efficiency in NBE’s work has been one motive for the Ministry to entrust NBE with additional tasks. A challenge is not to become too much of a multi-task organisation and to avoid many changes emanating from frequent instructions from the ministry.

A basic problem is that there is a lack of knowledge in society of the consequences that follow if bills are not paid or if you sign as a guarantor for someone else. NBE has started, modeled on the Swedish experience, to support training in secondary schools to teach young people about the need to avoid onerous debts.

The issue of management was described in the SEA annual report for 2011 thus:

“In the original project document on Partnership between the NBE and the SEA some issues were identified in relation to the traditions and system for management. The management style has been authoritative and there are some inherent problems in the organisation as a result of it.

One item that was identified was that the management didn’t do enough to develop the capacity of the staff. There was also a connection to management not trusting staff due to a former history of corruption and a lack of effective

control systems. The staff was accordingly not encouraged to take own initiatives and the competence of the staff was therefore not put to good use in addition to not being developed. Not surprisingly NBE has a rapid turnover of staff which was also identified as a problem.”

The management tradition in Georgia is, compared to Sweden, more authoritarian. At the same time, the youthfulness of NBE’s organisation and management work in the other direction. One middle-level manager described the system in NBE as being “medium-centralised”. Many staff frequently check back with their bosses to ensure they are on the right track.

There is not a tradition in Georgia of doing long-term plans or monitoring. And the personnel in NBE work long hours. One manager expressed the dilemma thus: “If I take the time to make a plan for a task, I do not have time to do the task”. The monitoring is mostly of the control type and often based on data from the IT systems. But managers do also have frequent meetings with their departments and with the territorial bureaus to solve upcoming problems.

5 Cooperation with SEA

The cooperation between NBE and SEA started in August 2010. It was said from the beginning that the partners had the intention to establish cooperation based on a long-term relation, given certain circumstances. It started with an inception phase.

A basic document for NBE and for the cooperation with SEA was a draft strategic plan 2010-2012, presented in December 2009 and financed by UNDP. NBE did not formally adopt the plan.

The project started with an inception report and a baseline study on the perceptions of NBE. Work groups were started on enforcement mapping and an enforcement policy. The interest in NBE for process mapping was lukewarm to begin with, and SEA had in the beginning difficulties in encouraging enthusiasm and ownership. This was also the first project in a developing country for SEA, and SEA found that there was not full understanding of the methods proposed by SEA, for example the way working groups were used.

The project picked up speed in February 2011 after a visit by 11 short-term experts from Sweden to NBE. Personal relations were formed between the experts on both sides. Also, NBE had changed the management team and the new managers had a very good understanding of how NBE could benefit from cooperation with SEA.

The main method used by SEA has been to organise workshops, outside NBE's premises but in Tbilisi. A resident SEA project leader has planned the SEA interventions together with NBE and SEA. Normally 1-2 short-term experts come specifically for a two day workshop on a specific issue. In between, NBE continues the work, with support from SEA via email and videoconferences.

The Project has three main objectives: Capacity for development of the enforcement services, Skills in management of staff and Professional skills and culture of enforcement staff. It was decided in May 2011 that the basic enforcement activity should have priority, and that the expert fees for objective number 2 should instead be used for the first objective. As for objective number 3, the main activity that has been progressing is the development of a Code of Conduct.

NBE has been active in engaging in new activities, partly inspired by what they learnt from SEA. Two new activities that were included in the project were summary proceedings and bankruptcy procedures. SEA gave support to the establishment of these new activities.

During 2011, two basic policies were produced with support from SEA: an Enforcement Policy and a Code of Conduct. Both embody important values to be applied in NBEs work, for example how to secure the rights of debtors and how to behave as an enforcement officer. The association of private bailiffs participated in the process to make the Code of Conduct, but in the end the decision on the new Code of Conduct only referred to the enforcement officers at NBE.

For 2012/13, objective 2 and 3 will be given more emphasis. There has already been a seminar on Strategic Planning and on organisational issues. Management skills will also be more in focus.

The total project budget for 2010-13 is 14,4 million SEK. The disbursement from Sida has been as follows: 2010 - 2,2 million SEK and 2011 - 3,8 million SEK. At this pace, the whole project budget will not be used.

A twinning project financed by EU is run by the Netherlands Centre for International Law Cooperation with SEA as junior partner. The twinning project concentrates on legislation being harmonised with EU legislation, on training and on public relations. The twinning project saw several delays but started finally in November 2011 and will continue for 18 months. As SEA is junior partner, it has full knowledge of what happens in the twinning project. With the twinning project having little flexibility, SEA has adapted its project content and timing so as to fit to the twinning project.

There are many ideas in both organisations on areas for cooperation in a possible second phase of the cooperation such as practical training, case management (SEA and NBE use different methods), mediation, quality of services, immaterial securities.

6 Project results

The cooperation project between NBE and SEA was planned during an inception period in 2010. A LFA matrix was made in early 2011 for the project period, and later one for 2012. In the table below are the original LFA objectives and the planned results as formulated in the LFA matrix made in 2011. To this is added after the word **RESULT** the existing information in NBE of the results to date (with an interpretation of the evaluators when needed) starting with the word **RESULT**.

The quantitative results information in the table has been supplied by NBE. The fact that results are obtained does not necessarily imply that they are caused by project activities – see the discussion after the results table.

Intervention logic		Result (planned , reported and evaluators view)
Overall objective	By 2015, NBE shall provide quick and effective enforcement based on justice, equality before the law, and transparency to the public.	RESULT: Well on the way
Outputs	NBE is a transparent organisation, providing quick and effective enforcement based on justice and equality before the law.	The amount collected from public claims has increased by 15% compared to the beginning of 2010. RESULT: The transferred amount to the State budget increased from end 2009 to end 2010 by 431% and from end 2010 to end 2011 by 33% The amount collected from private claims has increased by 20% compared to the beginning of 2010. RESULT: The amount for the first quarter 2012 has increased threefold compared to the first quarter 2010. NBE's share of the total private claims has increased by 15% compared to July 1st, 2010. NBE is the natural choice for private creditors to turn to for

		enforcement purposes. RESULT: Figures for total private claims are not available. The number of private cases finalised by NBE has increased from 1152 in the first quarter 2010 to 1788 cases in the first quarter 2012. The no. of complaints from the public on its activities has decreased by 10% to be compared to July 1st, 2010. RESULT: The number of complaints during the first 3 months of 2012 were 58 compared to 123 in the same period 2010 The NBE is considered as a non-corrupted organisation. RESULT: NBE and SEA consider that through e-auctions and other measures the risks for corruption have drastically decreased. No hard data are available
Project purpose 1a	NBE has increased its capacity to analyse its environment and operations in order to further develop its enforcement services to meet domestic expectations and international standards.	The NBE has a well defined process, and a developed method, for analysis and following up on its operations. RESULT: The mapping of the enforcement process has increased NBE's capacity in this regard. More is needed through better strategic planning, monitoring and analysis
Project purpose 1b	NBE implements new or revised regulations, work processes, technical systems and guidance for the enforcement services as well as carrying out regular monitoring, evaluation of the operations thereby promoting transparent and effective enforcement ser-	The NBE has an organisation consisting of implemented and well functioning processes for follow up and monitoring. The NBE is considered by its employees and the public to provide good services.

