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**Democratization process in Georgia**  
**Timeframe -Saakashvili and Post Saakashvili periods**

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**Abstract:**

Why do some countries become democratic while others don't? There is a hot debate going on over this topic. Do some countries have more inclination towards democracy or they just worked hard to develop their political system and enjoy the results that they have nowadays? However, no one disputes over the fact that democracy is a long way to go. It is commonly known that the transition from authoritarian regime to the democratic one does not occur overnight. It takes long time and commitment to achieve the results. In this regard, it is important to research this path and discover the democratization process. This path is full of ups and downs; Georgia can serve as the vivid example of it. George Bush called Georgia "beacon of liberty", nevertheless, Georgia is still considered to be a country in transition. The purpose of this paper is to research this transition period and to determine whether it is successful or not, or maybe the process is stagnant. So, the paper's primary objective is to determine whether there was a stagnation of democratization in Georgia during Saakashvili's presidency and to see at what stage is the democratization process in Georgia now. For this purpose the paper is divided into two chapters, Saakashvili's period and post Saakashvili politics.

### **Significance of the topic:**

Nowadays more and more countries choose to take a democratic path and develop in compliance with its core principles and values. Achieving democracy is a long process. This transition from authoritarian countries to the democratic ones is a long and hard path. Namely when a given country goes through the democratization process, one might observe all important obstacles that they face on their ways and see how the countries deal with it. The case study of this paper is Georgia and its democratization process. Why Georgia? Due to the fact that Georgia has interesting geopolitical situation, to the fact that it enjoyed high level of international assistance, it is important to look at the process and research whether the transition is successful or not.

## Introduction:

Following the Cold War there was a heightened hope for the dissemination of democracy in the former Soviet Union States. Ex-Soviet states showed its determination to take pro-democratic path and to go in compliance with the liberal as well as market economy values. Though, the transition from authoritarian to democratic ruling does not occur overnight. It is a long process that takes time and efforts. The hopes were promising and countries in the region decided to take the path towards democracy and enforce liberal values. Democratization process is different in each country. Georgia is not an exception. Georgia during Mikheil Saakashvili period went through different policies and reforms. The country sees its future only in compliance with the democratic principles and values. <sup>1</sup>Democracy grants comparatively more rights and freedoms rather than any other political system. Nevertheless, it also demands something in return. It takes determination, commitment and hard work both from the government and the society. Thus, a democratic transition is a long way to go.

The transition of each former Soviet Union republic was different and discernable. Georgian case was not an exception. Moreover, one the most turbulent transition took place in Georgia. Since the outset, in 1989 the political orientation of Georgia became highly anti – Soviet, what they wanted was independence of Georgia. According to Samuele Domioni the transition in Georgia from the Soviet Union to the independent state was one of the bloodiest and violent among post Soviet countries.<sup>2</sup> Once after Georgia got the independence from the Soviet Union, it

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<sup>1</sup> Ghia Nodia, “The Crisis of Democratization in Georgia? The visions, paths and resources of democratic consolidation.” *Caucasus Institute for Peace, Democracy and Development*, Policy Paper (March 2012): 5.

<sup>2</sup> Samuele Domioni, “Consolidating a hybrid regime: the case of Georgia under Shevardnadze and Saakashvili.” *Società Italiana di Scienza Politica*: 8.

found itself to be torn apart with the civil war and economic decline. Georgia is the most “independent-minded” country in the region and among the former Soviet Union countries<sup>3</sup>. The world witnessed the fact that Georgia is full of Euro-Atlantic aspirations. Georgia shows its dedication and aspiration to join the European Union as well as the North Atlantic Treaty Organization. Especially, during Saakashvili period the country showed its best efforts to become NATO member and be closer to the European Union. Taking into account all the events that occurred on the political scene of Georgia, it is the objective of the paper to track the democratization process starting with Saakashvili’s period till 2015. The main research question is whether there is a stagnation of the democratization process in Georgia during 2003-2015, if yes, what are the reasons of it? In order to make it easier to answer, the paper is divided into two chapters. The first chapter will be focused on Saakashvili’s period and the democratization process of Georgia during his rule, timeframe 2003-2012. The second chapter is devoted to the current government. In order to answer the research question, the paper should present the indicators which measure the success or stagnation of the democratization process. The indicators were chosen with taking into account the individualistic traits of Georgia. So, the indicators are: government accountability, rule of law and international factor. However, at this point it is important to give a short background about the country and its politics.

