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NOTE VERBAL

The Embassy of Georgia to the Republic of Austria Permanent Representation of Georgia to the OSCE and other International Organizations in Vienna presents its compliments to the Missions/Delegations of the participating States to the OSCE and to the Conflict Prevention Centre and has the honor to submit Georgia's response to the Questionnaire on the Code of Conduct on Politico-Military Aspects of the Security for the year 2017.

The Embassy of Georgia to the Republic of Austria, Permanent Representation of Georgia to the OSCE and other International Organizations in Vienna avails itself of this opportunity to renew to the Missions/Delegations of the participating States to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

Attachment: 36 pages.

Vienna, 12 September, 2018

To: OSCE Missions and Delegations
Conflict Prevention Centre
Vienna



Questionnaire On The Code Of Conduct On Politico-Military Aspects Of Security

1. International Legal Instruments on Terrorism, to which Georgia is a Party

a) Universal Conventions

Georgia is a party to the following fourteen (14) UN anti-terrorism conventions:

1. **Convention on Offences and Certain Other Acts Committed on Board Aircraft**, signed at Tokyo on 14 September 1963 (Tokyo Convention) - *in force for Georgia since September 14, 1994*;
2. **Convention for the Suppression of Unlawful Seizure of Aircraft**, signed at The Hague on 16 December 1970 (The Hague Convention) - *in force for Georgia since April 20, 1994*;
3. **Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation**, concluded at Montreal on 23 September 1971 (Montreal Convention) - *in force for Georgia since April 20, 1994*;
4. **Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents**, adopted in New York on 14 December 1973 - *in force for Georgia since February 18, 2004*;
5. **International Convention against the Taking of Hostages**, adopted in New York on 17 December 1979 - *in force for Georgia since February 18, 2004*;
6. **Convention on the Physical Protection of Nuclear Material**, adopted at Vienna on 3 March 1980 - *in force for Georgia since October 7, 2006*;
7. **Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation**, signed at Montreal on 24 February 1988 - *in force for Georgia since March 17, 1999*;
8. **Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation**, done at Rome on 10 March 1988 - *in force for Georgia since November 9, 2006*;
9. **Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf**, done at Rome on 10 March 1988 - *in force for Georgia since November 9, 2006*;
10. **Convention on the Marking of Plastic Explosives for the Purpose of Detection**, done at Montreal on 1 March 1991 - *in force for Georgia since June 24, 2000*;
11. **International Convention for the Suppression of Terrorist Bombings**, adopted in New York on 15 December 1997 - *in force for Georgia since February 18, 2004*;
12. **International Convention for the Suppression of the Financing of Terrorism**, adopted in New York on 9 December 1999 - *in force for Georgia since September 27, 2002*;
13. **International Convention for the Suppression of Acts of Nuclear Terrorism**, adopted in New York on 13 April 2005 - *in force for Georgia since April 23, 2010*;
14. **Amendment to the Convention on the Physical Protection of Nuclear Material**, adopted at Vienna on 8 July 2005 - *in force for Georgia since May 8, 2016*.

b) Regional Agreements

Georgia is a party to the following CoE anti-terrorism conventions:

1. **European Convention on the Suppression of Terrorism**, concluded at Strasbourg on 27 January 1977 - *in force for Georgia since March 15, 2001*;
2. **Protocol Amending the European Convention on the Suppression of Terrorism**, concluded at Strasbourg on 15 May 2003 - *in force for Georgia since December 8, 2004*;
3. **Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism**, concluded at Warsaw on 16 May 2005 - *in force for Georgia since May 1, 2014*;
4. **Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters**, concluded at Strasbourg on 8 November 2001 - *in force for Georgia since May 1, 2014*;
5. On 14 December 2005 Georgia signed the **Council of Europe Convention on the Prevention of Terrorism**, concluded at Warsaw on 16 May 2005.

Note: Irrespective of the fact that the Council of Europe Convention on the Prevention of Terrorism is not ratified yet, the provisions of this convention, which criminalize terrorist acts (Public provocation to commit a terrorist offence, Recruitment for terrorism, and Training for terrorism), have already been incorporated in the Criminal Code of Georgia in Article 330¹ (Open Support to Terrorist Activity and/or Terrorist Organization or Publicly calling for Terrorism), Article 330² (Provision of Training and Instruction for Conduction of Terrorist Activity) and Article 327¹ (Recruitment for the Membership of Terrorist Organization or Conducting Terrorist Activity). Recruitment is also covered by the definition of incitement for the commission of a crime, which, under Art. 24(2) is defined as "Convincing Someone to Commit a Crime".

c) Sub-regional Multilateral Agreements

- **The Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters** (Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Azerbaijan and Georgia) – for Georgia entered into force on 11 July 1996.
- **Sub-regional Cooperation within BSEC** (Organization of the Black Sea Economic Cooperation) and **GUAM** (Georgia, Ukraine, Azerbaijan, Moldova - Organization for Democracy and Economic Development)

Georgia is a party to:

1. Agreement among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on cooperation in combating crime, in particular in its organized forms, signed on October 2, 1998 - *in force for Georgia since July 27, 2000*;
2. Additional Protocol (establishing a network of liaison officers) to the Agreement among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on cooperation in combating crime, in particular in its organized forms, signed on March 15, 2002 - *in force for Georgia since May 30, 2004*;
3. Additional Protocol on combating terrorism to the Agreement among the Governments of the Black Sea Economic Cooperation (BSEC) Participating States on cooperation in combating crime, in particular in its organized forms, signed on December 3, 2004 - *in force for Georgia since October 16, 2005*;
4. Agreement on cooperation among the Governments of GUUAM (*Georgia, Ukraine, Uzbekistan, Azerbaijan, Moldova*) Participating States in the field of combat against terrorism, organized crime and other dangerous types of crimes, signed on July 20, 2002;
5. Protocol to the Agreement on cooperation among the Governments of GUUAM (*Georgia, Ukraine, Uzbekistan, Azerbaijan, Moldova*) Participating States in the field of combat against terrorism, organized crime and other dangerous types of crimes of the 20 July 2002, signed on December 4, 2008.

It is noteworthy that joint working group on organized crime, its various sub-groups (each respectively on the fight against terrorism, corruption and money laundering, human trafficking and illegal migration, drug trafficking, and on legal statistics) and recently established joint working group on cybersecurity are functioning within GUAM, whose meetings are held systematically and which give possibility to the law enforcement agencies of GUAM member states to cooperate effectively, to share operational and non-operational information, to exchange experience and best practices and to plan joint measures. Moreover, secure communication line is functioning among the GUAM law-enforcement centers, which avails them to exchange information in a very rapid manner.

d) Bilateral International Agreements

Georgia has signed bilateral international agreements/MoUs that include the cooperation in the fight against terrorism with the following countries:

1. Armenia
2. Austria
3. Azerbaijan
4. Belarus
5. Bulgaria
6. Egypt
7. Estonia

8. France
9. Germany
10. Greece
11. Hungary
12. Israel
13. Italy
14. Kazakhstan
15. Latvia
16. Lithuania
17. Malta
18. Moldova
19. Poland
20. Romania
21. Slovak Republic
22. Spain
23. Sweden
24. Turkey
25. Ukraine
26. United Kingdom (MoU)
27. USA
28. Uzbekistan

- ✚ **Draft Agreements ready for signature:** *Czech Republic and Belgium;*
- ✚ **Draft agreements under negotiations:** *Albania, Serbia, Qatar, Saudi Arabia and UAE.*

- **Agreement on Operational and Strategic Cooperation between Georgia and Europol was signed on 4th of April 2017 and since entry into force of this agreement on 31 July 2017 Georgia enjoys operational partner status with Europol.** On 9 March 2018 the Memorandum of Understanding on Secure Communication Line and Liaison Agreement were signed with Europol.
- Moreover, Georgia signed International Agreements on Exchange and Mutual Protection of Classified Information with *20 countries (Austria, Armenia, Azerbaijan, Belarus, Bulgaria, Czech Republic, Estonia, France, Germany, Latvia, Lithuania, Luxembourg, Norway, Poland, Romania, Slovak Republic, Spain, Sweden, Ukraine, USA)*, which are firm legal basis for sharing the classified information on the issues related to crimes, including terrorism.
- **Agreement between Georgia and European Union on Security Procedures for Exchanging and Protecting Classified Information** was signed on 23rd of June 2016 and entered into force on 1 February 2017
- Georgia is participating in the Operation SEA GUARDIAN in defending against, detecting and disrupting terrorism in the Mediterranean Sea, the straits of Gibraltar, and its approaches through information exchange, thus being actively involved in international counter terrorism efforts.

2. National Legislation of Georgia on Terrorism

a) Laws and by-laws

In order to comply with the international obligations taken under the international legal instruments, as well as with the requirements of United Nations Security Council (UNSC) Resolutions and UN General Assembly Resolutions, Georgia implemented the provisions of these instruments and the requirements of the resolutions into Georgian legislation by adopting new laws and regulations and by amending the existing legislation.

In 2007 the Parliament of Georgia passed the Law of Georgia on “**Combating Terrorism**” (*last amendments made on 15 July 2015*), which defines the legal basis of combating terrorism, forms of organizing combat against terrorism in Georgia, as well as the rule of coordination of governmental agencies in the field of combating terrorism, and the

grounds of participation of public unions, organizations, governmental officials and citizens in combating terrorism, their rights, obligations and their social protection guarantees.

Moreover, the Law of Georgia on “Combating Terrorism” provides the definitions of “**Terrorism**”, “**Terrorist Act**”, “**Terrorist Aim**”, “**Terrorist Activity**”, “**International Terrorism**”, “**Terrorist**”, “**Group of Terrorists**” and “**Terrorist Organization**”. These definitions conform to international standards. The law also addresses individuals, associations of two or more persons who carry out a terrorist activity and entities established for the purpose of conducting terrorist activities. The definitions contained in the Law on Combating Terrorism provide sufficient legal ground for imposing criminal responsibility under the Criminal Code of Georgia.

Among the other laws and by-laws, which inter alia deal with terrorism-related issues, are the following:

- Law of Georgia on “**Facilitating the Suppression of Illicit Income Legalization**” (creates a legal mechanism for countering money laundering and terrorism financing);
- Law of Georgia on “**Organized Crime and Racketeering**” (facilitates the fight against and the prevention of organized crime in order to protect private, public and state interests);
- Law of Georgia on “**Nuclear and Radiation Safety**” (prohibits any form of non-peaceful use of nuclear or radioactive materials on the territory of Georgia);
- Law of Georgia on “**License and Permits**” (according to this law, any activity related to the trading with nuclear and radioactive materials is subject to the special licensing);
- **Criminal Code of Georgia** (criminalizes all acts of terrorism, which are determined as such by the international anti-terrorism conventions or CoE conventions);
- Law of Georgia on “**Criminal Intelligence Activity**” (defines the system of measures carried out by special services of state agencies through application of open or covert criminal intelligence methods in order to protect the rights and freedoms of human, the rights of legal entities and the public safety from criminal or any illegal conduct);
- **Criminal Procedure Code of Georgia** (defines in detail each and every stage of investigation and criminal prosecution on any action that is considered as a crime under the Criminal Code of Georgia, as well as defines types and rules of application of covert investigative measures);
- **Civil Procedure Code of Georgia** (defines the procedure of the seizure and transfer to the state of a person’s property, who is convicted for the perpetration of terrorism financing, other material assistance to terrorist activity or provision of resources thereto);
- **Administrative Code of Georgia** (defines procedural rules for hearing and decision making by the courts of Georgia on administrative cases, inter alia, on the issues of the seizure of property of the persons related to the terrorism);
- Law of Georgia on “**International Law Enforcement Cooperation**” (defines the rules of international law enforcement cooperation in the fight against crime, including terrorism-related crime);
- Law of Georgia on “**International Cooperation in Criminal Matters**” (defines the rules of mutual legal assistance and extradition issues);
- Law of Georgia on “**State Security Service of Georgia**” (defines basic guiding principles for the activities of the State Security Service of Georgia, its functions and authority, procedures for the performance of services by public servants of the Service, and their legal and social protection guarantees, the forms of controlling and overseeing activities of the State Security Service of Georgia);