	vices governed by the rule of law and respect for human rights.	RESULT: control is done, less so monitoring on a higher level. NBE has recently had surveys made on stakeholders' perceptions, results not ready yet
Outputs, prioritised	1.1 The current working processes have been analysed, as basis for development of policy and streamlined processes. 1.2 A proposal for fair and sustainable self-financing of NBE has been developed and presented to the Ministry 1.3 An Enforcement Policy for NBE is adopted and implemented 1.4 Guidelines for balancing the rights of creditors and debtors have been developed and are implemented 1.5 The function for Human Resources Management has been developed and enhanced 1.6 Working methods have been analysed and streamlined using a process approach 1.7 A system for case management has been developed and is implemented 1.8 New or improved customer oriented services in enforcement has been developed and are used 1.9 Proposals for development of the legislation have been presented to the Ministry, especially regarding compulsory sale 1.10 More effective IT support for	1.1 The management of the NBE is well aware of its processes. RESULT: The enforcement process is analysed and NBE has capacity to do process mapping 1.2 The Ministry, and the NBE, is well aware of the prerequisites for a self-financed NBE. RESULT: NBE is self-financed (see Chapter 8) 1.3 The employees and interested parties are aware of the policy and works accordingly. RESULT: The policy is decided but needs active dissemination in NBE and with stakeholders 1.4 The senior management of NBE and the Ministry is aware of the prerequisites for an organisation optimised to meet domestic needs and international standards The NBE is the natural choice for enforcement, i.e. the public has trust in how the NBE carries out its tasks. RESULT: Both the enforcement policy and the Code of Conduct emphasise the balancing of rights. Further active dissemination is needed. NBE is the dominant enforcer with monopoly on state cases and

	enforcement services have been developed and are used, regarding the use of the debtors register, auctions and e-services 1.11 A unified standard (Code of Conduct) for all public and private bailiffs has been developed in cooperation with other stakeholders and presented to the Ministry 1.12 A system for inspection and quality assurance of enforcement activities has been developed and is implemented 1.13 A system for monitoring and evaluation of enforcement activities has been developed and is used	86% of private cases 1.5 The HR function initiates and develop activities within its field. Managers/heads within the NBE experience support in matters of HR-related matters. RESULT: The HR function is active 1.6 Management and staff are aware of their work process and can apply different methods related to the case in question. RESULT: The enforcement process is mapped and NBE itself undertakes process mapping of new tasks 1.7 RESULT: The case management system needs further attention and SEA could contribute 1.8 The customers of the NBE uses the services that best serves their task or purpose. RESULT: SEA has not contributed actively to this output. E-services and summary proceedings are customer friendly 1.9 RESULT: Legislative proposals have been handled by the twinning project 1.10 NBE's IT-system provides new and enhanced functions. RESULT: SEA has not worked on IT systems. More effective IT support has been developed 1.11 RESULT: Code of Conduct is decided 1.12 There are plans for follow up on enforcement activities and action plans how to work
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		with e.g. improvement of quality assurance. RESULT: SEA has not worked on this yet. It will be taken up in 2012/13 1.13 RESULT: Monitoring and evaluation will be taken up 2012/13 in connection with strategic planning
Project purpose 2	NBE managers have started to use modern management principles and established processes for continuous improvement of staff performance and management	The managers are considered to function better in their role. The co-workers are more satisfied with their managers and experience positive feedback.
Outputs	2.1 All managers have basic skills in modern management principles and have started to implement them 2.2 Senior managers have started to act more as leaders and are increasingly delegating responsibilities 2.3. Regular management meetings and staff meetings are held 2.4 A system for performance assessments and individual development planning is developed and used	The managers of NBE feels that the number of hours for worked overtime has decreased compared to July 1st, 2010. The no. of staff and management meetings held. Every member of staff is aware of its performance, what it is based on, and has a plan to maintain or improve the performance. RESULT: Work on project purpose 2 has just started
Project purpose 3	All enforcement staff has basic professional enforcement skills and a system and plan for development and the implementation of a certification scheme for enforcement officers is in place.	Every member of staff knows the requirements for certification as enforcement officer. RESULT: Certification is under discussion within NBE
Outputs	3.1 A code of conduct for public as well as private enforcement officers are developed, disseminated and implemented in NBE 3.2 A concept for Training the Trainers (TOT) has been developed and all enforcement staff in NBE have received basic professional training in enforcement through them	3.1 The no. of complaints from the public regarding the staffs behaviour has decreased with 10 % compared to July 1st, 2010. The NBE is considered as a non-corrupt organisation RESULT: See above under

	3.3 A system and procedures, as well as a plan for implementation, for certification of enforcement staff in NBE has been developed	outputs The turn over of staff has decreased by 10 % compared to July 1st, 2010. RESULT: The turnover in 2012 decreased by 10% compared to 2010 (but was very high in 2011) The no. of applicants for new positions within the NBE has increased by 20% compared to July 1st, 2010 RESULT: Statistics are not available at NBE for 2010 and 2011. 2012 up to June a total of 2815 persons applied for 16 advertised positions at NBE 3.2 RESULT: Training of Trainers is done by the twinning project 3.3 RESULT: Certification is under discussion. SEA has not worked on this
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The LFA from 2011 was made without possibilities to have more exact numerical targets, compounded by the dynamic change within NBE. Several of the targets were overshoot by far. For a possible new project phase, a sharper results framework from the beginning would be useful.

There are three project objectives: Capacity for development of enforcement services, Skills in management of staff, and Professional skills and culture of enforcement staff.

As it was soon decided that the first objective should have priority in the short run, the resources from NBE and SEA were concentrated on that objective. Most of the outputs under the first objective have been reached or partly reached. The major achievement during the first period of the project was the mapping of the enforcement process and the production of the enforcement policy. These function as a stable basis for the organisation.

The work on the second objective started only in 2012. For the third objective, the Code of Conduct has been produced. Work on the other parts of the third objective awaits the end of the Twinning project that now does the training of trainers, and the certification issue has to be formulated by NBE before serious work can be done by SEA.

The project has been active for a short time and therefore it is difficult to say with certainty which outcomes have been produced, for example in the form of change of attitudes, improved client satisfaction and better work conditions. It is a fact that NBE has undergone a dramatic change since 2008, a change that has continued during the lifetime of the project. The question is rather the attribution issue, i. e. how much of that change that can be attributed to the work of SEA with NBE, and how much would have happened anyway. It is not possible to draw firm conclusions on this issue.

But judging from the interviews, SEA's contribution has been substantial and has led to permanent changes. A number of the middle managers interviewed witnessed that the study visits to Sweden, and the close personal cooperation with qualified and engaged people from SEA, did make them see their work in another light. For example, the question of the overall goals of NBE was influenced, not least by the two policies for enforcement and the Code of Conduct supported by SEA. A stronger role for the debtor vis-à-vis the creditor is one such result. Another permanent change is that NBE is now able to do on their own process mapping of new processes.

One question is how far within the organisation that the changes in NBE have reached. NBE has not had time, which they lament, to have thorough discussions with the field organisation on, for example, the new policies on enforcement and code of conduct. Also, some ideas from SEA have been introduced just recently, such as issues on safety and security that have influenced only the participants in the first workshop.

One indicator that NBE has changed is that it is favoured by its ministry, and NBE is entrusted with new tasks. A positive sign on the outcome level is also that other organisations have asked NBE to help them, for example with process mapping, which SEA has introduced.

On the impact level, it is of course even more difficult to assess the effects. The overall objective is that "By 2015, NBE shall provide quick and effective enforcement based on justice, equality before the law, and transparency to the public."