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<sup>3</sup> Svante E. Cornell, “Georgia after the Rose Revolution: Geopolitical Predicament and Implications for U.S. Policy.” *Strategic Studies Institute*, (February 2007): V.

## **i.1. Brief Historical Background**

History of Georgia is full of turbulent events. Georgia proclaimed its independence in April, 1991. People of Georgia underwent the civil war as well as conflicts with its breakaway regions: Abkhazia and South Ossetia. The state was always under the dominance of different powers throughout its existence. At its core, the state never enjoyed full independence and freedom of actions. For a long time Georgia was an object of struggle over the influence for Byzantine, Ottoman Turkey, Mongols and Persia.<sup>4</sup> Afterwards it became part of the Soviet Union. In 1992 Eduard Shevardnadze came to power; he was a foreign minister of the Soviet Union. He ruled up until 2003, however in the end he also was accused of non-democratic ruling, abuse of power and rampant corruption.<sup>5</sup> People's dissatisfaction brought to the so called Rose Revolution. It took place in 2003, this time to the power came pro-western and reform-minded group of young leaders at the head of Mikheil Saakashvili. He became famous for his reforms, mostly successful. "Rose Revolution" acted as a call for democracy and changes in Georgia. The fact that new president and his team were mostly enthusiastic young leaders who had a vision for development and reforms was a reason of immense support and expectations from the public. However, there are many other important factors at play. The democratization process is a long process of ups and downs which comprises of such important components as: rule of law, government accountability, stable economy and political traditions. Georgia tries to comply with democratic standards and take a liberal direction in their policies. However, there are many

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<sup>4</sup> Tariel Putkaradze, "Some Aspects of the Geopolitical Strategy of Georgia (On Politicization of the Kartvelological Studies)," in *Causes of War Prospects for Peace*, (Metropolitan Ananya Japaridzem, Katia Christina Plate, Bidzina Lebanidze, Nato Asatiani, Tbilisi 2009), 173

<sup>5</sup> Kornely Kakachia and Michael Cecire edited., *Georgian Foreign Policy, The Quest for Sustainable Security*, (Konrad Adenauer Stiftung, 2013), 38.

shortcomings. For the country with no pure democratic tradition, with the so called “Soviet Heritage”<sup>6</sup> it is difficult to make a leap to a consolidated democracy. Moreover due to its geopolitical situation Georgia needs to hold balance between great powers: United States, Russia and the European Union. As it is seen from above, Georgia never could take its freedom for granted, so the country to some extent got used to survive and fight for its freedom and sovereignty. However, nowadays the country closely associates itself with the European Union and sees its viable future along with the West.<sup>7</sup> So, in this regard, it is crucially important for Georgia to work on its democratization because it is the only possible way for it to become closer to the EU and may be one day to become a full member of the European Union. Regarding this it is important to research the democratization path that Georgia underwent and still undergoes because the future of the country depends on the successfulness of the democratization process.