- Law of Georgia on “**LEPL – Operative-Technical Agency of Georgia**” (defines the status and the guiding principles of activities of the Legal Entity of Public Law - Operative-Technical Agency of Georgia, the Agency’s objectives and powers, the forms of control and oversight over the Agency’s activities);
- Law of Georgia on “**Georgian Intelligence Service**” (defines the status, powers, main fields of activity, objectives and principles of Georgian Intelligence Service, as well as the legal basis and procedures for serving at the Service, social and legal protection guarantees thereto);
- Law of Georgia on “**Counterintelligence Activities**” (defines and regulates the special type of activities in the field of ensuring the state security, which aim at revealing and preventing the threats emanating from terrorist and/or intelligence activities of special services of foreign countries, organizations, groups and certain individuals, directed against the state interests of Georgia);
- Law of Georgia on “**Police**” (defines basic principles of the Georgian police activities, the legal grounds for organizational structure of the police, its functions, measures to be carried out by the police and legal forms of exercising police authority, procedure for serving in the police, legal and social protection guarantees of police officers and control over police activities);
- Law of Georgia on “**Trust Group**” (defines rules on conduction of budget control over special programs and secret activities of agencies of the executive Government of Georgia, by the Trust Group created within the Parliament of Georgia);
- Law of Georgia on “**Personal Data Protection**” (defines provisions on ensuring protection of human rights and freedoms, including the right to privacy, in the course of personal data processing);
- Decree of the Government of Georgia approving “**The Rule of Organizing Overall Counterterrorist Activities in the Country and of Coordination of Activities of Agencies in Combating Terrorism**” of 26 March 2014;
- Decree of the Government of Georgia approving “**The Rule of Organization and Activity of the Operational Headquarters on Extreme Situations Management**” of 5 December 2014;
- Decree of the Government of Georgia “**Approving the statute of Air Carrier providing Advance Passenger Information and Passenger Name Records to the competent authority**” (defines the rules of providing Advance Passenger Information and Passenger Name Records to the competent authority which is the LEPL – Operative Technical Agency of Georgia. These rules aim at the promotion of prevention, detection, investigation or criminal persecution of terrorism, as well as other serious and particularly serious crimes, also improvement of border control and fight against irregular migration).
- Other respective laws and by-laws.

b) Criminalization

Criminal Code of Georgia criminalizes the following terrorist acts:

- Terrorist Act (Art. 323),
- Unlawful purchase, storage, carrying, manufacturing, transportation, transfer, sale or use of firearms, ammunition, explosives or equipment for terrorist purposes (Art. 323¹),
- Participation in International Terrorism (Art. 323²)¹,
- Technological Terrorism (Art. 324),
- Cyber terrorism (Art. 324¹),

¹ This Article also criminalizes crossing or attempt of crossing the state border of Georgia with the aim of perpetration, preparation of or participation in terrorist activity or in terrorist training (Article 323² was expanded by amendments of 12 June 2015 in order to address FTF phenomenon).

- Assault on Public Political Officials of Georgia (Art. 325),
- Assault on Person or Institution Enjoying International Protection (Art. 326),
- Membership in a Terrorist Organization, Participation in its Activities or Establishment or Management of Terrorist Organizations (Art. 327),
- Recruiting a Person as a Member of a Terrorist Organization or for Carrying Out Terrorist Activities (Art. 327¹)²,
- Joining a Foreign Terrorist Organization or a Terrorist Organization Controlled by a Foreign State or Supporting this Organization in Its Terrorist Activities (Art. 328),
- Taking a Hostage for Terrorist Purposes (Art. 329),
- Unlawfully Taking Possession of an Aircraft or Water Craft, Railway Rolling Stock or of Other Public or Cargo Transport for Terrorist Purposes (Art. 329¹),
- Taking Possession of or Blocking Strategic or Other Facilities of Special Importance for Terrorist Purposes (Art. 330),
- Open Support of Terrorist Activities and/or a Terrorist Organization or Public Incitement To Terrorism (Art. 330¹)³,
- Providing Training and Instruction for Terrorist Activities (Art. 330²)⁴,
- Theft for the Purpose of Committing One of the Offenses Defined in this Chapter (Art. 330³),
- Extortion for the Purpose of Committing One of the Offenses Defined in this Chapter (Art. 330⁴),
- Making of Forged Official Documents for the Commission of One of the Offenses Defined in this Chapter (Art. 330⁵),
- False Notification on Terrorism (Art. 331),
- Financing of Terrorism, Provision of Other Material Support and Resources to Terrorist Activities (Art. 331¹),
- Failure to Take Measures to Prevent Acts of Terrorism (Art. 331²).

The Criminal Code of Georgia also criminalizes the following terrorism-related acts:

- Preparation of Crime (Art. 18) (can be applied in conjunction of any other mentioned crimes),
- Attempted Crime (Art. 19) (can be applied in conjunction of any other mentioned crimes),
- Complicity in Crime (Art. 23) (can be applied in conjunction of any other mentioned crimes),
- Taking a Hostage (Art. 144),
- Creation, Management of Illegal Formations, Joining, Participation in Such Formations, and/or Implementation of Other Activities in Favor of Illegal Formations (Art. 223)⁵,
- Illegal Seizure of Aircraft, Water Vessels or Railway Rolling Stock (Art. 227),
- Endangering the Navigation of Water Vessels (Art. 227¹),
- Illegal Seizure, Destruction or Damage of a Stationary Platform (Art. 227²),
- Posing Danger to Aircraft (Art. 227³),
- Piracy (Art. 228),
- Explosion (Art. 229),
- Illegal Handling of Nuclear Material or Equipment, Radioactive Waste or Radioactive Substance (Art. 230),
- Seizure of Nuclear Material, Radioactive Substances or Other Sources of Ionizing Radiation (Art. 231),
- Unlawful Demand of Nuclear Materials (Art. 231¹),
- Threat to Illegally Seize or Use of Nuclear Substance (Art. 231²),
- Manufacturing of Nuclear Weapons or Other Nuclear Explosive Equipment (Art. 232),
- Public Incitement to Acts of Violence (Art. 239¹)⁶.

² This Article was expended by amendments of 12 June 2015 in order to address FTF phenomenon.

³ This Article was expended by amendments of 12 June 2015 in order to address FTF phenomenon and violent extremism.

⁴ This Article also criminalizes the receipt of training and instruction (passive aspect).

⁵ This Article was expended by amendments of 12 June 2015 in order to address FTF phenomenon.

⁶ This Article was added by amendments of 12 June 2015 in order to address FTF phenomenon and violent extremism.

The Criminal Code of Georgia establishes criminal liability for terrorist acts. Paragraph 1, Article 323, Chapter XXXVIII (Terrorism) of the Criminal Code of Georgia defines terrorist act as any of the following conducts: explosion, arson, assault against person, application of arms or any other action giving rise to threat of a person's death, substantial property damage or any other grave consequences perpetrated for terrorist aims. For the purposes of Chapter XXXVIII (Terrorism) terrorism aim is the intimidation of population or coercion of a governmental body, a governmental body of a foreign state, or an international organization in order to apply or not to apply any action, as well as destabilization or destruction of fundamental political, constitutional, economic or social institutions of state/foreign state/international organization. Such conduct shall be punished from ten to fifteen years of imprisonment.

Threat of commission of the abovementioned conduct shall be punished from six to twelve years of imprisonment (Paragraph 1¹).

Paragraph 2 of the same Article establishes that, if the above-mentioned actions are committed by a group, repeatedly or by using means of mass destruction, they will be punished from twelve to seventeen years of imprisonment.

Paragraph 3 of the same Article establishes that, if the above-mentioned actions have claimed a human life or have given rise to any other grave consequence, they will be punished from fifteen to twenty years of imprisonment or by life imprisonment.

For committing the act determined by this Article a *legal entity* is punished by liquidation or deprivation of the right to conduct activity and by fine. In general, sanctions related to terrorist offences are relatively high. For example, article 323 of the Criminal Code of Georgia criminalizing terrorist act provides imprisonment up to 15 years. If the aggravating circumstances are met, imprisonment up to 20 years or lifetime imprisonment is applied. According to the recent amendments to the Criminal Code of Georgia, Article 323² criminalizes participation in international terrorism, while Article 330² introduced punishment for providing training and instruction for terrorist activities and Article 327¹ covers the crime of recruiting a person as a member of a terrorist organization or for carrying out terrorist activities.

c) Measures for tackling FTFs

In order to tackle the phenomenon of s.c. "foreign terrorist fighters" more effectively and to fully implement 2178 UNSC Resolution, a substantial package of amendments to the Criminal Code of Georgia was elaborated and presented to the Parliament of Georgia in January 2015. The Parliament of Georgia adopted the amendments on June 12, 2015.

The amendments introduced the crimes of incitement of hatred and participating in illegal formations operating on the foreign territory. At the same time, the terrorism chapter of the Criminal Code was amended, addressing introduction of criminal punishment for the so called "Jihad Travel" (crossing or attempt of crossing the state border of Georgia with the aim of perpetration, preparation of or participation in terrorist activity, as well as participation in terrorist training). As a consequence, new amendments supplement the Criminal Code and provide a solid legislative basis for combating violent extremism and terrorism.

Besides, the provision of safe haven to terrorists is explicitly criminalized under article 331¹ of Criminal Code of Georgia as a form of provision of support to terrorism ("[...] premeditated provision of services to terrorists or terrorist organization, provision of shelter or safe haven to terrorists and/or provision to terrorists or terrorist organization of other material support or resources"). Under this article punishment for commitment of the abovementioned crime is deprivation of liberty from 10 to 20 years or life imprisonment (depending of the gravity of the crime). The legal person is punished with liquidation or deprivation of the right to work and fine.

In order to counter the movement of foreign terrorist fighters, the border is strengthened. Information is exchanged and active joint measures are planned with partner countries in order to reveal FTFs and to prevent their illegal activities. Georgia uses the secured channels existing within the frames of regional organizations, for the exchange

of relevant information. **Police/security attaché channels are widely applied for sharing the information as well. Georgia is also a party to the Council of Europe Counter-Terrorism Committee (CDCT).**

Besides, it should be noted that Georgia took steps towards prevention of radicalization. **Different programs and projects** are successfully implemented, for ensuring ethnic and religious minorities' full-fledged participation in all spheres of public life, including equal participation in civil and political life, creating equal social and economic conditions and availability of high quality education at all levels and preserving national minorities' culture and identity.

Georgia has plans on developing economy of those regions. **Enhancing equal access to education is one of the priorities for the Government of Georgia.** There are several ongoing projects to support education and develop educational infrastructure, to create special programs for local students and update school facilities. Ministry of Education and Science of Georgia has financed certain projects that have been developed by the local schools. *In order to increase the integration of Muslim youth into Georgian society, the GoG now allows students to pass exams in languages other than Georgian, and the Government attempts to better advertise educational opportunities and scholarships to vulnerable population.* Government is supporting sport developments (such as rugby, Judo and etc. building modern facility for sports).

Enhancement of legislative framework on combating terrorism in 2015 has made the Counterterrorist Center of SSSG more flexible to act effectively in response to the existing challenges. Due to the effective law-enforcement measures carried out by the SSSG and as a result of the efforts of the different state agencies, including detention of ISIS representatives in Georgia, strengthening of terrorism-related legislation, as well as active campaign conducted in the society, since 2016 the number of people willing to join the terrorist activities, as well as number of radicalized citizens have been sharply decreased in the country.

The State Security Service of Georgia pays considerable attention to the persons who have travelled to Syria and Iraq to fight in the ranks of terrorist organizations and may return to Georgia. On November 21-22 2017, the SSSG conducted a counterterrorism operation against international terrorist **Akhmed Chataev** and his organized terrorist group. According to the existing information, the aim of the group was to carry out terrorist attacks in Georgia. After the criminal intelligence and investigative activities conducted by the SSSG the group was tracked down. During the special operation **Akhmed Chataev** blew himself up, and the members of the group accused of terrorism – the Russian citizens **Ibragim Adashev** and **Aslanbeg Soltakhmadov** were liquidated. Also, the Interpol wanted **Shoiap Borzиеv** was detained. Furthermore, as a result of investigatory activities, the State Security Service of Georgia detected and detained other individuals as well, linked to the group accused of terrorism.

On July 27, 2018 the court found all the individuals linked to **Akhmed Chataev**, who were detained by the State Security Service of Georgia, guilty on all charges.

3. Agencies responsible for fight against Terrorism

Georgia has undergone major changes by reforming the law-enforcement and security spheres. Separating police from the state security agencies is an important institutional reform conducted with the aim to establish effective democratic oversight mechanisms over the national security and police service, as well as maintain the public trust. As a result of reform, on 7th of July, 2015 the Law of Georgia on “**State Security Service of Georgia**” and subsequent package of legislative changes were adopted by the Parliament of Georgia.

According to the law on 1st of August, 2015 the **State Security Service of Georgia** officially commenced functioning. The mandate, functions and authority of the Service have been clearly defined at the legislative level. One of the main directions of activity of State Security Service of Georgia is to fight against terrorism. The Counterterrorism Center within the State Security Service, in coordination with the relevant ministries and agencies of Georgia, is entitled to prevent, detect and suppress the crimes of terrorism.