It is evident that transparency to the public has increased. Before the reforms, the enforcement activity was ridden with corruption. Now, instruments such as the introduction of e-auctions have increased transparency. This effect is also proven by the fact that the deliveries of funds to the state coffers have increased dramatically during the last few years. NBE has a good webpage that is updated and where all basic documents can be found.

However, it is difficult to see that SEA has contributed much to the increased transparency. But on one impact objective, increased equality before the law, exposure to the Swedish emphasis on the rights of the debtor can have contributed to changing attitudes also with the general public.

One issue raised in the terms of reference for this review is to what extent SEA provides what NBE really needs. The answer is that yes, SEA meets the real needs of NBE. Several activities can be traced to influences from study visits to Sweden or from NBE personnel working with the SEA experts. And NBE has the strength to formulate their felt needs. In addition, only such project activities have been chosen where SEA mainly can use its own unique resources and experience. And when SEA

has not had experience of its own it is open for other sources of information. For example, a study visit to Portugal is being arranged.

NBE has also been a good recipient of advice from SEA. NBE consists of young and energetic staff who are very interested in change and development. This enthusiasm is perhaps at times applied at the expense of thorough analysis and planning, but the latter are elements where SEA could contribute. The main method used by SEA, short and focussed workshops, was in the beginning not so familiar for NBE, but later both parties have learnt how to use the workshop instrument efficiently. The presence of a resident SEA project leader has facilitated timely supply of the right resources from SEA.

NBE personnel state that SEA has given high priority to ownership on the part of the NBE. For example, when NBE personnel has asked for a quick translation of documents from SEA on issues for working groups, SEA has instead suggested that NBE makes their own document first. SEA has also been flexible and for example agreed to postpone workshops when NBE has had time problems. At the same time the SEA team have been experts in their subject matters and with only the Swedish system as background. They have not been experts in how to act in multicultural training settings. However, it seems that strong links between the persons in both organisations have been forged that have facilitated mutual knowledge development.

To summarise the results: The focus has been on the enforcement process. Most of the planned outputs have been reached at least in part. The enforcement mapping and policy are important outputs. The positive changes in policies and outlook at NBE, for example as concerns debtors' rights, can at least partly be attributed to the contributions by SEA. This has also effects on the impact level, in the society at large.

7 Relevance, rights, risks

7.1 RELEVANCE

The support to NBE is compatible with the Swedish country cooperation strategy. It is stated in the strategy that Sweden shall give support to reforms and capacity development in the public sector given that there is a strong ownership. Swedish support shall be complementary to and coordinated with support from EU. Sweden can support projects that increase the trust between authorities and citizens and decentralisation of political and administrative power and resources to the regional and local level. Strengthened systems can support open and efficient handling of public funds.

NBE and the Ministry of Justice have a strong ownership of the reform agenda. The Swedish support to NBE is well coordinated with the support from EU in the form of the twinning project. The project between SEA and NBE has been supportive of the endeavours by NBE to build increased trust between NBE and its clients, both creditors that now get faster and more secure service, and also the debtors that can increasingly claim their rights.

The project is relevant also to the Georgian reform agenda and policies. NBE is part of a larger effort within the Ministry of Justice, and within Government as a whole, to increase efficiency in Government and to give better service to the citizens. The project is also relevant for economic development in general, as better payment discipline and enforcement, and thereby fewer debtors, increase the possibilities for economic actors to develop their agendas.

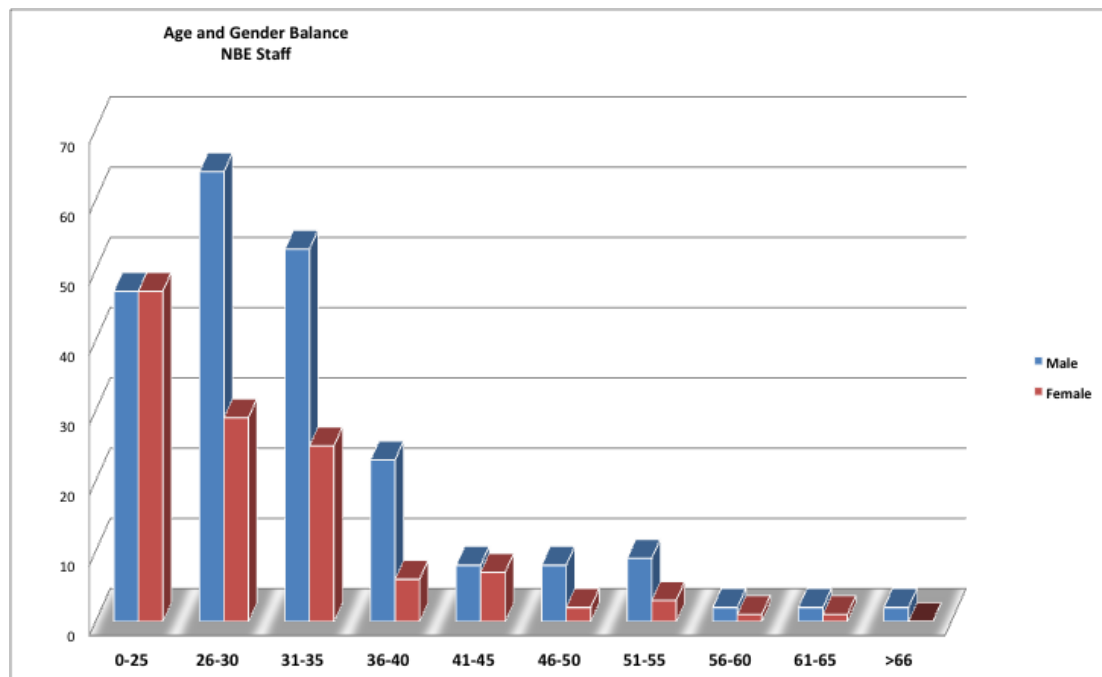
7.2 RIGHTS

To begin with, NBE gave priority to the rights of the creditors to get their money quickly. Partly because of the influence of SEA, the question of a balance between the rights of the creditors and the debtors has been discussed more. The debtor has a right to be treated with respect and to know what will happen in the enforcement process. They also need to know their options and the consequences of different actions, as well as the timetable for the procedures.

All this is now included in the first notes given to the debtors, and can be found on the NBE webpage. In the enforcement policy, all the rights of the debtors and the creditors are enumerated. They relate to information, auctions, valuation, appeal, case documentation and other rights to be exercised by them in the enforcement process.

In the Code of Conduct of NBE it is stated that the employees should “take a stand against any sign of discrimination”. The stated ambition of SEA is to include gender equality as a normal or mainstreamed issue in the daily work, the way they practice it in Sweden. It has not been a major issue in the cooperation. The expert team from SEA is gender balanced.

The issue of gender equality is in NBE discussed mostly as an issue of composition of the workforce at NBE. As stated previously, NBE has many very young employees. Most enforcement officers enter directly from university as interns for six months and then as full-time employees if they pass the relevant tests. The age and gender distribution for NBE is shown in the diagram below.



Of the total workforce of 339 persons, 36 per cent are women. The percentage women in management positions is 37 per cent and of the enforcement officers 30 per cent.

For the dominant category, enforcement officers, the tendency in recruitment is that the number of women is increasing. The majority that apply for work at NBE are women. They also have better scores and perform better in the interviews. They are also more willing to work outside Tbilisi.

The experience of NBE is, maybe contrary to expectations, that women often perform better in the sensitive situations of enforcement. They are said to be in better control of themselves, and the citizens by tradition treat women with more respect than men. NBE would like to have more men as enforcement officers outside Tbilisi but the tendency is now the opposite.