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<sup>6</sup> Pamela Jawad, “Democratic Consolidation in Georgia after the “Rose Revolution “?(*Peace Research Institute Frankfurt*, 2005) I

<sup>7</sup> Ghia Nodia, “The Crisis of Democratization in Georgia? The visions, paths and resources of democratic consolidation.” *Caucasus Institute for Peace, Democracy and Development*, Policy Paper (March 2012): 19



## **i.2. Working definition:**

The term ‘**democratization**’ refers to the process of the evolvement, the sustainment, the expansion/deepening, or political-cultural rootage of a democracy<sup>8</sup>

## **i.3. Literature Review:**

The first source that was helpful in the regard to the stagnation of democratization process in Georgia was policy memo by George Khelashvili. His work “Explaining the stagnation of democratization in Georgia” gives very clear and at times very strong arguments regarding the topic. So, the paper basically talks about the reasons of the derailment of democratization in Georgia. In that context, George Khelashvili discusses the role of External Powers in this process. He chose Russia, the United States, the European Union and North Atlantic Treaty Organization (NATO) as the relevant external actors in the region. His main argument bases on the super presidency of Mikheil Saakashvili. The author argues that namely because of high concentration of power in one hands the stagnation of democratization process took place. In this context, he brings short and clear feedback of each external actor and how did they contribute to the democracy promotion in Georgia. So, the first actor is Russia. The article states that Russia played a big role in the process especially in the face of Georgian- Russian War in August 2008. However, he says that Russia was not the primary reason of the derailment of democratization process but rather an excuse for Mikheil Saakashvili’s government to grip the power. Assistance of other actors such as the United States and European Union was weak and sketchy. As for NATO, he argues that its contribution was somewhat placid. The main argument that George Khelashvili presents is the influence of Nationalists and Neocons. He argues that the main

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<sup>8</sup> Pamela Jawad, “Democratic Consolidation in Georgia after the Rose Revolution “?(*Peace Research Institute Frankfurt*, 2005): 3

external factor that influenced the democracy in Georgia was ideological concept of the United States that welcomed by Georgian politicians. Basically, it means that Georgian politicians' nationalistic ideas and American neoconservatives' vision of world politics were convergent. He argues that under the cover of pro – democracy policies, Saakashvili increased his grip on power. In general his main argument was the fact that Saakashvili's ruling can be characterized as super presidential which impacted quite negatively the democratization process in Georgia. Additionally, it is noteworthy to mention that the paper was very explicit and well written. However, one should take into account that the paper was written in 2010, all these facts are true in the regard to that timeframe. But the time passes and each year brings new and different results. So, in this regard, it is important to point out that there are some signs of democratization's recovery in Georgia.

The second source that provided me with a deep insight into the democratization process in Georgia was a work by Ghia Nodia named “Crisis of democratization in Georgia” published in Georgia by Caucasus Institute for Peace, Democracy and Development . The author indicates key points and represents that with the confidence and knowledge. It is basically a policy paper, however, it is seen that much research was done and the work provides necessary points for everyone who wants to study this topic. Ghia Nodia starts with the objective of the paper, working definitions and smoothly goes to the main topic. Afterwards, he talks about the democracy deficit in Georgia, the reasons and ways of dealing with it. He provides with indicators based on which he states that there is a democracy deficit in Georgia. This section is very useful for a researcher because it mainly provides you with substantial reasons and explains the situation based on a deep analysis and experience. Information about Georgia's achievements in democracy is given. Very important part is regarding “Theory of Sequencing”. This theory

basically talks about the prerequisites for democracy. According to this theory, there are three main components or requirements that any country should go through in order to become a consolidated democracy: political, socio-economic and cultural prerequisites. The first political is about government accountability, free and fair elections. The second one is about socio-economic development. It is the idea that democracy requires the economic development, where basic people's needs are met, where the citizens are literate. The last element is cultural; it applies the respect for the rule of law, human rights. It is more about the tradition, whether the majority of a given country perceives the rule of law as something supreme and equal, whether they have the respect for human rights, without discrimination based on race, religion and ethnicity. Ghia Nodia concludes with the foundations, prospects and priorities of democratic consolidation in Georgia. When someone reads both of the sources, the first and the second one, he might conclude that the first one is very curt, while the second source is thoughtful and process – oriented. The second source gives you a reason for every element and event. Overall, both of the sources were applicable in this thesis, helped to know more about the achievements as well as problems in the regard to Georgia's democracy.