The Paragraph 2 of the Article 4 of the Law of Georgia on “**Combating Terrorism**” sets forth the governmental agencies, which directly exercise combat against terrorism. These agencies are:

1. **State Security Service of Georgia**, which is the main authority in the common state system for combating terrorism;
2. **Ministry of Defense of Georgia**;
3. **Intelligence Service of Georgia**;
4. **Special State Protection Service of Georgia**.

According to the Paragraph 1 of the Article 5 of the law, the **State Security Service of Georgia is the main agency that combats terrorism** by means of operative, operative-technical and criminal intelligence measures intended to detect, prevent and suppress terrorist activities through revealing, preventing and suppressing crimes that are committed for terrorist purposes and the investigation of which falls within authority of the Service. The State Security Service of Georgia shall: gather and systematize information on the activities of foreign and international terrorist organizations; investigate terrorism related crimes; coordinate activities of agencies combating terrorism through the Counter-terrorism Centre of the State Security Service of Georgia; the Centre is directly responsible for ensuring implementation of counter-terrorist measures. Other divisions of the State Security Service of Georgia shall allocate necessary forces and means and ensure their effective use in anti-terrorism operations.

The **Ministry of Defense of Georgia** ensures protection of weapons, ammunition, explosives and poisonous substances, located in military units or stored in specific places; in case if an act of terrorism is committed in airspace of Georgia, it ensures preparedness and application of subdivisions of land units of the Armed Forces of Georgia. It participates in counterterrorist operations carried out at military facilities.

The **Intelligence Service of Georgia** obtains and processes information on foreign and international terrorist organizations operating outside Georgia and submits this information to the respective authorities in accordance with the established rule. It participates in counterterrorist operations within its competence.

The **Special State Protection Service of Georgia** participates in operations performed to suppress terrorist acts against officials and objects which are under the protection of the Service.

In addition to the above-mentioned, “**the Rule of Organizing Overall Counterterrorist Activities in the Country and of Coordination of Activities of Agencies in Combating Terrorism**” approved by the Decree of the Government of Georgia entitles the Counterterrorism Center of the State Security Service of Georgia with the following powers:

- The instructions and requests of Counterterrorism Center are obligatory and must be observed by any agency;
- Governmental agencies are obliged to submit to the Counterterrorism Center any information in accordance with “the List of Information ensuring overall counterterrorist activities” approved by the same decree;
- On the basis of acquired materials the Counterterrorism Center ensures providing uniform and mutually agreed information base on counterterrorist condition and its dynamics, detects foreseeable threats by analyzing the information in all its aspects, and conducts measures to avoid terrorist activities;
- During conducting special (operational, operational-technical) and criminal intelligence measures of counterterrorist activities the Counterterrorism Center and other agencies are authorized to use potential, property or material-technical base of other governmental agencies in accordance with the rules provided by legislation;
- After the information is submitted to the Counterterrorism Center, it determines the authorized competent agency (agencies), which will carry out counterterrorist activities related to the received information;
- The Counterterrorism Center is authorized to request improved materials connected to the abovementioned information from respective government agencies;
- The Counterterrorism Center determines the expediency of continuing special measures after it receives additional information from counterterrorist activities;

Furthermore, in order to ensure well-coordinated interagency response to the terrorism activities in the country the GoG approved the Decree N662 on the “**Rule of Organization and Activity of the Operational Headquarters on Extreme Situations Management**”. The Headquarter is led by the Head of the State Security Service and is established by the Governmental Order on an ad hoc basis in case of terrorist activities. The Headquarter is in charge of conducting counter terrorism operation with the mobilization of all governmental resources.

Moreover, in order to implement more comprehensively the United Nations Security Council resolutions (especially: 1267 and 1373 Resolutions and the relevant subsequent resolutions) on combating terrorism, in December 2011 Government of Georgia established an interagency Governmental Commission working on Implementation of the UN Security Council Resolutions. According to the established legal framework, Commission is mandated to implement UNSC resolutions in three main directions: **assets freeze, travel ban and arms embargo**. Personnel at border crossing points are entrusted with the responsibility to ensure travel ban on those individuals, who are designated as terrorists in the UN consolidated list of terrorists.

4. Non-proliferation, Nuclear and Radiation Security

Georgia pays particular attention to the nuclear security issues since this field constitutes the cornerstone of entire national security. Therefore, important steps have been made for strengthening nuclear security of the country that covered significant developments at the legislative, institutional, operational and international levels.

Georgia supports the existing global nuclear security architecture by implementing its requirements at a national level and demonstrating the commitment to international legal instruments. At the same time, Georgia actively contributes capacity building process of its law enforcement agencies designated for combating nuclear security violations.

a) Legislative Developments

In February 2014 Government of Georgia established an Interagency Coordinating Council on Combating CBRN Threats and adopted **CBRN Threat Reduction Strategy**. The document provides general directions in the process of reducing threats and mitigating consequences caused by chemical, biological, radiological and nuclear incidents. The overall objective of the Strategy is to foster the development of the nationwide mechanism for CBRN threat reduction, oriented on such components of CBRN incident management as prevention, detection, preparedness and response. The Council has been mandated to coordinate the process of elaboration of the corresponding **CBRN Threat Reduction Action Plan**, which was approved on 10 March 2015, covering the years of 2015-2019. The Council is also responsible to monitor the Action Plan implementation.

The elaboration of the Action Plan was actively supported by the experts of the United Nations Interregional Crime and Justice Research Institute (UNICRI), U.S. Embassy in Georgia and the EU. The overall purpose of the CBRN National Action Plan is to ensure that separate efforts are incorporated into one coherent approach, thus strengthening national capacities for prevention, detection, preparedness and response to CBRN threats. Its aim is to strengthen regional security by increasing local ownership, expertise and long-term sustainability. Document focuses on nuclear and radiological security; bio-security and bio-safety issues; as well as chemical components; non-proliferation of weapons of mass destruction and other components necessary for the creation of it; waste management; development of infrastructure; enhancement of capabilities of the relevant agencies through training and equipment; upgrade and implementation of relevant UN resolutions (including the United Nations Security Council resolution N1540) and other international legal instruments, as well as, international cooperation within the framework of the obligations assumed.

It should be especially noted that Georgia was the first country among 59 partner states of the EU CBRN Risk Mitigation Centers of Excellence initiative, which has developed and adopted this document. The document was successfully presented at different international events conducted under the auspices of the UN. Various countries have already shared Georgia’s experience and even more, expressed willingness to receive assistance from Georgia in elaboration of the National Action Plan.

Furthermore, in 2012 Parliament of Georgia adopted the **Law on Nuclear and Radioactive Security**, establishing obligatory requirements for public and private entities, which carry out functions involving nuclear and radioactive

materials and sources for peaceful purposes. This legislative act aims to suppress and prevent all activities derived from illegal use of such materials and sources.

The Law on License and Permits further enhances the national legal framework for nuclear safety and security by subjecting any activity related to the trade involving nuclear and radioactive materials to the special licensing procedures.

Moreover, active measures and criminal liability for using or attempting to use nuclear substances with terrorism purposes is provided by the Georgian Law on Combating Terrorism and the Criminal Code. Law on “Combating Terrorism” defines organizational forms, legal foundations and law enforcement coordination issues necessary for combating all forms of terrorism (including nuclear terrorism).

Criminal Code of Georgia considers Technological Terrorism (CBRN related terrorism) as an especially grave crime for which defines from 12 years to life imprisonment (committed in aggravating circumstances). Article 324 (Technological Terrorism) of the Criminal Code of Georgia criminalizes - unlawful purchase, storage, carrying, production, transportation, transfer or sale of biological, radiological, chemical or bacteriological (biological) weapons or components thereof, of radioactive and/or other substances harmful to human health, or research and development of biological and chemical weapons, committed for terrorist purposes (Paragraph 1). Moreover, Paragraph 3 of Article 324 of the Criminal Code of Georgia envisages criminal punishment for the use of biological, radiological, chemical or bacteriological (biological) weapons or components thereof, of pathogenic microorganisms, radioactive and/or other substances harmful to human health, including seizure of the facilities constituting nuclear, chemical or increased technological or ecological hazard, committed to influence physical and legal persons or for terrorist purposes.

Furthermore, Articles 230, 231, 231¹, 231² and 232 establishes criminal liability for illegal handling, seizure or manufacturing nuclear substances as well as for the threat to commit abovementioned crime.

b) Institutional Developments

Significant institutional changes have been carried out since 1st of August 2015, after establishment of the SSSG. Considering the functions of the State Security Service of Georgia, it became the leading agency in the process of detecting, suppressing and preventing CBRN security violations and responsible for the coordination of national efforts related to the CBRN security issues. Therefore based on the *Government Decree dated 7th of September 2015, the CBRN Interagency Coordinating Council is chaired by and the Council Secretariat is transferred to the State Security Service of Georgia.* Currently, Counterterrorism Centre of the State Security Service is entitled to fight against terrorism crimes, whereas the relevant departments of the SSSG are entitled to combat illegal turnover of Weapons for Mass Destruction and its components and at the same time, to search and seize CBRN substances from the crime scene.

On November 11, 2015, the Parliament of Georgia adopted amendments in the law on Nuclear and Radiation Safety, as well as the law on Radioactive Waste Management. According to the above mentioned laws, LEPL Nuclear and Radiation Safety Agency was established, which is authorized for regulatory control of nuclear and radiation safety and also, to coordinate state efforts for radioactive waste management. Based on these laws, the Agency elaborated Radioactive Waste Management Strategy for 15 years, which was adopted in December, 2016.

Georgia is in the process of developing as an international partnership centre in the CBRN field. Since July 2013, Regional Secretariat of CBRN Risk Mitigation Centres of Excellence has been functioning in Tbilisi. CBRN Centre is the initiative of EU that was implemented through active contribution of European Commission's Joint Research Centre and UN Interregional Crime and Justice Research Institute (UNICRI). *Centre of Excellence unites 10 countries of South East and Eastern Europe, also South Caucasus (Albania, Armenia, Azerbaijan, Bosnia-Herzegovina, Macedonia, Montenegro, Georgia, Moldova, Serbia and Ukraine)* and its function is the capacity building of agencies involved in the reduction of the abovementioned threats.

Moreover, in 2015, as a result of the active efforts of the State Security Service of Georgia and by the initiative of Georgian Government, together with Philippines and Morocco, "UN Group of Friends on CBRN Risk Mitigation and Security Governance" (hereinafter GoF) was established. On 8 December 2015, the first inaugural session of GoF, chaired by the Mission of Georgia in the UN was held, which was attended by 27 member countries. The GoF aims to address and promote various CBRN related topics in the United Nations, including in the Security Council, by actively engaging with Member States and the UN Secretariat. *Currently, the GoF unites 14 member states (Georgia, Morocco, Philippines, Armenia, Afghanistan, Burkina Faso, FYROM, Jordan, Kenya, Malaysia, Montenegro, Saudi Arabia, Serbia and Vietnam).* In April 2017 the GoF, under the chairmanship of the Mission of Georgia in the UN, initiated preparation of a Resolution on "Assessing and Mitigating the Risks of Chemical, Biological, Radiological and Nuclear Materials". Once extensive consultations with the European Commission, EU and UN member countries are completed, the resolution is planned to be submitted to the session of the UN General Assembly.

Georgia took significant steps to become a member of the *G7 Global Partnership against the Spread of Weapons and Materials of Mass Destruction*. It should be noted that on 1st of October 2015, at the G7 Global Partnership Working Group (GPWG) Meeting held in Berlin, Georgia expressed its readiness to join the Global Partnership in the field of CBRN security and with its experience, to further increase its contribution to global security architecture. Following the official request on accession to Japan (chairman country in 2016), *Georgia was invited to participate as a Member State to the G7 Global Partnership Summit, held in Japan, on 7-9 September, 2016.* Since then, Georgia actively participates in the annual meetings and working groups of the Partnership. Also, it is worth mentioning that Georgia is a partner nation of the *Global Initiative to Combat Nuclear Terrorism (CICNT)* and actively contributes to the mission of the initiative.

Furthermore, Georgia (SSSG) was the main host of the *CSCM - World Congress on CBRNe Science & Consequence Management*, which was organized under the auspices of the Government of Georgia on *30 May-2 June 2016, in Tbilisi*. The Congress brought together high rank officials from *30 countries and international organizations, CBRN experts and scientists*. The Congress focused on CBRN counter-proliferation and counterterrorism issues with the goal of better understanding and acting to minimize the CBRNe threat. It's noteworthy, that Georgia hosted the mentioned event for the second time, before the CSCM - World Congress on CBRNe Science & Consequence Management was held on June 2-5 2014 in Tbilisi.