One rights issue for NBE is the rights of the employees. It is relatively easy to dismiss employees in the Georgian government and in NBE. This might foster in NBE a fear of making even small mistakes, which could be negative for creativity and participation in the organisation.

In the plan for 2012 for the cooperation SEA/NBE an activity for Legal and Human rights is included for late 2012. The content of this activity is not defined.

7.3 RISKS

One of the major risks usually perceived in development projects is the risk of corruption. And indeed, the enforcement organisation before NBE was very corrupt. There were ample opportunities for actors to agree on deals without being found out. For example, a visit to a debtor could omit valuable property in the resulting list. Or some persons could get special information concerning auctions that would enable them to buy something at too low a price. There was a culture of corruption inside the organisation.

Over a few years, the possibilities for corruption have changed drastically. The personnel at NBE have changed nearly completely, with young enforcement officers straight from university being the dominant cadre, without a corrupt tradition. When there have been cases of corrupt behaviour, the leadership at NBE immediately dismissed not only the culprit but also their boss. Also, a number of IT-based systems have replaced the person-to-person systems of before. For example, all auctions are now held on the internet. IT systems also facilitate continuous control of enforcement procedures. The amounts collected by NBE and delivered to the state coffers have increased dramatically during the last few years.

The SEA/NBE project has made an overview of the risks and needs for risk mitigation. This analysis is updated regularly and reflects the major risks for the implementation of the project. Two factors are identified as having more than low risk: Staff turnover at NBE and insufficient human resources in NBE available to participate in NBE/SEA project activities .

The risk with high staff turnover is that staff working with the project would leave and thereby jeopardise the results of the project. Risk mitigation measures are taken by the NBE management, for example by offering competitive salaries and other mechanisms for increased job satisfaction.

Another way of mitigating this risk is to embed the results of the project not in persons but in policies and procedures of the organisation. This is also an aim of the project. Aiming for a wider target group for capacity building could also help.

The risk for lack of availability of human resources to participate in project activities depends among other things on the heavy workload for NBE employees – often working up to 12 hours a day. SEA is constantly highlighting this risk, and sometimes activities are postponed so as not to waste the time of expensive short-term experts from SEA.

To summarise on relevance, rights and risks: The support to NBE is very well in line with the Swedish country cooperation strategy. NBE has strong ownership, is actively pushing reforms and works very much with the issue of trust between government and citizens. The project is also very relevant to the Georgian reform agenda to give more service to the citizens.

The project has worked intensively on the issue of rights, especially the rights of debtors that were not so prominent before in Georgia. In the enforcement policy the rights of debtors and creditors are spelled out in detail.

Gender equality in the work processes has not been a major focus. The gender distribution in NBE is balanced with 36 per cent women, and the tendency is towards

even more balancing because more and better-qualified women apply for posts at NBE.

Corruption is not a major risk in spite of the many economic transactions being handled by NBE. New personnel and new IT systems make corruption less likely. The risks being perceived as potentially more disturbing are too high turnover of personnel that have worked with the project, and the risk that the NBE personnel cannot set aside time to participate in project activities.

8 Costs and efficiency

In this chapter the cost efficiency of NBE and then of the NBE/SEA project will be discussed.

In its first diagnosis, SEA was worried about the general financing situation of NBE, especially as the Government had just opened up for private bailiffs to compete with NBE. However, the Government changed the rules for private bailiffs so they now can only take cases worth less than 0.5 million GEL, and they cannot take State cases. That leaves the profitable cases to NBE. NBE also charges the same percentage on large debts collected as on small debts.

NBE also has a major source of income from bank interest. The government provides capital from plea deals which is placed in NBE's accounts. This fund was at the level of 100 million GEL in 2011. In June 2012 it had already risen to 140 million GEL as new plea deals were concluded. NBE also gets income from debtors' money put in the bank, before it is disbursed to the creditors – at present corresponding to a fund of 40 million.

In 2011 SEA made a deeper study of the financing situation of NBE and the outcome was, according to that study, that NBE has “a huge surplus of budget in the run of several years forward”. SEA made an analysis of the risks for the future, summarised in the table below.

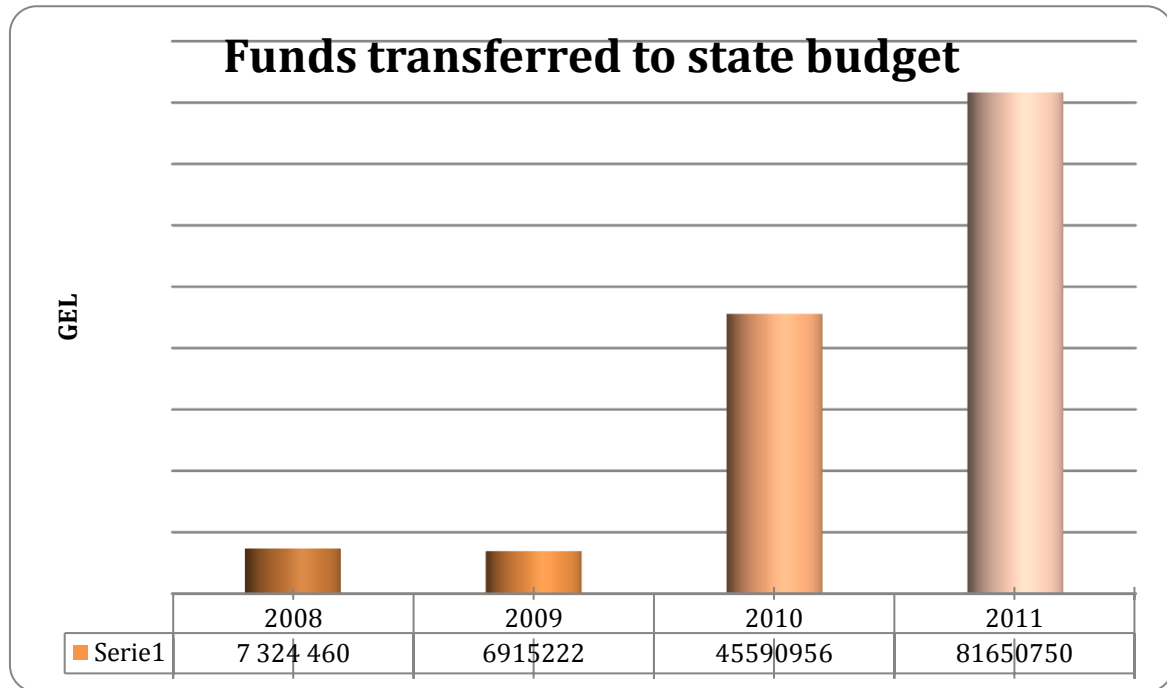
Risks for sustainability

	2011	20XX		2011	20XX
Staff	6	8	Yields 100M (capital providing)	8	0
Consumption	3	4	Yields 40M	4	1
Taxes	1	0	Fees enforcement	9	5
Buildings	18	3	Fees valuation and other actions	4	9
Total	28	15	Total	25	15



Without going into details: the conclusion from the SEA analysis is that even under quite negative assumptions, for example that the interest on plea bargain funds would be withdrawn altogether, NBE would still have stable finances. And in the short run, it has a very comfortable financial situation. Even in 2011, with major investments in buildings, it had a balanced budget.

Previously NBE did receive a contribution from the government budget to finance its activities. It now does not get any funds from the budget. Instead it gives a sizeable contribution to the state budget, as can be seen below.