Other sources are several reports: *European Integration Index 2013 and 2014 for Eastern Partnership Countries*, *Joint Staff Working Document Implementation of the European Neighbourhood Policy in Georgia Progress in 2014* and recommendations for action, annual reports regarding democracy promotion, reinforcing the rule of law, reports on elections. These sources were helpful in measuring the overall democracy level in Georgia during different political terms.

Summing up, it is important to mention that there are many other very applicable and strong articles regarding the democratization process in Georgia. These three sources were the articles that were helpful to get familiar with the topic, to see the core roots.

#### **i.4. Methodology:**

From the outset, it is important to state the question; the research is going to answer. The question: “Is there a stagnation of democratization process in Georgia? Timeframe 2003-2015.” The first chapter will be focused on Mikheil Saakashvili period, his reforms, whether they contributed to democracy or not. Second chapter’s main focus will be the current government and the role of the European Union in the democracy promotion in Georgia during Saakashvili and current government periods.

At this point, it is important to note that when one wants to answer any question regarding the success or derailment, there should be the measurement indicators based on which the research will be done. In the case of Georgia the indicators were the rule of law and government accountability. Why namely these factors? No one will dispute the fact that independent and strong judiciary, free and fair elections, respect for human rights are among the core elements of democratic system. The main reason why I chose these indicators is that they are prerequisites for democratic consolidation. As Ghia Nodia pointed out they are among political and cultural elements of “Theory of Sequencing”<sup>9</sup>. Without these core elements, no system will be able to consolidate democracy. At this point, it is important to mention that indicators such as: government accountability and the rule of law were taken from paper prepared by the National

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<sup>9</sup> Thomas Carothers, “The Sequencing ‘ Fallacy”, *Journal of Democracy*, (January 2007): 13-27 in Ghia Nodia’s paper “The Crisis of Democratization in Georgia? The visions, paths and resources of democratic consolidation.” Caucasus Institute for Peace, Democracy and Development, Policy Paper (March 2012): 22

Democratic Institute while the international factor was taken from Pamela Jawad's article "Democratic Consolidation in Georgia after the "Rose Revolution"?"

This research was done based on qualitative research. In the research such factors were analyzed as: historical background of the country, Mikheil Saakashvili's term, the current government and international factor as the third party democracy promoter. The research based mostly on the works of scholars in democracy field, independent political scientists, foreign observers, international reports. The skype interview was conducted with Kornely Kakachia, Professor of Political Science at Tbilisi State University and Director of the Georgian Institute of Politics, who helped me in understanding Georgian democracy related problems, the role of the European Union and others.

Summing up, it is important to point out the hypothesis of the research. So, the hypothesis of the paper is that Mikheil Saakashvili's ruling contributed little to the democracy development due to the super presidency factor. Regarding the current government, democracy in terms of government accountability, free and fair elections, counterbalancing powers of branches are being enforced. The role of the European Union is positive in democracy promotion in Georgia.

## **First Chapter: Saakashvili period**

In November 2003 Mikheil Saakashvili came to power through dynamic events of Rose Revolution. Mikheil Saakashvili and his team came to power with a vision and ambitions to develop and reconstruct the state. Previous government was criticized for ineffectiveness of its work, for corruption and abuse of power. Mikheil Saakashvili's team was very energetic and ambitious. He and his team achieved some positive results, putting all their efforts to rebuild Georgia, to fight corruption, to embed changes in police and tax field. However, there were some significant shortcomings in his ruling in the regard to the democracy development. In this chapter Saakashvili's ruling and his achievements will be discussed. Firstly, the indicators will be given so that there is something based on which the paper will measure the stagnation or success of the democratization. Based on this research the paper has an objective to answer the question whether there was a stagnation of democratization process in Georgia or not. If yes, what are the reasons of it.