On 5-6 of October 2016, the SSSG together with MFA, MIA and the Civil Council for Defense and Security with the support of Swedish Radiation Safety Agency and the UK Department of Energy and Climate organized the *Second International Forum for Regional Stability - Nuclear and Radioactive Challenges in the Black Sea Region: Causes, Consequences and Countermeasures*. The event brought together high level government officials, representatives of international organizations and experts to discuss a common nuclear security and non-proliferation agenda. In 2018 Georgia will host the 3rd Forum.

Georgia has been a party of various international and UN conventions aiming to reduce CBRN related threats. The country efficiently cooperates with IAEA, which has carried out several projects and assistance missions in Georgia.

Georgia actively collaborates with the IAEA ITDB (Illicit Trafficking Data Base) office by exchanging relevant information. Cooperation with this international mechanism for global information flow helps Georgian authorities to analyze the worldwide nuclear smuggling trends more effectively.

Georgia is continuing its partnership with the IAEA by implementing a national Integrated Nuclear Security Support Plan (INSSP), which works as a roadmap to achieve the best level of the state nuclear security. In February 2014 an INSSP review mission identified general trends for next 5 years, which was adopted in October 7, 2015. In June 2018, the INSSP evaluation team visited Georgia, which assessed the progress made by the country so far and defined the issues to further work with the Georgian agencies.

On April 8, 2015, Georgia signed second Country Programme Framework (CPF) with IAEA, which is the frame of reference for the medium-term planning of technical cooperation between a member state and the IAEA. The Framework identifies priority areas where the transfer of nuclear technology and technical cooperation resources will be directed to support national development goals. The new CPF covers Georgia's legislative base, nuclear radiation

and safety infrastructure, health care (nuclear medicine and radiotherapy) and waste management and decommissioning.

On April 16, 2015, *Technological Innovations and Training Center* was established at the *LEPL Operative-Technical Agency under the SSSG*. Foundation of the Center was aimed at developing trilateral cooperation between Georgia, United States and European Union in the field of nuclear and radiation non-proliferation, capacity building of the country in order to ensure non-proliferation of radioactive materials and also, contribution to further development of human and material resources.

The SSSG actively supports the MIA in border security of the country and provides radiation controls systems existed at the state border with high quality technical and IT support, as well as training of personal. LEPL Operative-Technical Agency under the SSSG along with the US experts and with the support of Institute for Transuranium Elements of the EU Joint Research Center (JRC) elaborated and implemented **intensive training course** related to detection and response on radioactive materials. As a result, **employees of different structural units of MIA** (Patrol Police, Border Police, Special Tasks Department and etc.) and Ministry of Finance (Customs Department) are being trained *in the premises of Technological Innovations and Training Center*. Furthermore, the training curriculums and plans on prevention and non-proliferation of WMD and related materials for the personnel of Coast Guard Department of the MIA Border Police of Georgia are elaborated and implemented. Also, SOPs on detection of nuclear and radioactive materials for the MIA Border Police of Georgia have been developed.

In order to ensure control of the movement of radioactive materials through the border crossing points, Georgia works closely with the US Department of Energy. Since 2006, within the frame of the "Second Line Defense" (SLD) program certain important projects have been conducted on capacity building of Georgia in the sphere of non-proliferation of nuclear weapons and radiation. The radiation control equipment was installed in all border crossing points and the relevant trainings have been conducted for the staff. It should be noted that in cooperation with the US Department of Energy, the standard operating procedures and personnel training system for sustainable development are also included in the spheres of cooperation with SLD Office.

Georgia effectively cooperates with the United States in the framework of Counter Nuclear Smuggling (CNS) Joint Action Plan signed by the two governments in 2007. Georgia has made substantial progress in implementing all areas of the following agreement (improving border security, prosecution and nuclear forensics efforts, etc.) and continues to investigate criminal cases and arrest offenders involved in the illicit trafficking of radiological and nuclear materials. In this regard *in June 2016, Georgian-American bilateral dialogue on countering smuggling of nuclear and radioactive materials* was held. Participants discussed key achievements made by the Government of Georgia in the field of nuclear and radioactive security. *The US side underlined Georgia's success in full implementation of the Joint Document* and expressed its willingness to further continue intensive cooperation with Georgian side.

It is important to note the measures implemented by the SSSG against illicit trafficking of nuclear and radioactive materials and substances. In 2015-2016, officers of the SSSG exposed two attempts of illegal sale of radioactive substances and, as a result, radioactive substances "Cesium -135" and "Cesium-137" were seized, eight persons have been charged. In April 2016, two cases of illegal handling and selling of nuclear material have been detected by the employees of the SSSG. Additionally, in May 2017, SSSG prevented a case of illegal handling and selling of "Americium-241" source. In total, in 2006-2017 - 26 counter-smuggling operations have been conducted.

Further on, the Ministry of Internal Affairs of Georgia pays special attention to issues related to radiation security, including those related to control of smuggling of radioactive materials. In 2017 the special division working on the detection of chemical, biological, radioactive and nuclear threats was formed within the Special Tasks Department of the Ministry of Internal Affairs of Georgia, whose functions are the following: detection of chemical, biological, radioactive and nuclear substances adjacent to the occupied territories of Georgia, and conduction of coordinated measures together with the relevant Georgian agencies. In this regard it is also noteworthy that the division is actively engaged in monitoring of mass sportive and cultural events.

With the assistance of US Department of Energy, the division was provided with technical equipment and special motor vehicles, and the personnel of the division participated in the relevant targeted courses, trainings and interagency studies. In May 2018 another training related to the handling of special equipment and motor vehicles was held with the assistance of instructors from US Department of Energy.

The functions of the LEPL Emergency Management Agency of Georgia in the field of CBRN safety are following: assessment of the situation with the aim of responding to nuclear, radiation, biological and chemical incidents, coordination of appropriate response forces; participation in evaluation of engineering radiation, chemical and biological emergency situations, organizing activities for preventing the impact of appropriate damaging factors, de-activation in case of nuclear accident and other special protection measures of the population.

Agency pays special attention to CBRN safety-related issues and relevant international cooperation. During 2017-2018, with the assistance of the US Department of Energy, US Defense Threat Reduction Agency and EU, in the framework of chemical, biological, radioactive and nuclear security projects, theoretical and practical training of trainers and CBRN incidents first responders were carried out in accordance with appropriate program. In particular, with the organization of the US Defense Threat Reduction Agency – DTRA, the 8-day theoretical and practical exercise was conducted in June 2018 in Special Emergency Response Division of the Emergency Management Agency. In the course of the training, CBRN Incidents Response Staff was retrained. The Agency was also provided by DTRA and EU with devices for detection, identification of CBRN substances and personal protection equipment.

b) Operational Developments

Law enforcement agencies of Georgia have sufficient material and technical resources for adequate response to nuclear security violations. Georgian law enforcement agencies are mainly focused on the prevention of nuclear security threats. For that purposes, all road, sea, railroad and air Border Control Points (BCPs) that are under the control of Georgia's central government are fully equipped with radiation detection equipment, provided by US DoE – Police Officers as well as Customs Officials have been trained in appropriate procedures. Video-control (CCTV) cameras at the BCPs are connected to the central database allowing for 24/7 control.

In the context of CBRN security, particular emphasis is placed on training/retraining and enhancing professional capacity of personnel of appropriate law enforcement agencies. It is noteworthy, that the representatives of law enforcement and other relevant agencies, involved in the fight against CBRN threats participated in many international seminars, workshops and trainings organized by various partner countries (USA, Lithuania, Germany, Hungary, Bosnia-Herzegovina, Bulgaria, Sweden, Czech Republic an etc.) and international organizations (UNICRI, IAEA, NATO, EU, CoE and etc.).

5. Border Control

a) Non-proliferation, Border Control and Maritime Security

Georgia has modern, operational border check points, modernized and adapted to control different flows and fully in line with the best practices of EU member states. There is a standard design model applied to all Georgian BCPs which stipulates safe and well organized movement of passengers and cargoes. Infrastructure including buildings, access roads and booths are fully adapted for organized movement of different entry and exit flows. Each border check point of Georgia is equipped with the radiation stationary and mobile detectors.

Border Police of Georgia is responsible for control of border regime and security on the “green” border, the maritime space of Georgia, while Patrol Police Department is responsible for control of the border check points. Total approximate length of the green State Border of Georgia amounts to 1 839 km. Length of the area with Republic of Turkey is 275 km, approximate length of the area with Republic of Armenia - 224 km, approximate length of the area with Republic of Azerbaijan - 446 km and approximate length of the area with Russian Federation - 894 km.

One of the key aspects of Modernization of Border Police is the implementation of the Border Operation Management System (BOMS) project. BOMS includes:

- Video surveillance;
- Communication and Tactical positioning (border patrols);

- Difference sensor technologies;
- Software and database (linked to el. processing of operations, incident registering, as well as data processing for analytics – Threat assessment and risk analyze).

High risk sectors of Georgian-Turkish and Georgian-Armenian Border were selected for piloting BOMS project. BOMS is already launched at Border Sector “Sadakhlo” (Georgia-Armenian Border) at four Sectors of Georgian-Turkish State Border (“Sarpi”, “Kirnati”, “Vale” and “Kartsakhi”). 3 more Border Sectors are being equipped with the modern surveillance capabilities at Georgia-Armenian state Border (“Kasumlo”, “Sameba”, “Guguti”), installation process will be finished by the end of 2018 and system will be launched in 2019.

Introduction of modern technologies triggered revision and reassessment process of existing Border Guards’ instructions and SOPs. In that regard, new SOP for the Land Border Protection Sectors was elaborated and approved (at tactical level). SOP for the Land Border Regional Divisions are being updated and will be approved by the end of 2018.

As for improving state border infrastructure and increasing interdiction capabilities of the Border Police, 8 new Border sectors were opened in the period of 2016-2017, 4 more are being constructed and will be opened by the end of 2018. At the same time all border sectors of Georgia-Armenia and 4 sectors of Georgia-Azerbaijan were equipped with new interdiction capabilities (All Terrain Vehicles, snowmobiles, night vision systems, personal equipment and etc.). Infrastructure and equipment modernization process was supported by the European Union and different programs of the United States.

One of the main pillars of Modernization program is a human resource management and professional development of Border Guards. Special professional development unit was established at the Border Police, responsible for the elaboration of career management system. In that regard Human Recourse Management Handbook and Professional Management Handbook was elaborated. Job Descriptions and Qualification Requirements were predetermined for each position of Border Police and starting from May 2018 Performance Appraisal process will be piloted in the selected structural units based on the given HR tools.

Special emphasis is made on the Border Police officers. With the support of US Embassy and EXBS Program and in cooperation with MIA Academy, one month training program ‘Land Protection Officers Training Course’ was elaborated. At the current stage the course is intended for re-training of all junior and mid-level officers and after completing a retraining cycle, it will become mandatory training for all incumbents seeking to attain officers’ rank. It is a first step of introducing of Border Police Officers Career Management System at the Border Police.

The MIA, being the primary agency responsible for the maritime security of the country as well as the law enforcement agency on the sea, gives significant importance to the further enhancement of the Coast Guard’s capabilities. Along with the modernization of the critical infrastructure, the modernization of the Coast Guard fleet is envisaged. In that regard, Coast Guard developed the plan for the fleet modernization and unification based on the technical standardization from the point of view of its tactical objectives and functional duties.

Surveillance and monitoring of the Georgian maritime space is conducted by Coast Guard fleet and the surveillance radars installed at Coast Guard Stations. It is noteworthy that GCG Command Centre is able to see a common integrated picture of sea, land and air. Communication systems of the Coast Guard enable the Command Centre to have the uninterrupted communication with the patrol vessels as well as with the civil boats.

Besides, Border Police is actively involved in international counter terrorism efforts; particularly it is participating in the Operation SEA GUARDIAN in defending against, detecting and disrupting terrorism in the Mediterranean Sea, the straits of Gibraltar, and its approaches through information exchange. Moreover, Coast Guard of Georgia is training special law enforcement units (Vessel Search and Seizure Teams) in order to increase its contribution into the NATO maritime operation through engagement of its personnel into the Operation SEA GUARDIAN.

In that regard Border Police plans to increase its contribution through the deployment of its Vessel Boarding, Search and Seizure (VBSS) personnel at the NATO ships. Before the deployment special evaluation process is under way which will increase readiness and response capabilities of the Coast Guard Boarding teams, including the CBRN

detection and first response capabilities. For that purpose two VBSS teams were trained and equipped with CBRN detection capabilities.

Georgia pays particular attention to the issues of radiation security; especially the aim is to prevent the smuggling of radioactive materials through state borders of Georgia. As of today all major roads, sea, railroad and air border crossing points are fully equipped with radiation detection equipment. Video-control (CCTV) cameras at the BCPs are connected to the central database allowing for 24/7 control. At the same time, MIA operative units have special technical equipment necessary for neutralization of nuclear related incidents. In nuclear non-proliferation and radiation security areas Georgia's main partner is the USA.