One question is how cost efficient NBE is. The fact that NBE has a very comfortable financial situation could lead to complacency. In addition, NBE does not pay for development of new software – this is financed from other sources within the Ministry of Justice. This could lead to overinvestment in IT systems, as NBE can well afford to pay the current IT costs. However, NBE has a very strict restriction on the number of personnel it can employ, in line with the general directions of the Georgian government. As NBE's activities are personnel intensive, this means that there is an incentive to increase efficiency in the long run. As the limiting resource is personnel, it would be natural for NBE to invest heavily in the development of its employees.

There are no comparable data available to the evaluators to judge the cost effectiveness or internal cost efficiency of the NBE/SEA project (it might be of interest to do a comparative study specifically in Georgia where several Swedish agencies participate in similar projects).

The general impression both at NBE and SEA of the cost effectiveness is that the project has been worth the investment in money and time, and this impression is shared by the evaluators. NBE is very interested in change and reforms and SEA has been very engaged, this being their first project of this kind. NBE has become much more profitable from the state finances point of view through increased efficiency and from increasingly doing paid services. Income from the paid services that are based on experience from SEA can partly be attributed to activities in the project however this is also difficult to measure.

As for the internal cost efficiency, it is fully acceptable according to SEA representatives. The sums allocated for refundable SEA costs for the project have turned out to be higher than required and the annual budget is not fully used. No workshops are held outside Tbilisi, which is many times more costly than having them in Tbilisi. The experts stay in moderately priced hotels. The visits from SEA are well prepared by NBE, and the few days that short-term experts spend in Tbilisi are efficiently used. The SEA personnel do not get a top up on their salaries for work in Georgia.

To summarise: NBE has a comfortable financial situation and does not, for example, suffer from “normal” problems such as lack of transport. It delivers increasing amounts to the state coffers. The limiting factor is the number of employees, which should motivate increased investment in the efficiency and professionalism of the employees.

The cost efficiency of the project in relation to similar projects cannot be established but the general impression of both effectiveness and efficiency is positive. Some of the increased income for NBE and the government can be attributed to introduction of new activities based on experience from SEA. The internal cost efficiency for SEA activities seems good.

9 Sustainability and long-term relations

The sustainability of the effects of the project depends on a number of variables. In the project document, the following is stated under the heading Sustainability:

“Deliverables and results from the project are designed to be fully maintained and operated by NBE without external support – thus being sustainable. The project underlines however that an additional Sida funded phase of 2-3 years, in total max. 6 years, would be needed to reach the final goal.

The first three years of the project aim to establish the firm foundation for a longer term partnership. Apart from the expected deliverables, the three year project will provide the opportunity for both partners to be fully aware and informed of the actual needs for development and enhanced competence and to test the viability of the partnership. The intention is to define what shall be part of a future long term partnership and what should be excluded, to provide full ownership for both parties. It is the needs and requirements of NBE that is in the fore.

Since the intention is to build a sustainable partnership, there is no need for traditional phasing out analyses and strategies for the whole project. Approaching end of the first three year period of expected Sida funding, however, it will increasingly be a need to develop mechanisms and possibly alternative funding for continued partnership and assistance.”

If there is a continuation of the partnership, this is of course very positive for the sustainability of the changes introduced in NBE with support from SEA. A firm prospect of a continued partnership after the Sida financing ends is, of course, also a positive factor for Sida’s assessment of financing of a possible next phase.

The stated intention of SEA is to continue after a possible second phase to have professional relations with NBE, financed from SEA’s budget. The exact content and form of these relations is not defined but could, for example, be in the form of exchange of visits. The positive economic situation at NBE also makes it conceivable that NBE can itself pay for mutual visits or for a low level of continued support via email or videoconferences. It is also clear that NBE, unlike many other projects, have not been dependent on financing from SEA’s project budget for cars, petrol, hire of venues, etc. There is therefore no risk that the lack of SEA financing of recurrent costs will hamper the continued development in NBE.

One form for continued partnership that has been mentioned is that SEA and NBE would eventually form a joint venture to support enforcement authorities in other countries. This model has been used by several Swedish authorities together with their counterparts in the Baltic countries and has facilitated so-called tripartite cooperation.

The major risk identified for sustainability of the interventions in the project is change of personnel. Change of personnel in management positions especially can influence sustainability in a major way.

The way to minimise this risk is to have the new ways of working embedded not only in individuals but also in agency systems. The enforcement policy is one example of this, and the process map of enforcement is another. If the policies and new procedures are spread well in the organisation and applied by all regions, then a change in top management might not imply risks for immediate changes. The tasks now being planned in the cooperation are also of this nature, for example strategic planning and changes in the management culture and of the organisational structure. Monitoring and quality control systems could also contribute to sustainability.

To summarise: NBE has a strong economic situation, which means that the cost of continuing activities introduced in the NBE/SEA cooperation will not be a major threat to sustainability. There is a commitment from both parties to continue the cooperation after the Sida financing ends. The risk exists that activities will cease if management changes are mitigated by introduction and application of policies, methods, systems and organisational changes.

10 Conclusions

10.1 NATIONAL BUREAU OF ENFORCEMENT

The National Bureau of Enforcement in Georgia (NBE) has, since it was formally established in 2000, continued at a rapid pace with the reforms of its activities. It now has changed most of the personnel since the time when enforcement was part of the court system, and most of the employees are young. NBE has also implemented a number of reforms, has introduced new IT systems and has added non-enforcement functions. It has, since 2010, had a fruitful cooperation with the Swedish Enforcement Agency, SEA.

The NBE is in a very unique situation as a government agency. It has a very comfortable financial situation which means that it has been able to raise salaries, build offices, acquire cars and office supplies as needed and pay for use of IT systems. The development of new software and IT systems is not paid by NBE but financed from other sources within the Ministry of Justice. NBE has also a general strong support from its parent ministry. The binding restriction at the moment is the number of personnel.

The old enforcement system before the Rose Revolution was corrupt. This situation has changed with new personnel and motivation systems, new energetic management, new IT systems (especially e-auctions) and new possibilities of control of the activities. The general movement in Government is also towards reforms and a strong focus on service to the citizens.

The challenges for NBE are to continue with reforms in a structured way. The fact that most employees are new and young means that there is space for training and increased professionalisation. As finance is not really a problem, heavy investments in the personnel and human resource systems would probably give good returns. Quality issues would be especially important, as well as a low turnover.

Another challenge for NBE is to look at its role in the future. The role as a pure enforcement agency has been changed to that of a more multi-task organisation that also sells services related to its core functions. One question is which new functions should be taken aboard without jeopardising good quality in the core functions.

A special issue when discussing the role of NBE is how much NBE should work with the underlying issues in their sector, especially the issues of how citizens can avoid debts and how to increase the willingness to pay in the society. These preventive issues would need to be discussed and implemented together with other actors in society for example schools, banks and municipalities. Experience from SEA of working in a broader specter could be drawn upon.

NBE as an organisation has evolved from an authoritarian tradition, and there are still issues of corporate culture and management style to be worked on. Also, there is consensus that the present organisation should be evaluated and possibly changed.

10.2 COOPERATION BETWEEN NBE AND SEA

The cooperation between NBE and SEA started in August 2010.

The focus has been on the enforcement process. Most of the planned outputs have been reached at least in part. The enforcement mapping and policy are important outputs. The positive changes in policies and outlook at NBE, for example as concerns debtors' rights, is an outcome that can at least partly be attributed to the contributions by SEA. This has also effects on the impact level in the society at large.