### **Table. Factors conducive for the democratization process in Georgia**

Research was done based on this table, namely these indicators were helpful in the case of Georgia to measure the effectiveness of the democratization process. Consequently, by means of these indicators the question whether there is a stagnation of democratization or not will be answered.

Government Accountability	Free and fair elections, legitimate opposition, accountability of incumbents to people
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Rule of Law	Independent judiciary, clear separation of powers, checks and balances
International factor	The role of the EU (European Neighborhood Policy, Eastern Partnership), effectiveness and ineffectiveness

The indicators - Government accountability and the rule of law were taken from the table designed by National Democratic Institute<sup>10</sup>. International factor is from Pamela Jawad's article "Democratic Consolidation in Georgia after the "Rose Revolution""<sup>11</sup>

### 1.1. Rule of law (Saakashvili's period)

There is no ready blueprint for states to establish and maintain the democracy. However, there are some core elements which are necessary and conducive to the process; one of them is rule of law. This concept is considered to be one of the main factors that are necessary for the consolidation of democracy in a given state. It is important to note why the rule of law was chosen in the regard of examining the democratization process in Georgia. The reason is many claim that the rule of law during Saakashvili became subservient to the political interests and was not independent.<sup>12</sup> This subsection will prove the rightness of this assumption. Steven Jones argues in his article named "Democracy in Georgia: Da Capo?" that law in Georgia never had its own voice. Meaning that from Gamsakhurdia's period up to Saakashvili's ruling, law in Georgia was a tool to protect incumbents' rights and promote its interests<sup>13</sup>. Another important scholar in this field, Lincoln Mitchell in his article "Compromising Democracy: State Buidling in

<sup>10</sup> National Democratic Institute, "Democracy Indicators", p.3-6.

<sup>11</sup> Pamela Jawad, "Democratic Consolidation in Georgia after the "Rose Revolution ""?(Peace Research Institute Frankfurt, 2005) :5

<sup>12</sup> Steven Jones, "Democracy in Georgia: Da Capo?" *Cicero Foundation* Great Debate Paper No. 13/02, (April 2013): 4.

<sup>13</sup> *Ibid.*,6.

Saakashvili's Georgia", very accurately pointed out that Mikheil Saakashvili and his team prioritized the statebuilding over the democratization process. However, he points out that Saakashvili deserves some credit because when he came to power, Georgia was a weak state with rampant corruption, absent rule of law.<sup>14</sup> His team achieved the improvements in business climate, success in the delivery of basic services to citizens, fighting the corruption. Saakashvili's government could overcome the financial crisis and pay the pensions and salaries. One of the famous achievements of his office was eradication of corruption in traffic sphere, namely in police. The government abolished the traffic police and instead enforced police that practiced in the west. This action could eradicate the bribery given to the police officials and helped to create a safe cross-country transport route. Another impressive achievement was the changes implemented into admission system of high education in Georgia. The former incumbents changed the way the exams were undertaken. If before that the holding of exams was a responsibility of university administrators, now the exams are being held on a national level. This change positively impacted the society and diminished the level of corruption in education system of Georgia.<sup>15</sup> Everything has two sides, positive and negative and in this sense, Georgian reforms are not an exception. The amendment in the constitution which increased the presidential power at the expense of the legislative became a reason of the abuse of power of incumbents, impunity of government officials and the big wave of "deprivatization of privatized state property".<sup>16</sup>

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<sup>14</sup> Lincoln A. Mitchell, "Compromising Democracy: State Building in Saakashvili's Georgia." *Central Asian Survey* (July 2009): 179-180, DOI: 10.1080/02634930903034864.

<sup>15</sup> Ibid., 175-177

<sup>16</sup> Vladimer Papava, "The Political Economy of Georgia's Rose Revolution." *East European Democratization* (2006): 663.