It's noteworthy, that through the projects of US Department of Energy and Department of Defense MIA received technical equipment (Radiation detection pagers, hand-held equipment, survey meters and identifiers and vans with radiation detection monitors), and police officers have received specialized training.

Currently, there are several successfully ongoing projects in the radiation security area, including Defense Threat Reduction Agency (DTRA) and the Export Control and Border Security program. Within the framework of the projects MIA employees are trained to improve professional skills of law enforcement officers to detect, investigate and carry out special operations with regards to the transportation of prohibited substances and dual use (controlled) technology. Mobile training team was formed in the Border Police, which is specialized in conducting trainings on countering smuggling of radioactive substances. The mobile team conducts trainings in different regions of Georgia according to their annual training calendar.

Risk analysis represents one of the core components of effective border management. For the past few years, the Ministry of Internal Affairs of Georgia have been working on the development a comprehensive and centralized risk assessment and management system. The foregoing system and hence, the process of risk analysis within the Ministry is to be based upon systematically-gathered and centrally-coordinated information.

Within the Border Police risk analysis is currently carried out on three levels - tactical (border sectors), operational (regional divisions) and strategic (central office - Analytical Division of Border Police). The process of analysis is based upon a continuous, targeted, prompt and objective assessment of threats, as well as the evaluation of vulnerability and impact and resultantly provision of specific recommendations. Border Police units ensure gathering and processing of information on a regular basis.

As a result of intelligence cycle, risks are being identified and classified and consequently, relevant conclusions are being drawn. At the final stage of analytical process, analytical products are being created on every level of risk analysis. Analytical reports are then distributed among all relevant units of Border Police so as to convey information to decision-makers and other stakeholders. Recommendations provided therein, contribute to the optimal decision making and ensure that existing risks are maximally mitigated as a result of efficient resource planning and optimization.

Joint Maritime Operation Center (JMOC) was established in 2013 and officially opened in 2014. The concept of the JMOC integrates interagency approach for preventing, revealing and eliminating all kind of illegal activities, maritime incidents and grave violations of maritime space régime of Georgia that pose threats to the security of Georgia and the region as a whole. All relevant Ministries and legal entities involved in maritime operations will participate in JMOC operations. The JMOC is fully equipped with Joint Command, Control, Communications, and Maritime Surveillance Technologies. A new statute of JMOC was approved by the governmental decree in November 2015 and further amendments were made in September 2016 which shaped new structure and operational framework for the center.

JMOC ensures data integration and assessment of full maritime domain awareness picture. All relevant maritime agencies are participating in the JMOC operations: Coast Guard, Patrol Police Department, Customs (Revenue Service), Maritime Administration (Ministry of Economy), Ministry of Environment, State Security Service, Ministry of Defense. It serves a strong analytical hub during the peace time as well as ensures coordinated operations during the maritime incidents and crises.

b) International Cooperation

Georgia actively cooperates with its neighboring and partner countries' border services and various International Organizations in terms of border control. Active international relations resulted in bilateral and multilateral projects, carried out to assist the reform of the border services of Georgia and ensure border security of the country.

Georgia has concluded bilateral cooperation agreements on border issues with Republic of Armenia, Republic of Azerbaijan, and Republic of Turkey. On the basis of these agreements regular bilateral meetings and joint trainings are organized, which contributed to the development of the capacities of Georgian border agencies. Besides the neighboring states, Georgia has concluded bilateral cooperation agreements on border issues with Latvia, Estonia, Bulgaria, Moldova, China, Ukraine, USA, Finland, and Poland. Based on these agreements the annual Plans of Cooperation are signed and implemented with the border and other relevant agencies of Turkey, Bulgaria, Latvia, Moldova and Estonia.

In order to improve communication with the neighboring states about border related issues, it is envisaged to assign border representatives (border commissioners) for Armenian and Azerbaijan border lines. Bilateral Agreement on Border Commissioners was signed with Armenia in October 2016. The same agreement was signed with Azerbaijan in June, 2018. The border representatives will be assigned as soon as the agreements are signed and ratified bilaterally. The border commissioners will be responsible for the elaboration of bilateral annual joint action plans with their foreign counterparts and also for taking preventive measures and exchange information on border violations during scheduled and extraordinary meetings.

The Ministry of Internal Affairs of Georgia cooperates with the European Border and Coast Guard Agency (Frontex) on the basis of the working arrangement on the establishment of operational cooperation signed on December 4, 2008. Within the year of 2018 it is planned to substitute this working arrangement with a new, more comprehensive working arrangement.

Based on the working arrangement the parties developed the Cooperation Plans for the period of 2010-2012 and 2013-2015. At present, operations of FRONTEX for 2018 includes – the Joint Land Border Operations; the Air Border Operations and the Sea Border Operations; Training activities.

The basic principles of cooperation is based on countering irregular migration and related cross-border crime by strengthening security at the borders, develop good relations and mutual trust between border guard authorities, facilitate measures taken by FRONTEX and the MIA Border Police of Georgia. It also includes development of activities in the field of information exchange and risk analyses aiming to improve the efficiency of border control at the borders between EU Member states and Georgia. Develop activities in the field of training as well as in the field of research and development related to border management, coordination of certain joint operation measures and Pilot Projects for maintaining and improving border control between EU Member states and Georgia.

Georgia signed international agreements/MoUs on cooperation in the fight against transnational crime/law enforcement cooperation with the following partner states (Armenia, Austria, Azerbaijan, Belarus, Bulgaria, China, Egypt, Estonia, France, Germany, Greece, Hungary, Israel, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Malta, Moldova, Poland, Romania, Slovakia, Spain, Sweden, Turkey, Ukraine, UK (MoU), USA and Uzbekistan) and deployed police attachés in the following 13 partner countries: Armenia, Austria, Azerbaijan, Belarus, France, Germany, Greece, Italy, Poland, Spain, Turkey, Sweden and Ukraine. Police attachés/liaison officers are deployed in Georgia from the following states: Austria, Azerbaijan, France, Germany, Greece, Turkey, USA (FBI, DEA). Police attachés/liaison officers of the following countries cover Georgia from third states: Belgium, Israel, Italy, Netherlands, Spain, UK, etc.

2. Stationing of Armed forces on foreign territory

2.1

Georgia has its armed forces which defends the independence, sovereignty and territorial integrity and perform the international liabilities in compliance with the Constitution of Georgia.

According to Article 100 of the current Constitution of Georgia in order to fulfill International commitments the use of the Military Forces of Georgia is only permitted with consent of the Parliament of Georgia.

It should be noted that new amendments in the constitution of Georgia were approved on 13.10.2017 and on 02.04.2018 which will be entered into force right after inauguration of the President (election will be conducted in autumn 2018).

According to new amendments:

“Georgia shall maintain the Defense Forces to protect the independence, sovereignty and territorial integrity of the country, and to fulfill other tasks and international obligations related to defense and security in the cases provided by the Constitution” (article 70 Para 3).

“The President of Georgia shall make a decision on the use of defence forces for fulfillment of International obligations and submit immediately to the Parliament for approval. The decision should come into force upon approval of the Parliament”(article 72 Para 3).

For the time being neither of international agreements or treaties of Georgia envisages such an international liability, which stipulates the deployment of the certain amount of the Military forces of Georgia in the territory of other Participating States.

Georgia contributes to RS (Resolute Support) mission by 870 PAX as follows:

- One Infantry Battalion with U.S. contingent in Bagram (558 servicemen);
- One Infantry Company with U.S. contingent in Kabul (173 servicemen);
- One Infantry Company with German contingent in Mazar-e-Sharif (130 servicemen);
- 2 staff officers with Turkish contingent, Kabul;
- 1 staff officer in the RSM HQ as the military advisor;
- 6 staff officers as a part of the National Support Element (SNE) office.

Moreover, Georgian side pays particular importance to participation in the EU crisis management operations under the CSDP, in this regard:

- Georgian officer participates in European Union Training Mission in Mali (EUTM-Mali) Mission since 5th of January 2016 on six months rotation rule till the end of 3rd mandate of the mission (May, 2018);
- Georgian platoon-size unit (35 PAX) participates in the European Union Training Mission in Central African Republic (EUTM RCA) as a force protection team from 31st of January, 2017 on 6 months rotation rule till the end of the mission mandate (September 2018).
- In addition, Georgia's Participation UN Military Assistance Mission in Afghanistan (UNAMA) was successfully completed in January, 2017.

3. Implementation of other international commitments related to the Code of Conduct

3.1 - 3.2

According to the Article 6 of the current Constitution of Georgia, International Treaty or Agreement prevails national legislation if it does not contradict the Constitution or the constitutional Agreement.

It should be noted that new amendments in the constitution of Georgia were approved on 13.10.2017 and on 02.04.2018 which will be entered into force right after inauguration of the President (election will be conducted in autumn 2018).

According to the Para 5 of Article 4 of new amendments: "The Georgian legislation is consistent with the universally recognized norms and principles of International Law. International Treaty, if it does not contradict the Constitution or Constitutional Agreement of Georgia has a predominant legal force against the domestic normative acts".

According to the provisions of CFE Treaty, Georgia as a state party implements the following commitments:

1. According to the protocol on inspections of the CFE treaty, Georgia receives/conducts the following activities:
 - I) Declared site Inspection,
 - II) Challenge inspection within specified areas,
 - III) Inspection of reduction,
 - IV) According to the bilateral agreements Georgia receives/conducts the additional Declared Site inspections
2. According to the protocol on notification and exchange of information of the CFE treaty, Georgia prepares and circulates corresponding notification formats for the states parties by means of INA system and OSCE network.
3. According to Chapter I-V of the protocol on notification and exchange of information, Georgia annually prepares and circulates via diplomatic channels annual military information regarding its armed forces in the special ADS (Automated Data Systems) program on December 15, which is valid as of 1st of January of the following year.
4. According to the protocol on procedures governing the reduction of Treaty Limited Equipment Georgia conducts the reduction of the decommissioned Treaty Limited Equipment by the means of their destruction.

According to the requirements of the Vienna Document (2011), Georgia as a state party is providing the implementation of the following provisions:

1. According to the paras 9 and 10 of the 1st chapter of VD2011, Georgia annually prepares and circulates via diplomatic channels annual military information regarding its own armed forces in the special ADS (Automated Data Systems) program on December 15, which is valid until the 1st of January of the following year.
2. According to VD2011 provisions prepares and circulates corresponding notification formats for states parties by means of INA system and OSCE network.
3. According to chapter IX of VD2011 Georgia implements the following provisions:
 - i. According to paras 74-106 Georgia receives/conducts specified area inspections;
 - ii. According to paras 107-137 Georgia receives/conducts evaluation visits;
4. According to the article 144.9 of the X chapter of VD2011 receives/conducts additional evaluation visits (according to the bilateral agreements).

Georgia annually prepares and circulates via diplomatic channels Global Exchange of Military Information (GEMI) until April 30th. Information is valid as of 1st January of the current year.

According to the "Open Sky" Treaty provisions, Georgia annually receives/conducts observation flights.

These measures are implemented by the Arms Control and Verification Division of the General Staff⁷ of the Armed Forces of Georgia in conjunction with other relevant agencies.

Export Control Implementation in Georgia

Renewed legislative basis regulated Georgian export control, has been elaborated in the frame of EU and US Outreach Programs and is in full compliance with EU approach, EU regulations, standards and criteria. By these arrangements Georgia as UN and OSCE member state has fulfilled its international commitments which require states to implement an appropriate and effective system of strategic trade control and undertaken by:

1. UNSC Resolution 1540;
2. NATO Annual Action Plan;
3. US-Georgia Strategic partnership Chertier.
4. EU-Georgia Association Agreement and Action Plan;
5. ATT treaty.

The renewed legislative basis regulated Export Control of Georgia came into force since 1st October 2014.

- Georgian Law on “Control of Military and Dual-use Goods”
- Ordinance of the Government of Georgia #394 (13.06.2014) on approval of “Approval of Military and Dual Use Products Lists”.
- Ordinance of the Government of Georgia #372 (09.06.2014) on “Determination of Control Measures of Military and Dual-Use Products”.

Following Laws, still in force, regulate the export control of Circulation of Civilian Weapons and the activities covered by Licenses and Permits:

- Georgian Law on “Weapon”;
- Georgian Law on “Licenses and Permits”;

Export, import, transit, brokering service and technical assistance of Military products and related software and technology is carried out under Permit to be granted by Ministry of Defence of Georgia; the precondition for issuance of these appropriate permits is Recommendation of Permanent Military-Technical Commission of Ministry of Georgia.