The support to NBE is very well in line with the Swedish country cooperation strategy, and the project is also very relevant to the Georgian reform agenda.

Gender equality in the work processes has not been a major focus. The gender distribution in NBE is balanced with 36 per cent women, and the tendency is towards even more balancing because more and better-qualified women apply for posts at NBE.

The risks being perceived as potentially negative are a too high turnover of personnel that has worked with the project, and the risk that the NBE personnel cannot set aside time to participate in project activities. Risk mitigation measures are in place.

The cooperation between the twinning project and the project with SEA has been fruitful and overlap has been avoided, mainly by SEA postponing or downsizing some activities originally planned.

The cost effectiveness and efficiency of the project and of NBE's activities cannot be established in detail, but the general impression is positive. Some of the increased income for NBE and the government can be attributed to introduction of new activities based on experience from SEA. The internal cost efficiency for the costs for SEA activities seems good.

NBE has a strong economic situation, which means that the cost of continuing activities introduced in the NBE/SEA cooperation will not be a threat to sustainability. There is a commitment from both parties to continue the cooperation after the Sida financing ends. The risk that changes for example in top management will threaten sustainability will be counteracted by a focus on policies, methods, systems and organisation where the changes will be embedded.

The cooperation between NBE and SEA will in the near future include strategic planning and monitoring, and management and organisational issues. This will support a more clear definition of NBE's role and core functions and enable NBE to take decisions from a more long-term perspective, for example on if new functions should be added. Monitoring could become less control-oriented, and issues of management style and corporate culture could be discussed. Experience from SEA seems to be very valid in these areas. It has been decided that the question of organisational changes should be preceded by an evaluation of the present organisation, which seems to be a good way of starting the process.

There are many ideas in both organisations of the possible content of cooperation during a second project period, and there are possibilities for some continued cooperation after the Sida financing ends.

11 Recommendations

The cooperation between NBE and SEA has been very positive for both partners and probably worth the costs. It is recommended that Sida consider positively financing a further cooperation between NBE and SEA. The positive economic situation for NBE warrants a discussion on more cost sharing, for example of local costs. A proposal for continued Sida financing should include detailed financial data from NBE and motives for the need of Sida financing.

11.1 RECOMMENDATIONS FOR NBE

1. NBE should devote time and energy to discuss its future role. This should include taking a stand if NBE should include in its role to work more with changes in the society, for example striving for less debtors and better willingness to pay.
2. NBE should be careful with adding new functions.
3. NBE should continue not to have its own IT system.
4. A new organisation is probably needed but the process to define a new organization should be very carefully planned. The strategic planning exercise and discussions on NBEs role should mature before decisions are taken on a future organisation.
5. NBE should work more with the whole organisation. New policies should be discussed with all personnel to ensure that the policies reach out to everybody. Meetings between headquarters and regions and between regions should be favored, and representatives for the whole organisation could meet for example at annual NBE conferences. Young employees should be enabled to participate in working groups for reforms. The employees should have access to an Intranet.
6. The financial resources available should be invested primarily in the existing personnel and in management and development of the corporate culture. The aim should be to increase quality and to work more efficiently with the available personnel resources.
7. NBE should continue to make measurements and surveys with stakeholders of how NBE's work is accepted and what changes should be prioritised.

11.2 THE COOPERATION NBE/SEA

1. The newly started activities on Strategic Planning, Management and Organisation should have high priority. Representatives of the Ministry of Justice should if possible participate in the strategic planning exercise.

2. Methods for monitoring of reforms and of implementation of a strategic plan should be given more attention in the cooperation. Reporting on NBE and department levels should be developed in line with present reporting made by SEA. Support from SEA to set up a more developed analytical function should be considered to enable analysis of monitoring reports as a basis for management decisions.

3. Human resources issues should have high priority in the cooperation to support fruitful investments in personnel and personnel systems.

4. The private bailiffs should have access to some training, for example through their association, and this could be considered as an element in a continued project.

5. The content of a possible next phase of the cooperation should be defined on the basis of a broad-based and thorough needs assessment.

6. The similarities and differences between the Georgian government system and the Swedish system with semi-independent authorities should be explored to see if NBE could borrow ideas from SEA's relation with its parent ministry.

7. The preparation for a proposal for a new phase should include an overview of the project team in SEA to adapt it to the new proposal. Also, the modalities for cooperation should be looked into to find the most cost-effective solutions. For example, it could be considered to send more experts on facilitation for workshops in NBE and to utilise videoconferences and email for tapping expert knowledge at SEA in Stockholm.

8. The two parties should start early to discuss the format for of a possible cooperation after the Sida financing ends. In this context, SEA could draw conclusions for its own continued international work.

Annex 1- Terms of Reference

TERMS OF REFERENCE

Review of

The partnership cooperation between the National Bureau of Enforcement of Georgia and the Swedish Enforcement Agency

Sida's case no: 2009-001722

BACKGROUND

The Swedish cooperation with Georgia is guided by a country cooperation strategy for the period 2010-2013. The overall objective for the Swedish development cooperation with Eastern Europe is strengthened democracy, fair and sustainable development and closer ties with the EU and its values. There are three areas of cooperation: democracy, human rights and gender equality, environment and market development. The present cooperation is part of the first sector: Democracy, human rights and gender equality. The three objectives for this sector are:

- Strengthened democratic structures and systems, with a focus on human rights and gender equality
- Better conditions for free and fair elections
- Better living conditions for the country's internally displaced persons

The cooperation is also relevant for the third sector: Market development with its objectives:

- For Georgia to sign a Deep and Comprehensive Free Trade Agreement with the EU
- For Georgia to have the capacity to adapt to the EU's trade-related regulatory framework in at least one area

Support to reforms and capacity development of the administration is of vital importance to achieve the goals. The Swedish development cooperation shall be conducted in close dialogue with other donors, in particular the European Commission and other EU member states.

The Eastern Partnership is an initiative to enhance the EU's relationship with its new neighbours: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. It implies new association agreements including deep and comprehensive free trade agreements with those countries willing and able to enter into a deeper engagement and gradual integration in the EU economy. It would also allow for easier travel to EU through gradual visa liberalization, accompanied by measures to tackle illegal immigration.

The EU initiative is accompanied by development assistance in the form of Comprehensive Institutional Building, CIB, to assist building required capacity in selected institutions. These institutions will be requested to develop Institution Reform Plans for each institution. Member states are requested to give complementary assistance to facilitate the up-grading of the institutions to meet EU requirements. Coordination with these initiatives is crucial for a successful cooperation.

COOPERATION PARTNER

Background

The National Bureau of Enforcement, NBE, was restructured and established as a legal entity of public law, LEPL, under the Ministry of Justice in October 2008. Before it was a department of the Ministry of Justice. The purpose of NBE is enforcement of the court and other administrative legal acts. The activities of the Bureau are regulated by the Law and Regulations of Georgia on Enforcement Proceedings and are implemented over the whole country through territorial bodies.

The main purpose of transforming NBE to a legal entity was to improve the quality in enforcement services to customers. With the intention to create a competitive environment for enforcement of civil cases, legal provisions for licensed private enforcement came into effect in July 2009. Licensed private persons (private bailiffs), equipped with powers and means identical to those of the public enforcement officers, can independently execute decisions made on civil cases. Applicants for such a License have to pass qualification exams to become private bailiffs.

A strategic plan was developed for 2010-2012 with assistance from UNDP. It serves as a base for the on-going cooperation.

