Overview

This case study examines administrative justice reform in Armenia, Azerbaijan, and Georgia, addressing how and why reforms were initiated and supported and how the fundamental legal frameworks were developed and introduced. After the breakup of the Soviet Union in 1991, the governments of Armenia, Azerbaijan, and Georgia pledged to establish market economies and the rule of law to enhance democracy and economic growth. Today, all three countries in the South Caucasus have fundamental administrative laws in place, providing guiding principles for transparent and impartial administrative actions and establishing effective ways to have those decisions reviewed. Today, there is broad agreement among practitioners that the administrative law reforms in the South Caucasus were successful. Means of monitoring the effects of administrative law reform, however, must be addressed. Meaningful indicators that reform influences the social and economic development of a state positively have yet to be identified.

Key contextual conditions: During the Soviet era and continuing into the first years after independence in 1991, the administrative branches in Armenia, Azerbaijan, and Georgia became increasingly identified with arbitrariness, incompetence, clientelism, and corruption. Georgia became a member of the Council of Europe (CoE) in 1999, with Armenia and Azerbaijan following in 2001, and each ratified the Convention for the Protection of Human Rights and Fundamental Freedoms. As CoE member states, they agreed to honor the Convention’s obligations and specific commitments to improve democracy, human rights, and the rule of law. The concepts of administrative law under the Soviet Union, however, were quite different from those of Western Europe or the United States.

Key stakeholders: Governments, administrative agencies, judiciaries, law schools, and citizens of Armenia, Azerbaijan, and Georgia; GIZ; USAID; CILC.

Lessons Learned

- International political commitments and technical assistance from development partners can be strong drivers of reform.
- Political stakeholders must be educated in administrative reform to ensure the backing of the political elite on the one hand and to serve as a link to the technical ministries in their states on the other. Increasing their professional legal capacity is an important field for development assistance.
Cross-border dialogue can enable reform leaders to jointly develop specific legal solutions and develop approaches to address obstacles to the reform process.

Means of monitoring the effects of administrative law reform must be addressed in the initial drafting process as part of a comprehensive legal impact assessment. Meaningful indicators of the influence of administrative law reform on the social and economic development of a state have yet to be identified.

**Development Challenges**

- In the former Soviet Union, administrative law served primarily to discipline citizens and strengthen the state’s power.
- Inconsistent regulatory frameworks and poor-quality legislation, the inadequate enforcement of laws, and a distinct distrust of the courts’ capacities and independence caused pervasive legal uncertainty, undermined much-needed investment, and prevented further economic growth and democratic development.
- Replacing the Soviet administrative regime would affect not only interactions between the state and the individual but also the work of government officials, including those who had benefited from the previous system’s flaws.

**Delivery Challenges**

- The concepts of administrative law as practiced under the Soviet Union were different from those of Western Europe and the United States.
- The implications of administrative law reform were not widely understood even by the majority of legal professionals, who lacked the capacity to implement a new system of administrative justice.
- Considerable time and funds were needed to reform the legal education system on the concepts, principles, and standards of good administration.
- It was necessary to balance the need to implement planned reform in a timely manner with the goal of soliciting stakeholder participation in the reform process.
- In some cases, opposition from within the judiciary and the administration contributed to delays in implementation.
- The lack of systematic transfer of knowledge and experience among the three countries of the South Caucasus prevented the respective legal reform processes from being effective and saving resources.