Section II: Intra-State Elements

1. National planning and decision-making process

1.1.

According to the Article 3 of the current Constitution of Georgia the following shall fall within the exclusive competence of higher state bodies of Georgia:

- status, regime, and protection of the state borders, status and protection of territorial waters, airspace, continental shelf and Exclusive Economic Zone;

- state defence and security, military forces, military industry and trade in arms;
- issues of war and peace, determination and introduction of legal regime of state of emergency and martial law;
- foreign policy and international relations;
- integrated power system and setting, communications, merchant fleet, ensigns, harbors of state significance, airports and aerodromes, control of airspace, transit and air transport, registration of air transport, meteorological service, environmental observation systems;
- railways and motor roads of state significance;
- criminal police and investigation;

Article 26 of the current Constitution defines that "Creation of paramilitary forces by public and political associations shall be inadmissible."

According to current constitution:

The Prime Minister:

- Is the Chairman of the Government
- Appoints/dismisses all ministers

The Government:

- Adopts normative acts on export and import control regulation and implementation;
- Approves the Strategic Military Equipment and Service List submitted by the Standing Commission on Military-Technical Issues under the Ministry of Defence.
- Directs and manages activities of the executive government bodies related to the export and import control.
- Defines the authorities of the executive government bodies related to the export and import control.
- Based on international agreements as well as national interests, sets the quantity limitations of the goods related to export (import) control.
- Approves the export and import control dual-use goods submitted by the Ministry of Economy and sustain Development and agreed with the Standing Commission on Military-Technical Issues under the Ministry of Defence.

The Parliament of Georgia:

- Is the supreme representative body of the country, which shall exercise legislative power;
- Gives credence to the Prime Minister and the Government;
- Decision on Presidential proposal on announcement of the state emergency or martial law is made by majority of the total numbers;
- The majority of the total number of the members of the Parliament shall ratify, denounce and annul the international treaties and agreements;
- Annual adoption of the state budgetary laws is made by majority of the listed membership;
- Adopts the laws concerning the military issues.

The President of Georgia:

- Is the Head of State of Georgia; He/She shall lead and exercise the foreign policy of the state, ensure the unity and integrity of the country and the activity of the state bodies in accordance with the Constitution;
- Is entitled to dissolve the Parliament in accordance with the Constitution;
- Declares martial law in the case of armed attack on Georgia, makes peace when appropriate conditions exist and submits the decisions to parliament within 48 hours for approval;
- In the case of war or mass disorder, infringement upon to territorial integrity of the country, coup d'état, armed insurrection, ecological disasters, epidemics, or in other cases, when state bodies are unable to

normally exercise their constitutional power shall declare a state of emergency throughout the whole territory of the country or a certain part thereof and submit this decision to the parliament within 48 hours for approval. In the case of a state of emergency issues the decrees having the force of law, which shall remain in force until the end of the state of emergency, shall take emergency measures. The decrees shall be submitted to the parliament when it is assembled. Emergency authorities shall apply only to the territory where the state of emergency is declared for the reasons mentioned in the present paragraph;

- Shall award state honors, higher military ranks, special and honorary titles and higher diplomatic ranks;
- The president is the Supreme Commander-in-chief of the Military forces of Georgia.

„The President of Georgia shall appoint members of the National Security Council, also appoint and dismiss, in agreement with the government, the chief of the General Staff of the Armed Forces of Georgia and other commanders.”

It should be noted that new amendments in the constitution of Georgia were approved on 13.10.2017 and on 02.04.2018 which will be entered into force right after inauguration of the President (election will be conducted in autumn 2018).

According to new amendments:

The following shall fall within the exclusive competence of higher state bodies of Georgia (article 7):

- Foreign policy and international relations;
- State defense, military industry and arms trade; War and peace issues; Determining and introducing legal regime of emergency and martial law; Armed Forces; Courts and Prosecution Service; State security; Criminal police and Investigation; State border status, regime and protection; Border-sanitary cordon;
- Railway and Roads of state Importance; unified energetic System and regime; Communications; territorial waters, airspace, continental shelf, special economic zone status and their protection; Aviation; Trade fleet; Ship flags; ports of state importance; Fishing in the ocean and open seas; meteorology; Environmental Monitoring System; standards and etalons; Geodesy and cartography; Determining the exact time; state statistics.

The Parliament of Georgia (Chapter 3)

- Is the supreme representative body of the country, which shall exercise legislative power, defines main directions of state foreign and domestic policy; under the constitution controls Government activities and exercises other powers.
- Gives credence to the Prime Minister and the Government;
- Decision on Presidential proposal on announcement of the state emergency or martial law is made by majority of the total numbers;
- The majority of the total number of the members of the Parliament shall ratify, denounce and annul the international treaties and agreements;
- Annual adoption of the state budgetary laws is made by majority of the listed membership;
- Adopts the laws concerning the military issues.

The President of Georgia (Chapter 4):

- Is the Head of State of Georgia; ensures the national unity and integrity of the country;
- Is the Supreme Commander-in-Chief of the Defense Forces of Georgia;
- Is entitled to dissolve the Parliament in accordance with the Constitution;

- Declares martial law on the recommendation of the Prime Minister in the case of armed attacks, or the direct threat of an armed attack against Georgia and immediately submits such decision to Parliament for approval;
- On the recommendation of the Prime Minister concludes a truce in the case of appropriate conditions and immediately submits such decision to Parliament for approval
- On the recommendation of the Prime Minister Declares a state of emergency in the cases of mass disorders, violation of the territorial integrity of the country, military coups and armed uprisings, terrorist acts, natural or man-made disasters and epidemics, or in any other cases when state bodies cannot exercise their constitutional powers in a normal fashion and immediately submits the decision to Parliament for approval;
- Appoints and dismiss the chief of the Defense Forces of Georgia on the recommendation of the Government;
- On the recommendation of the Prime Minister Issues decrees having the force of organic law during a state of emergency or martial law;
- On the recommendation of the Prime Minister Issues decrees having the force of organic law during a state of emergency or martial law;
- Gives high military ranks;
- On the recommendation of the Prime Minister makes a decision on the activation of the Defense Forces during a state of emergency and immediately presents to Parliament for approval;
- On the recommendation of the Prime Minister makes a decision on the entry, use, and dislocation of the military forces of another state in the territory of Georgia in special cases and in the cases provided for by law for the purposes of state defense. The decision shall immediately be submitted to Parliament for approval and shall enter into force by consent of Parliament;

The Prime Minister (Chapter 5)

- Is the Chairman of the Government
- Appoints/dismisses all ministers
- The Defence Forces acts by order of the Prime Minister during a state of emergency or martial law
- Makes a decision on activation of the Defense Forces during martial law. Decision does not require approval by Parliament

The Government:

- Is the supreme authority of the executive power, which shall exercise domestic and foreign policy of the country.
- Adopts normative acts on export and import control regulation and implementation;
- Approves the Strategic Military Equipment and Service List submitted by the Standing Commission on Military-Technical Issues under the Ministry of Defence.
- Directs and manages activities of the executive government bodies related to the export and import control.
- Defines the authorities of the executive government bodies related to the export and import control.
- Based on international agreements as well as national interests, sets the quantity limitations of the goods related to export (import) control.
- Approves the export and import control dual-use goods submitted by the Ministry of Economy and sustain Development and agreed with the Standing Commission on Military-Technical Issues under the Ministry of Defence.

To refrain from repetition of functions among security forces and armed forces in the state, laws of Georgia “On Defence of Georgia”, “on police”, “On public security service”, and “On intelligence activities”, and other legislative acts are defining functions of the state security bodies. The establishment of the concept for military formation and the policy of the State defence, generally, are based on the constitution of Georgia and laws of Georgia adopted under the Constitution of Georgia: “On defence of Georgia”, “On mobilization”, “martial law”, “On state of emergency”, as well as the military doctrine and other legislative acts of Georgia.

Georgian defence planning process is structured according to the law on defence planning. The Law on Defence Planning is based on the Constitution of Georgia. Defence planning is implemented on the basis of strategic and intra agency planning documents. The MOD is an active participant in the interagency working process that collaboratively produces key strategic guidance prescribed by the Law on Defence Planning. The Law on Defence Planning specifies the development and periodic review of national strategic documents as well as the preparation of internal MOD guidance and planning documents.

Further development of defence regulatory legislation is ongoing and is expected to be adopted in foreseeable future. It will define organization of state defence, management of the armed forces and exercise of democratic control as well as basis for evolving other state agencies in provision of state defence.

Spheres of the national security policy are also regulated by the law of Georgia on the “Rule of National Security Policy Planning and Coordination”.

National Strategic Planning Documents:

Georgia’s National Security Concept (NSC)

The National Security Concept outlines nation’s fundamental values, interests, threats, risks, and challenges. The NSC also provides the major directions for national security policy as well as its foreign, social, and economic policy priorities. National Security Concept highlights the importance of enhancing GAF defensive capabilities based on the current security environment and the need to protect Georgia from external aggression based on the current security environment. The Government of Georgia develops the National Security Concept of Georgia and submits it to the Parliament of Georgia for approval. The National Security Concept was approved in 2010 by resolution of the Parliament.

National Threat Assessment Document (NTA)

The National Threat Assessment (NTA) document determines military, foreign policy, domestic policy, transnational, social and economic, natural and technogenic threats and challenges that pose significant danger to the national security of the country. The Threat Assessment Document was approved in 2015 by the Government of Georgia.

National Defence /Military Strategy (NDS)

National Defence Strategy (NDS) represents a key military political document. It defines ways, means and ends to ensure the implementation of state defence policies and shall focus on total defence approach to ensure state safety. The document will also outline operational principles of the GAF, long-term vision of its capabilities and structure as well as set tasks for other state agencies to support national defence objectives. MoD will lead the process of revising the national military strategy and NDS to be drafted will cover the period of 2020-2030.

Strategic Defence Review (SDR) 2017-2020

Strategic Defence Review 2017-2020 represents the guideline document for the Ministry of Defence of Georgia that identifies main directions for the development of the MoD and Georgian Armed Forces through 2017-2020. The document aims to incrementally develop GAF capabilities to create a more reliable, task oriented and capable Armed Forces and to enhance GAF interoperability with NATO.

The recommendations reflected in the document outlines the vision for major defence structural reforms, including future force structure and elimination of marginal, largely obsolete defence systems. These actions provide the flexibility to reallocate resources towards force readiness and equipment modernization. Recommendations outlined in “SDR 2017-2020”, as well as SNGP initiatives, GDRP efforts, commitments undertaken towards NATO and EU integration and all the major bilateral and multilateral endeavors are integrated into Defence Transformation Implementation Plan 2018-2020 (draft). The document provides a comprehensive view

of all major tasks and relevant actions critical for successive transformation and future development of the defence system and GAF.

Along the NMS the National Defence Strategy to be introduced will also incorporate SDR and thus represent a major strategic document for defence and military planning.

The White Paper

This document covers a 4 year (2017-2020) planning period and represents an integrated approach for the development of defence systems and its critical priorities. The document envisages formation of strong and effective defence institution and modern Armed Forces capable of deterring existing threats and protecting the country's security and sovereignty. The White Paper promotes the Georgian Armed Forces to be balanced, mobile, adaptable and sustainable.

MoD Internal Planning Documents:

Within the MoD, several intra-agency documents are published or updated regularly to plan, coordinate and integrate defence management activities.

Minister's Directives 2018

Based on strategic directions outlined in white paper 2017-2020 and in SDR recommendations, the MoD revised and published the Minister's Directive 2018, which provides short-term (budgetary year) planning guidance for the Ministry. The document aims to accomplish identified priorities for the coming year in support of overall transformation process.

Defence Programs Guidance (DPG)

Defence Programs Guidance represents a guiding document for mid-term resource planning. Based on Strategic Documents, DPG defines priorities for programs development and budgetary planning, supports elaboration of Georgian Armed Forces sustainment and development plans, and provides capability and financial guidelines for Program Coordinators and relevant structural units.

Decision-Making Structure

In order to enhance the effectiveness of defence planning, execution, coordination, monitoring and evaluation processes in the MoD, a three tiered decision-making mechanism has been established. This process consists of Decision Making Board (DMB) chaired by the Minister, a Management Team (MT) chaired by a senior Deputy Minister of Defence and six Standing Working Groups. Internal thematic working groups composed of the MoD and the General Staff mid-and lower-level representatives have been established to develop and review reform initiatives within their respective fields. There are 6 thematic working groups:

- Material resource management working group
- Human resource management working group
- Education and Training Development Working Group
- NATO Integration and International Cooperation Working Group
- Force Planning Working Group

- **Cyber defence Working Group**

After reviewing and analyzing reform initiatives, they submit their recommendations for consideration to a higher-level body, the Management Team. The Management Team is composed of heads of MoD and GS department. Once it reviews the developed reform initiative, it passes it on to the Decision-Making Board composed of the Minister, his deputies, the Chief of Defence (CHOD), and his deputies (DCHOD). The final decisions of the Decision-Making Board are approved by the Minister by official decrees.