INTERVENTION BACKGROUND

Georgia has a firm commitment to modernize the public sector and to focus on service delivery, transparency and the rule of law and is committed to curb corruption. Professional and effective enforcement services, based on the respect for the rule of law and human rights, are important elements in good governance. The development objective for NBE is that:

- By 2015, NBE shall provide quick and effective enforcement based on justice, equality before the law and transparency to the public.

The project objectives are:

- Capacity for development of the Enforcement services

- Skills in management of staff
- Professional skills and culture of Enforcement staff

Further details to be found in the attached project document.

In addition to the Swedish support, there is an EU twinning project headed by NL with SEA as a sub-contractor so called junior partner.

See also the NBE web-site: http://nbe.gov.ge/index.php?lang_id=ENG&sec_id=12

SIDA FINANCED RELATED PROJETS

Support to Public Administration Reform/Public Financial Management

The project will assist to: (i) strengthen planning and budgeting capacity through support to the Medium Term Expenditure Framework; (ii) introduce more effective systems for tracking the use of public resources through and expanded Treasury management system; (iii) improve management of the civil service size, composition and cost; (iv) increase accountability through strengthened external oversight capacities, by the Chamber of Control, and the provision of timely, transparent information to Parliament and civil society groups. The programme is supported through a pooled fund of 15 MUSD made up by a WB IDA credit and grant contributions from DFID, the Netherlands and Sida. Period: March 2006 – March 2012.

Support to the Competition Authority of Georgia

There is a recently started twinning like cooperation between the Agency for Free Trade and Competition and the Swedish Competition Authority. The assistance aims at preparing the Georgians to meet EU requirements to become eligible for DCFTA.

Support to the Geo-Stat

There is a recently started twinning-like cooperation between the Geo-Stat of Georgia and Statistics Sweden. The assistance aims at preparing the Georgians to meet EU requirements to become eligible for DCFTA.

Support to Civil Registry

The project aims to assist CRA in addressing the civil data integrity through improving data mobility/information exchange among different State Institutions; supporting CRA in improving voter lists accuracy; and helping CRA in creating unified address registration system on a country scale.

Capacity building of the Georgian Leadership Community for Improved Decision-making and Negotiation Skills

The project aims to build capacity in public administration, public policy and negotiation within the Georgian public service through establishing a Georgian-language public policy and negotiations training programme; and providing training in human resource management practices across the Government of Georgia

Management and Training support for Registration and Cadastre

The project is a twinning-like cooperation to build capacity of the NAPR to provide efficient, transparent and cost-effective services according to unified strategic guidelines and technical standards and with reliable real property information.

THE REVIEW

A review was planned at the outset to take place by the end of the activity period. It was discussed at the steering committee meeting in December 2011. It was suggested that it should not only include an assessment of the status and achievements to date, but, more importantly, recommendations for a second and perhaps final phase.

The activity period of the present and first phase is August 2010-July 2013.

ASSUMPTIONS

Staff can be made available as well as relevant documents for the assessment team.

THE PURPOSE OF THE REVIEW

The overall purpose of the review is an assessment of achievements to date and recommendations for a second/final phase to ensure sustainability of the entire intervention. The primary intended users of this review are NBE and SEA to design a possible second phase.

STAKEHOLDERS INVOLVEMENT

The main stakeholder to be involved in the review is NBE. Other stakeholders that could be subject for involvement are the private bailiffs' association, creditors, e.g. banks and businesses, as well as the general public.

REVIEW QUESTIONS

Effectiveness

Is the intervention likely to achieve its project objectives as outlined in the project document within the activity period?

Impact

What are the overall effects of the intervention, intended and unintended, long term and short term, positive and negative?

Can changes of attitudes be noted, such as increased professionalism, improved clients' satisfaction, transparency, improved work conditions, staff turnover.

Relevance

Is the intervention consistent with the needs and priorities of NBE and the policies of Georgia and the Swedish cooperation strategy?

Does SEA provide that which NBE presently needs? Absorption capacity of NBE? How beneficial has the twinning been with the SEA? Any constraints? Is the partner relevant?

Sustainability

Will benefits produced by the intervention be maintained after the cessation of external support?

Is the Georgian organization with NBE and private bailiffs financially sustainable?

Other

Have the present objectives been measurable?

Have the risk analysis and risk management been adequate?

How has the gender mainstreaming been carried out and which are the results?

How has the rights perspective been tackled in the project and which are the results?

How does the cooperation and coordination with the EU twinning project function?

Any constraints? Benefits?

Efficiency

Can the costs of the intervention be justified by the results? A general analysis of the overall costs efficiency of the project.

RECOMMENDATIONS AND LESSONS LEARNED

Recommendations shall be based on conclusions from the review and aim at a final phase securing sustainability of achieved results.

Lessons learned.

METHODOLOGY

Studying of relevant documents as well as visit to NBE in Georgia with interviews of relevant staff and other stakeholders is foreseen.

WORK PLAN AND SCHEDULE

The first visit to Georgia shall take place in April-May 2012, with a follow-up to discuss the draft and results.

REPORTING

A written report in English with a draft no later than June 30, 2012? And final report beginning of July 31, 2012.

REVIEW TEAM

Team leader 7 days category 1

Thematic expert 4 weeks category 2
Logistics support 1 week category 4
Call off of framework

Annexes:

- Project document
- Latest report for 2011
- Latest quarterly report, i.e. Q 1 for 2012

Annex 2 – Persons contacted

Persons Interviewed

Patrik Berglund	Partnership Project between the NBE and SEA, Project Leader in Tbilisi
Karin Berglöf Hedar	Short Term Expert SEA
Givi Chanukvadze	Rustavi Enforcement Bureau, Head of Administration
Shota Chachkhunashvili	NAPR, Chief Information officer
Lika Chapidze	Partnership Project between the NBE and SEA, Project Coordinator
Alf Eliasson	Embassy of Sweden, Head of Development Co-operation. Sida
Greger Erixon	Project Leader in Tbilisi 2011
Guranda Goglidze	NBE, Deputy Chairman
Nino Gogelashvili	NBE, Head of Regional Supervision Office
Khatuna Gazdeliani	NBE, Head of Tbilisi Enforcement Bureau
Dimitri Gugunava	NBE, e-Auction manager
Tato Gugava	NBE, e-Auction manager
Zurab Gvasalia	Association of Banks of Georgia, President
Erekle Ghvinianidze	Private Bailiff
Mari Khardziani	NAPR, Deputy Head of International Relations Division
Lars Klint	Project Coordinator, SEA
Sven Kihlgren	Chairman of project steering committee, SEA
Tamuna Khulordava	EU Delegation to Georgia, Twinning Project Manager
Ana Kurasbediani	NBE, Head of HR Management office
Kakha Khimshiashvili	Embassy of Sweden, Programme officer
Nika Melia	NBE, Chairman
Leila Mikeladze	NBE, Head of office for Summary Proceedings
Ekaterina Meskhidze	NAPR, Head of International Relations Division
David Macharashvili	Private Bailiffs association of Georgia, President
Papuna Papiashvili	NBE, Head of Administration
Giorgi Rekhviashvili	Tbilisi Enforcement Bureau, Bailiff
Christina Strömbäck	Short Term Expert SEA
Khatia Shelia	NBE, Head of Legal Office
Maria Wagenius	Short Term Expert