However, Saakashvili's government had a vision, ambition and plan to develop the country, to rebuild it. What was overlooked during his office, was the fact that his government mistakenly perceived the statebuilding process as the only possible path to take and that working on democracy can not go along with the state building. First should come statebuilding and only after that development of democracy. In this regard, the author argues that eventually Mikheil Saakashvili's government did not achieve none of them.<sup>17</sup> Another paper that was written about the effectiveness of rule of law is "Georgia in Transition" by Thomas Hammarberg vividly illustrates the key shortcomings of Georgian judiciary system. So, in his paper, he states that after the October 2012 elections the prosecution office received many complaints from citizens about the unlawful actions of the former incumbents regarding their liberty, property and business. Many of them said that the state pushed them to give up their property in the term of voluntarily action. Others complained about the misapplication of plea bargaining system.<sup>18</sup> Abovementioned facts prove that the rule of law in Georgia was not independent and endured the political pressure in most of the cases. The rule of law which is subservient to interests of power holders lead to the situation where the very powerholders will start misusing the power and using it only when they have their own interests. In this regard, Steven Jones has a good point. He goes further telling that another obstacle on the way to the consolidated democracy is interconnection between political and economic fields. "Political power in Georgia is a source of self-enrichment; economic power is a source of political patronage"<sup>19</sup>. Steven Jones argues that this type of fusion can have only negative impact on the democratization process. He points out that this system is

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<sup>17</sup> Lincoln A. Mitchell, "Compromising Democracy: State Building in Saakashvili's Georgia." *Central Asian Survey* (July 2009): 179-181, DOI: 10.1080/02634930903034864

<sup>18</sup> Thomas Hammarberg. "Georgia in Transition Report on the human rights dimension: background, steps taken and remaining challenges." (September 2013):6.

<sup>19</sup> Steven Jones, "Democracy in Georgia: Da Capo?" *Cicero Foundation Great Debate Paper No. 13/02*, (April 2013): 6.

difficult to challenge because the deprivation of power in one field will inevitably cause the loss in another.<sup>20</sup> The economic development is very conducive to democracy, easiness of opening the business and be engaged in individual entrepreneurship are among of the elements that lead to the economic prosperity. In Georgia as Steven Jones argues the businesses were helpless when they faced political oppression. Thus, they had to pay bribes to protect their businesses and to sustain them.<sup>21</sup>

Summing up, Mikheil Saakashvili's government set good goals and achieved some. They could bring Georgia on a next stage of development, changed the political course towards the European Union, implemented reforms in education, policy systems and fought corruption. However, those were the positive achievements of Saakashvili's ruling. Among negative ones are stagnation of democratization process and subservient of law to politics.

## **1.2. Government Accountability**

In previous section, the rule of law as one of the indicators of the democracy in the regard to Saakashvili's ruling was discussed. The conclusion to which the section came is that the rule of law during his period became submissive and dependent on the interests of incumbent party. This subsection will analyze the government accountability, namely, free and fair elections, legitimate opposition as the ways the government is accountable to its citizens.

When the Rose Revolution took place and Shevardnadze had to flee the country, young and ambitious political leader appeared on the Georgian scene. Mikheil Saakashvili was charismatic, energetic politician who claimed that he was tired of the corruption and ineffective

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<sup>20</sup> Ibid., 6.

<sup>21</sup> Steven Jones, "Democracy in Georgia: Da Capo?" Cicero Foundation Great Debate Paper No. 13/02, (April 2013): 7.

policies of the previous government and decided to change the Georgian political course. People were truly marred by deception and incompetence of Shevardnadze's ruling. There was a big hope among people that this next leader will be able to change the situation and bring the country to the new stage of development. As Samuele Dominioni points out in his article "Consolidating a hybrid regime: the case of Georgia under Shevardnadze and Saakashvili" there was not a big surprising event that people massively came to the elections in January 2004, and as a result Saakashvili was elected with 96 % of votes.<sup>22</sup> Nevertheless, the author comes to the conclusion that the course of Saakashvili was not democratic at all. Basically he argues that Saakashvili's period can be categorized as a hybrid regime. In this sense, he mentions that even his first elections were not free and fair.<sup>23</sup> Samuele Domioni perfectly illustrates the words of Jonathan Wheatley about the elections in January 2004, "the purpose of elections in Georgia is not to give voters the opportunity to replace their government, but to confer legitimacy on the incumbent regime"<sup>24</sup>. The state where the elections don't serve as a vivid illustration of the people's true will and decision, such kind of state will most likely never become the consolidated democracy. In the article he argues that the first action that Saakashvili enforced were the decision to amend the constitution and parliamentary powers. So, he describes that immediately after Saakashvili came to power he amended the constitution, increased the presidential powers at the expense of the legislative. From that time on he got the power to