Defence Resource Management System

Ministry of Defence of Georgia institutionalized Defence Resources Management System and participates in institutionalization of Financial Management and Control system in order to improve Armed Forces capabilities and to ensure that MOD resource expenditure is adequately controlled and transparent. Main activities, which take place each year, are listed below.

Defence Programs Guidance – represents short-and mid-term planning guideline document. Based on Strategic Documents, DPG defines priorities for programs development and budget planning, supports elaboration of Georgian Armed Forces sustainment and development plans, and provides guidelines for Program Coordinators and relevant structural units.

Defence program management process - to improve planning, financial management and control system MoD annually reviews/updates the order which defines functions and responsibilities of program managers, program coordinators and budget holders for each program. This order aims improvement of the planning and execution process within MoD.

Defence Programs - Program Coordinators develop Defence Programs based on instructions and recommendations described in DPG document. Defence Programs specify force development actions to take place within budget year and the following three fiscal years.

Program prioritization process – After program elaboration, activities within programs and subprograms are discussed, analyzed and prioritized by Management Team and Decision Making Board.

Program Based Budget Proposal – Defence programs with financial information is submitted to the Ministry of Finance for consultations and respective final approval.

Major systems acquisition strategy 2018-2025 – The document defines a long-term acquisition plan for major systems that determines the main directions for capital investments aimed at defence modernization from 2018-2023. Strategy includes analysis of the previous acquisition budgets, for the amounts spent on acquisition of armaments and weapon systems which provides a basis for determining targeted budgetary forecast for the planning horizon in this strategy.

1.2

According to the paragraph 2 of the article 98 of the Chapter 7 of the current Constitution of Georgia, "Georgia shall have the Military forces to protect the independence, territorial integrity and sovereignty of Georgia, to fulfill international commitments.

It should be noted that new amendments in the constitution of Georgia were approved on 13.10.2017 and on 02.04.2018 which will be entered into force right after inauguration of the President (election will be conducted in autumn 2018).

According to new amendments: "Georgia shall maintain the Defense Forces to protect the independence, sovereignty and territorial integrity of the country, and to fulfill other tasks and international obligations related to defense and security in the cases provided for by the constitution".

The Law of Georgia "On participation of the Armed Forces of Georgia in Peacekeeping Operations" adjust legal relations existing in Georgia and the obligations undertaken by Georgia under international treaties and agreements connected with the participation of the Armed Forces and civil personnel of Georgia in operations of maintenance and restoration of International Peace and in other kinds of Peacekeeping Activities.

Currently, Georgia contributes to NATO's Resolute Support Mission with up to 900 PAX, making Georgia the second largest contributor after the US. Moreover, participates in EUTM RCA and EUTM Mali (see paragraph 2.1).

Georgia is actively involved in regional security organization consistent with its Euro-Atlantic aspirations. It is part of the trilateral Eternity Command Post Exercise involving Turkey, Azerbaijan and Georgia.

Georgia meets all international commitments related to defence issues such as international agreements, treaties, and memorandums (including adherence to the 6 point ceasefire agreement of August 12, 2008). Georgian defence capabilities fall under the ceilings regulated in the framework of Organization for Security and Cooperation in Europe. It remains transparent and shares information on defence matters in accordance with international obligations (including CFE, Vienna Document, Open Sky treaty, CCW and the Memorandum of Understanding between the Ministry of Defence of Georgia and the European Union Monitoring Mission of January 26, 2009 and its amendment of July 02, 2010).

2. Existing Structures and Processes

2.1 The Constitutionally established procedures for ensuring democratic political control of military:

Article 69, paragraph 2 of the current Constitution: - "The President of Georgia is the Supreme Commander-in-chief of the Military forces of Georgia".

Article 73, paragraph 3 of the current Constitution: - "The President of Georgia shall appoint members of the National Security Council also appoint and dismiss, in agreement with the Government, the Chief of the General Staff of Armed Forces of Georgia and other commanders".

In accordance with Article 3 of the current Constitution "state defence and security, military forces, military industry, and trade in arms come exclusively within the special competence of Supreme State Authority of Georgia".

Article 98, paragraph 3 of the current Constitution, The types and composition of the Armed Forces shall be determined by law. The President of Georgia shall approve the structure of the Armed Forces, while the Parliament of Georgia shall approve the number of the Armed Forces by a majority of the full list of MPs on the recommendation of the National Security Council.

According to the Article 99, paragraphs I and II of the current Constitution "The National Security Council shall be set up to organize the military development and defence of the country. The president of Georgia shall head the National Security Council". "The composition, powers and rules of operation of the National Security Council shall be determined by organic law".

According to the Article I, paragraph II of the Organ Law "On national Security Council", adopted in November 11, 2004, "National Security Council of Georgia is an advisory body to the President of Georgia, empowered to consider issues determined by the Organic Law on National Security Council of Georgia to draft highest political decisions".

It should be noted that new amendments in the constitution of Georgia were approved on 13.10.2017 and on 02.04.2018 which will be entered into force right after inauguration of the President (election will be conducted in autumn 2018).

According to new amendments:

“The President of Georgia is the Supreme Commander-in-Chief of the Defense Forces of Georgia”;

“The President of Georgia shall appoint and dismiss the chief of the Defense Forces of Georgia on the recommendation of the Government”;

“National Defence Council shall be set up in Martial Law, which shall be chaired by the President”. The members of the Council shall be consisted with the Prime Minister, Chairman of the Parliament, Defence Minister, Chief of Defence”; other members of the Parliament and the Government could be invited by the President. “The composition, powers and rules of operation of the National Defence Council shall be determined by law”.

According to new amendments State defense and state security, defence forces, military industry and arms trade come exclusively within the special competence of Supreme State Authority of Georgia”.

According to new legislative amendments in December, 2017, from January 1st, 2018 State Security and Crisis Management Council have been disestablished and new governmental structure - Emergency Management Service has been created under Prime Minister’s office. It will provide effective prevention of emergency situations and conduct the rapid emergency response.

Article 9 of the Law on “Defence of Georgia” defines that „The Ministry for Defence of Georgia is a state management body of the Georgian Armed Forces and shall be responsible for training and developing Armed Forces and for implementing defence missions assigned to the Armed Forces.”

Article 4, paragraph I of the Law on “Defence of Georgia” defines that: 1. “The Parliament of Georgia shall: a) approve the National Security Concept of Georgia and define the state policy of defence; b) approve the Military Doctrine and the Military Development Concept of Georgia; c) adopt laws in the field of defence; d) approve the text of the military oath; e) review and approve the defence budget together with the State Budget; f) approve the number of military forces; g) ratify, denounce and annul international military agreements and treaties; h) control development of the military forces of Georgia and compliance with the legislation of Georgia in the field of defence.

Paragraph II of the abovementioned article defines that the Defence and Security Committee of the Parliament of Georgia shall perform functions in the field of defence under the Law of Georgia on Committees of the Parliament of Georgia.”

Furthermore, article 59, paragraph II of the current Constitution refers to the power of parliamentary oversight, “A parliamentary fraction consisting of at least 10 MPs shall have the right to pose questions to the bodies accountable to Parliament, the Government, and particular members of the Government whose obligation is to answer questions at the meeting of Parliament. The answer may become the subject of discussion by Parliament.”

According to the Article 60 of the current Constitution of Georgia „Any Government member, an official elected, appointed, or approved by Parliament, shall have the right and may be required to attend the Parliament, committee, or commission meetings, answer the questions raised at the meetings and present a report of activities performed. Parliament, committee, or commission shall hear the officials immediately upon request.”

It should be noted that new amendments in the constitution of Georgia were approved on 13.10.2017 and on 02.04.2018 which will be entered into force right after inauguration of the President (election will be conducted in autumn 2018).

According to new amendments, article 43 of the new constitution refers to the power of parliamentary oversight, namely: "The Member of the Parliament shall have the right to pose questions to the Government, bodies accountable to Parliament, members of the Government, the state authority of the territorial units of all levels. The timely and full response to the questions of the MP is mandatory".

"A parliamentary faction, a group of at least seven members of Parliament shall have the right to pose questions to the Government, bodies accountable to Parliament, and particular members of the Government whose obligation is to answer questions at the meeting of Parliament. The answer may become the subject of discussion by Parliament."

According to the article 44 of the new constitution "A member of the Government, the official accountable to the Parliament, the head of the accountable body before the Parliament is authorized and shall, at the request, attend the Parliament, its Committees and the Commission sittings, answer the questions at the meetings and present report on the activities carried out. Parliament, Committee and the Commission should listen the official upon request.

According to the current Georgian National Military Strategy (NMS) democratic control of the Armed Forces is a key principle of defence policy, implying that decisions on development and use of the GAF, acquisition of armament and other material means, as well as the use of its existing resources taken under democratic and civil control. Georgian defence policy is based on the principles of transparency and accountability implying inculcation of Good Governance practice within defence system, maximum openness of defence business processes as well as effective and efficient outsourcing. It also means increasing the Ministry's accountability to Parliament and civil society.

2.2

The Constitution and respective laws provide the Georgian parliament with a wide range of mechanisms for effective control over the executive institutions. That is to say, the parliament can control government policy by exercising its right to:

- Adopt defence-related laws
- Determine the country's domestic and foreign policy priorities
- Determine the state defence policy
- Ratify, denounce or annul international treaties and agreements and military contracts
- Approve the structure of government and governmental programs and action plans
- Require progress reports on the implementation of governmental programs and organize respective hearings
- Debate and approve the state budget, including the defence expenditure
- Approve Georgia's Military Doctrine and the Development Concept of the Armed Forces
- Approve military oaths - approve the strength of the armed forces
- Approve presidential decrees on the deployment, stay and withdrawal of foreign troops into/from the Georgian territory
- Approve presidential state of emergency and martial law decrees
- Approve presidential decisions on the use of the armed forces during the state of emergency or martial law (According to new amendments in the Constitution which will be entered into force right after the Inauguration of the president (elections shall be conducted in Autumn, 2018) A decision on the activation of the Defence Forces during martial law shall be made by the Prime Minister and shall not require approval by Parliament).

2.3. Roles and missions of military and State control

According to Article 98 of the current Constitution, Georgia shall have the Armed Forces to protect the independence, sovereignty and territorial integrity of the country, also to fulfill its international obligations”.

It should be noted that new amendments in the constitution of Georgia were approved on 13.10.2017 and on 02.04.2018 which will be entered into force right after inauguration of the President (election will be conducted in autumn 2018).

According to ne amendments “Georgia shall maintain the Defense Forces to protect independence, sovereignty and territorial integrity of the country, and fulfill other tasks and international obligations related to defense and security in cases provided by the Constitution”.

The National Military Strategy (NMS) identifies three missions for the Georgian Armed Forces:

- Deterrence and Defence;
- Contribution to Strengthening Regional and International Security;
- Support to Civilian Authorities during natural and Manmade Disaster.

Successful implementation of the military missions requires the availability of resources, high combat readiness and close interagency cooperation. National Military Strategy (NMS) determines Military Capabilities needed to accomplish the missions of the GAF: Force Readiness; NATO Interoperability and Cooperative Security; International, Regional and Bilateral Cooperation; Interagency Coordination and Cooperation.

Mechanisms of Democratic control of the armed forces of Georgia are the following:

President of Georgia who is elected on the base of universal, equal and direct suffrage by secret ballot and according to the constitution is the supreme commander-in-chief of the Armed forces.

It should be noted that new amendments in the constitution of Georgia were approved on 13.10.2017 and on 02.04.2018 which will be entered into force right after inauguration of the President (election will be conducted in autumn 2018);

According to new amendments the President is the suprme commander-in-chief of the Defence forces and shall be elected by special electoral collegium (in 2024).

The Parliament of Georgia approves the number of military forces, adopts State Budget, the part of which is the Defence Budget, declares the power of attorney to the government, the member of which is the Minister of defence of Georgia.

For ensuring democratic control of Defence System, the Law of Georgia “On Defence of Georgia” has been adopted.

According to above-mentioned Law, functions between the Ministry of Defence of Georgia and General Staff (Civilian and Military) have been divided on the Legislative level. Particularly, the Ministry of Defence was defined as the State Managing Body of the Armed Forces and General Staff – as the operative managing body of the armed forces.