Workshop Participants

Zurab Buava	NBE, Head of the Internal Inspection Department
Patrik Berglund	Partnership Project between the NBE and SEA, Project Leader Tbilisi
Lika Chapidze	Partnership Project between the NBE and SEA, Project Coordinator
Alf Eliasson	Embassy of Sweden, Head of Development Co-operation. Sida
Guranda Goglidze	NBE, Deputy Chairman
Nino Gogelashvili	NBE, Head of Regional Supervision Office
Ana Kurasbediani	NBE, Head of HR Management office
Kakha Khimshiashvili	Embassy of Sweden, Programme officer
Leila Mikeladze	NBE, Head of office for Summary Proceedings
Alexander Meskhi	NBE, Head of the Finance and Accounting Office
Papuna Papiashvili	NBE, Head of Administration

Annex 3 – Major documents consulted

1. Review of the partnership cooperation between the National Bureau of Enforcement of Georgia and the Swedish Enforcement Agency.
2. NBE Annual Report 2011
3. NBE Research of the personnel attitude, March 2012 (in Georgian)
4. NBE 2012 I quarter reports: Respective regional offices and structural units
5. NBE Enforcement Policy
6. NBE self financing -2011
7. NBE The Code of Conduct
8. EC Twinning project, 2nd quarterly report 2011
9. Enforcement process in NBE Kronofogden report, 2012
10. Support to the NBE in Georgia Activities 2012, Matrix
11. Report on the Baseline Study of the NBE, Kronofogden Sida, NBE, Applied Research Company, 2010
12. Report about the Reforms Implemented, NBE 2010
13. NBE Strategic Plan 2010-2012, UNDP 2009
14. Svante E. Cornell, Georgia after the Rose Revolution: Geopolitical Predicament and Implication for U.S. Policy, 2007, Strategic Studies Institute publication.
15. Alexander Libman, Different Parts of the Second Transition in the Post-Soviet World: a Political and Economic Analysis, 2006, Institute of Economics, Russian Academy of Sciences.
16. Lorenz King, Giorgi Khubua, Georgia in Transition: Experiences and Perspectives, 2009.
17. Rafael Yusupov, State Security, 2010.

Annex 4 - Inception Report

1. Introduction

This brief inception report expands upon the approach described in Indevelop's implementation proposal. It is based on a review of available documentation and some interviews in Sweden. The purpose of the report is to ensure that there is consensus on the approach to be taken in this review.

The purpose of the review is to assess the achievements to date and to make recommendations for a second/final phase to ensure sustainability of the results of the support.

2. Assessment of scope of the evaluation

The scope of the review is focussed on the formulation of a second and probably last phase of the Swedish support, with particular emphasis on securing the achieved results hitherto. One main issue would therefore be to look at the achievements so far and to judge the possibilities of sustaining the results of the different activities. Presumably, activities that will not be sustainable after a following project period would not be recommended to be continued without special complementary efforts.

It is recommended that the scope of the review will, in accordance with the Terms of Reference, be concentrated to the results of the partnership cooperation. The broader context of all operations of the National Bureau of Enforcement (NBE), and the overall place of NBE in the broader context of law enforcement in Georgia would be important to map, but the focus will be on the internal issues of NBE and of the cooperation with the Swedish Enforcement Agency (SEA).

The "theory of change" will be looked into, i.e. how the project activities are expected to lead to results. The results framework will be discussed and also how the capacity development support is expected to lead to performance outcomes within NBE.

The Twinning Project that is ongoing at the same time will not be looked into, but of course there are connections as SEA is a partner also in this project. The Twinning Project also influences the SEA/NGB partnership cooperation in that duplication should be avoided, and as the Twinning Project is rather fixed, the partnership project would be the one to change its plans.

3. Relevance and evaluability of evaluation questions

The evaluation questions in the Terms of Reference are discussed below.

3.1 Effectiveness

The question in the ToR is if the project objectives as outlined in the project document will be achieved. There should be relatively straightforward answers to this question, with the caveat that some objectives are planned to be achieved later in 2012 or 2013.

3.2 Impact

The question in the ToR on the overall effects is rather wide, but the main interpretation of the first part is that it is focussed on the more long-term effects. The second part of the paragraph on changes of attitudes is interpreted to be a question about outcomes.

3.3 Relevance

This question is interpreted to consist of three issues. One is the relevance to policies of Georgia and the Swedish cooperation strategy. The second is if the SEA support meets the needs of NBE and is adapted to NBEs absorption capacity, for example if the intervention is proceeding at the right pace or not. The third is the question of if SEA fulfils the needs of NBE and is a good partner.

There is also a question of how beneficial the twinning with SEA has been, but as mentioned above the effects of this project are considered to fall outside the scope of the present review.

3.4 Sustainability

This is a very important issue that will be in focus for the review. The basic demand in the ToR is that the review should make recommendations for a second phase to ensure sustainability of the entire intervention. This is not an altogether easy task as it is about predicting future developments, but an attempt will be made to give an answer to this question. The possibility for NBE to establish structures and systems that are not vulnerable to changes in the political environment would be important.

3.5 Other

1. Have the present objectives been measurable? By this is meant the outcomes and project objectives as they are stated in the project document.
2. Have the risk analysis and risk management been adequate? One important issue is corruption, and in what respects the cooperation has included measures against corruption.

3. How has the gender mainstreaming been carried out and which are the results? It will be relatively easy to see what has been done in terms of outputs, while the results on an outcome level might be more difficult to ascertain.
4. How has the rights perspective been tackled in the project and which are the results? This is among other things about the fundamental balance between the rights of the debtor and the creditor. Again, the results on an outcome level would not be easy to pinpoint.
5. How does the cooperation and coordination with the EU twinning project function? This would not be difficult to find out.

3.6 Efficiency

The question is put if the costs are justified by the results, and a general analysis of the overall cost efficiency of the project is solicited. The possibility to answer this question depends very much on what figures and analysis that the cooperation partners already have put together.

An issue that will be looked into is the risk that the possibilities to earn income become too dominant in the priorities of NB.

3.7 Main evaluation questions

The main evaluation questions are which achievements have been made in the cooperation to date and how these, together with the needs of NBE for the next few years, would influence a continued cooperation with SEA and financing from Sida.

4. Proposed approach and methodology

The collection of data will be made from desk reviews, from interviews with major stakeholders within and outside the project and possibly through discussion in groups (for example with the concerned stakeholders, units within NBE, the embassy and with the project staff). Most of the time would be spent in discussions with NBE. If possible, a short field trip will be made to a regional enforcement office.

If possible, the main results of the review will be presented and discussed in an expanded group in the form of a mini-seminar at the end of the mission. This will serve as a validation by the stakeholders present, and their comments and views will enrich the draft final report.

The work plan is described in the Implementation Proposal.



REVIEW OF THE PARTNERSHIP COOPERATION BETWEEN THE NATIONAL BUREAU OF ENFORCEMENT OF GEORGIA AND THE SWEDISH ENFORCEMENT AGENCY

This is a Review of a cooperation between the Swedish Enforcement Agency (SEA) and its Georgian counterpart, the National Bureau of Enforcement, NBE. After the Rose Revolution in 2003, continuous reforms have been made in the Georgian government to quench corruption and give better service to the citizens. In enforcement, the reforms have been very rapid since 2008 when NBE became an independent authority.

NBE has changed nearly all its personnel and has very young and engaged staff. It has also introduced IT systems such as electronic auctions that make corruptive behaviour very difficult. In the cooperation between NBE and SEA, SEA has transferred knowledge based on Swedish enforcement systems and values. One result of the cooperation is that the rights of the debtors (and not only the creditors) now are given more weight in NBE's enforcement processes. The Review recommends further co-operation between NBE and SEA, and Sida support if there is a lack of funds to finance such cooperation.

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