According to the Law, Civilian office of the Ministry of Defence:

- observes the defence budget and purposeful spending and use of material welfare;
- One of the most important mechanisms of democratic control over the defence sector is that the head of the Ministry of Defence is civilian, state-political person.

In addition, Legislative amendments initiated by the MoD in 2013 on “Trust Group” and “Defence of Georgia” laws which requires that the Defence and Security Committee (in open acquisitions)/Trust Group (classified acquisitions) must be informed of planned acquisitions of an estimated cost of more than GEL 2 million for goods or services and GEL 4 million for construction works. This enables Parliament to track high-value expenditures from initial planning to completion, as well as take timely action in the case of identifying omissions.

Moreover, the Constitution of Georgia, „Parliament regulation”, Laws “On Ombudsman of Georgia”, “On Parliamentary Fraction” , on “State Audit Service” and „On the Structure, Proxy and Activity Rule of the Government of Georgia” from legislative point of view ensures democratic control on Armed Forces and Security Services.

3. Procedures related to different forces personnel

3.1

According to the Constitution, “Defence of Georgia shall be an obligation of every citizen of Georgia”. Besides, according to the Law of Georgia “On Military Duties and Military Service” citizens of Georgia aged from 18 to 27 years, who are registered or obliged to be registered for military service and are not entitled to be released from the military draft or to deferment of the military call-up, shall perform their military duty.

Procedures such as interview, medical examination, physical examination, psychological testing and other special examination procedures are used for the recruitment and call up in the MOD system.

3.2

According to the Chapter 29 of the Law of Georgia “On Military Duties and Military Service”

1. The following persons shall be released from the military draft:
 - Persons recognized as unfit for military service as per their condition of health;
 - Persons who did military service in the military forces of other states;
 - Persons who have been convicted for grave or especially grave crimes;
 - Persons who have done non-military, alternative labor service;
 - The only son of a family in which at least one member was killed in the action for the territorial integrity or military service;
 - A member of the Parliament of Georgia.
2. The Prime-Minister of Georgia shall be empowered to release an especially gifted conscript from the military draft.

According to the paragraph 3 of the Article 29 of the law on “Military Duty and Military Service” Persons with disabilities defined by the legislation of Georgia are released from the performance of military duty.

Besides, the Law “On Non-Military, Alternative Labor Service” considers the cases of call-up deferment.

According to the Article 5 of the Law of Georgia “On Non-Military, Alternative Labor Service”:

Citizens shall perform non-military, alternative labor service in the following special non military labor formations, in groups or individually:

- Rescue, ecological, fire-prevention or other special non-military labor formations;
- Engineering, repair organizations and facilities of civil purpose;
- Organizations and facilities making agricultural production;

- Establishments of communal/utility services;
- Establishments of health protection.

Under this Law assignment of the citizens by the State Commission on the call-up of Citizens for Non-Military, alternative labor service to care for aged persons, invalids, persons without any care, and, according to the legislation, other socially unprotected persons, shall be considered as non-military, alternative labor service.

According to Article 5, paragraph 3 of the law on “non-military alternative labor service” the Government approves the list of the alternative labor jobs/formations where citizen could pass the alternative service.

According to article 5, paragraph 4 the on “non-military alternative labor service” citizen who passes non-military alternative labor service, could be employed in liquidation works of the natural disasters consequences, other seasonal harvest works or other non-military works based on the decision of the Government or/and Prime Minister.

3.3

The Law of Georgia “On the Status of Military Servicemen” defines the rights, obligations, and also the basic guarantees of their social and legal protection of the persons having the status of military servicemen, as well as members of their families and persons discharged from military service.

Besides, protection of the Rights of military personnel (including conscripts) is regulated by the Constitution of Georgia, as well as by the Georgian Laws on “The Statue of Military Personnel”, “Public Service”, “State Compensation and State Academic Scholarship”, “Military obligations and Military Service”, “Military Service”, Decree N238 of the Government of Georgia and “Labor Code. The servicemen enjoy all rights provided by the Constitution except the following:

- membership of any political party;
- Organization of demonstrations and participation in demonstrations;
- Owning business or another simultaneous job (excluding scientific, pedagogical and medical assignments, if they do not prevent or hamper responsibilities related to military service);

Military servicewomen (as well as civilians) enjoy special rights defined by the new law on “Labor Code” in case of pregnancy, giving birth and growing child.

According to the abovementioned laws, servicemen have right to appeal to above-standing administrative structures as well as to the Court or Ombudsman.

4. Implementation of other political norms, principles, decisions, and international humanitarian law

4.1

Lawyers, employed at the military divisions, permanently give instructions to military persons in order to inform about normative acts (from them local and international legislation).

Field Manuals and guiding documents consider the aspects of IHL in it.

According to the agreement of October 25, 2002 “On Cooperation in the Sphere of Integration of International Humanitarian Law between the Ministry of Defence of Georgia and International Committee of Red Cross” Georgian Armed Forces officers, with support of the Committee of International Red Cross, are taking courses on law of armed conflicts.

According to the memorandum of understanding signed between the MOD and International Committee of Red Cross in May 2014. “Working group” is created and IHL courses and seminars for the officers of GAF are conducted with support of ICRC (Tbilisi Delegation).

All of basic training programs includes Humanitarian Law subject.

According to the Article 1, Paragraph 3 of the Georgian Law from July 22, 1999 “On Participation of Georgian Armed Forces in the peacekeeping operations” for implementation of the aims of Law, Peacekeeping forces should have

special training and studies (supervision over the implementation of cease-fire agreement, separating adversarial sides, their disarmament and dispersal, conduct of engineering works).

Implementing Gender Perspectives in the Georgian Armed Forces

The Ministry of Defence (MoD) of Georgia takes sustained efforts to integrate gender perspectives in the institutional development and operational capacity building of the Georgian Armed Forces (GAF). The MoD actions are focused on:

Implementation UNSC Resolutions on Women, Peace, and Security;

Strengthening Gender equality and Gender mainstreaming;

Integrating gender perspectives in human resources and in the education and Trainings.

Strengthening Gender Equality and Gender Mainstreaming

The Ministry of Defence of Georgia approved Gender Equality Strategy in 2014. The strategy strives to: establish the conditions guaranteeing equal rights, freedoms and opportunities of men and women; prevent and eradicate all forms of discrimination and counter any practices of gender violence; and to eliminate, in every way possible, any misconduct of sexual harassment, physical and psychological mistreatment, or workplace violence.

Accordingly, to implement these objectives Gender Equality Monitoring Team and Gender Advisors roles are established and functioning.

The Monitoring Team, established in 2014, aims at monitoring of Gender Equality Strategy implementation and studying gender related situations in GAF. The Team reports to the Deputy Minister, intensively cooperates with Gender Advisors, and coordinates their activities.

Gender Advisor in Georgian Armed Forces is military or civilian service man/women committed to: support the implementation of Gender Equality Strategy; consultations on gender equality principles and values; Support the trainings and researches on gender within the unit; support adequate responding on the cases of discrimination and harassment.

Implementation UNSC Resolutions on Women, Peace, and Security

The MoD's commitments cover supporting the participation of women in defence decision making and building capacity of military and civilian personnel to prevent and react on gender based violence in conflict, post conflict and peace operations. Those commitments are reflected the MoD's human resources policies and practices which strengthens gender equality and gender mainstreaming in the MoD and GAF.

Georgian MoD together with DCAF and with partnership of UK and Spanish MoDs is implementing the Women, Peace and Security Organizational Assessment project, which is funded and supported by NATO SPS program. The project is to build MoD capacity to design, develop and execute gender related organizational climate studies and elaborate recommendations. Overall, this project seeks to improve gender balance and reduce barriers to women within the Georgian Armed Forces, contributing to Georgia's strategic objectives to implement UNSCR 1325 on Women, Peace and Security and Related Resolutions.

Integrating Gender Perspectives in Human Resources and in the Education and Trainings

Gender equality is an essential principle of military and civilian personnel management. The MoD supports women's representation and participation in decision making, institutional reforms, and international peace building.

Training on gender perspectives and UNSC1325 and following Resolutions became part of pre-deployment training for peacekeepers since 2014 and there are more than 5 000 military service men and women trained up to now.

Gender in Security Sector as a permanent module is taught in all courses in the Defence Institution Building School (DIBS), In National Defence Academy and in the NCO School.

Gender trainings in the MoD institutions are held by MoD and GAF employees who are certified gender trainers by Nordic Center of Gender in Military (NCGM).

4.2

The General Staff of GAF on regular base co-operates with the International Committee of Red Cross (ICRC). In the first quarter of every year Action Plan is signed with ICRC. According to the Action Plan relevant trainings and seminars are conducted on each level of the Armed Forces.

Criminal Code of Georgia contains a separate section on crime against the humanity which on its own consists of subsection on crime against humanity, peace, security and International Humanitarian Law.

All military order includes ROE Annex.

4.3

According to the current Constitution of Georgia and the Law of Georgia "On Defence of Georgia" the objective of the Georgian military forces is to insure the protection of Georgia's independence, sovereignty and territorial integrity and the implementation of the international obligations assumed by Georgia.

Besides, in the current constitution, during the state emergency and martial law the use of armed forces can be done by the order of the President and consent of the Parliament of Georgia.

The Criminal Code of Georgia considers number of regulations on the penalties against the violation of human rights and freedom, including the violation against human equality.

It should be noted that new amendments in the constitution of Georgia were approved on 13.10.2017 and on 02.04.2018 which will be entered into force right after inauguration of the President (election will be conducted in autumn 2018).

According to new amendments "Georgia shall maintain the Defense Forces to protect independence, sovereignty and territorial integrity of the country, and fulfill other tasks and international obligations related to defense and security in cases provided by the Constitution".

Besides, Prime Minister makes a decision on activation of the Defense Forces during martial law. Decision does not require approval by Parliament. In addition, the Defence Forces act by order of the Prime Minister during a state of emergency or martial law.

The President, on the recommendation of the Prime Minister makes a decision on the activation of the Defense Forces during a state of emergency and immediately presents to Parliament for approval.

4.4

The civil rights and liberties are ensured by the Constitution of Georgia, relevant laws and bylaws. It should be noted that concrete steps have been taken to further strengthen this practice.

The MoD General Inspection Service is responsible for internal monitoring of the Defence System. Its main functions are to prevent, respond and investigate alleged violations including recommendations for disciplinary measures. A General Inspection Service hotline launched on 30 May 2013 and is available 24 hours a day. Special comment boxes have been installed at all military units, enabling military personnel to inform the General Inspection Service of complaints and opinions on the issues within their area of competence.

According to Article 26 of the current Constitution of Georgia "A person who is enrolled in the personnel of the military forces, the bodies of internal affairs or a person having been designated as a judge or a prosecutor shall cease his/her membership of any political association".

It should be noted that new amendments in the constitution of Georgia were approved on 13.10.2017 and on 02.04.2018 which will be entered into force right after inauguration of the President (election will be conducted in autumn 2018).

According to article 23 of the new Constitution "A person who is enrolled in the personnel of the military forces, the bodies of internal affairs or a person having been designated as a judge or a prosecutor shall cease his/her membership of any political association".

4.5

Conceptual documents should be in compliance with the Georgian legislation and International law.

Relevant structural units of the MOD are taking part in the drafting process of each doctrine and political document in order to ensure these documents to be in compliance with international law.

Section III. Public access and contact information:

1. Public access:

1.3. According to Article 10 of the "General Administrative Code of Georgia", everyone may gain access to public information kept by an administrative agency, and obtain a copy thereof, unless such documents contain state, professional, commercial secrets or personal data".

The law on "State Secrecy" regulates the rules for classifying and declassifying of information and mechanisms of protection.

Mod is obliged to issue any kind of information, except information containing the state, personal or commercial secrecy immediately or within 10 days. If the state agency is unable to answer the questions due to the above mentioned reasons, it should inform citizens in a written form during 3 days period.

With the aim to be more proactive in releasing relevant public information about its decisions and activities, Georgian Government introduced a new Government Decree on Electronic Request and Proactive Publication of Public Information. This Decree, which is based on the recommendations from a group of civil society organizations, obliges all agencies to release information on their activities electronically, free of charge and in easy-to-use, open forms. Based on the Decree, MoD official web-site offers its visitors a special space, where public information - general info, employment, procurement, financing, legal acts and other information is published. Proactive disclosure of public information greatly simplifies the process of accessing information for the general public. Besides this, the citizens can request public information electronically on the official web-site of MoD.

In addition, in order to ensure delivery of information about main annual activities, the Ministry of Defence publishes its detailed annual report – the “White Book” - each year. The document describes the main activities of the MoD, General Staff and armed forces and is accessible for every citizen via official MoD web-page in Georgian and English languages. It reflects all concrete steps undertaken by Mod during previous years to achieve its defence reforms priorities.