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<sup>22</sup> Samuele Dominioni, "Consolidating a hybrid regime: the case of Georgia under Shevardnadze and Saakashvili", *Società Italiana di Scienza Politic*: p. 16. Accessed 04.04.2015, <http://www.sisp.it/files/papers/2014/samuele-dominioni-1786.pdf>

<sup>23</sup> OSCE/ODIHR, "Georgia Extraordinary Presidential Election, 4 January 2004", Election Observation Mission Final Report, OSCE/ODIHR, Warsaw, 2004 in Samuele Dominioni's, "Consolidating a hybrid regime: the case of Georgia under Shevardnadze and Saakashvili", p. 16

<sup>24</sup> Wheatley J., "Georgia's Democratic Veneer: Scraping the Surface", in Baracani E. (ed.), "Democratization and Hybrid Regimes, International Anchoring and Domestic Dynamics in European Post-Soviet States", Florence, European Press Academic Publishing, 2010 in Samuele Dominioni's, "Consolidating a hybrid regime: the case of Georgia under Shevardnadze and Saakashvili", p.16

dissolve the Parliament in urgent cases, was not obliged to be financially accountable before the Parliament. Legislative branch lost its power to question the government's financial report on the expenses.<sup>25</sup> Another key element in enforcing the government accountability is a strong opposition. It is very necessary for any state which tries to become the consolidated democracy to have a strong opposition. This habit of having constant opposition in democratic states is a high indicator of a liberal country. As Ghia Nodia points out that the examples of flourishing democratization processes reveal the fact that at times the mutual work of two groups with absolutely opposite visions and interests lead to the democratic decision making and eventually to the good results. The fact that decision is challenged and the negotiation process among the hostile parties takes place proves that there is a good ground for maintenance of democracy.<sup>26</sup>

Georgia during Saakashvili simply did not have any opposition. The opposition is very important because state has to learn to cope with it, to work on consensus, to see the different perspectives of issues. The goal of opposition is to check the government, to find the ways where the incumbents made the wrong decision and to bring up it to the audience, public. The role of opposition is to make the government answerable before the people. So, the opposition factor cannot be simply overlooked. In this case, Saakashvili did not welcome any opposition. Opposition plays a colossal role in the bringing up the confusing topics on the table and make the government answer and explain its motives and decisions. During the first period of Saakashvili's ruling there was an opposition formed by Irakli Okruashvili, named Movement of United Georgia, however, after the launch of his party he was arrested and "charged with extortion,

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<sup>25</sup> Dolidze A. "Georgia's path to Authoritarianism", *The National Interest*, 24 August, 2007 in Samuele Dominioni's, "Consolidating a hybrid regime: the case of Georgia under Shevardnadze and Saakashvili", p.19

<sup>26</sup> Ghia Nodia, "The Crisis of Democratization in Georgia? The visions, paths and resources of democratic consolidation." *Caucasus Institute for Peace, Democracy and Development*, Policy Paper (March 2012): 10-12

money laundering, misuse of power, and negligence while serving as Defense minister.”<sup>27</sup> As it is seen from the above-mentioned information Saakashvili’s period was marked by several important actions that were purely detrimental for democratization process in Georgia.

Summing up, during Saakashvili, Steven Jones mentions that politics of Saakashvili became so close to the dangerous model of Putin’s “power vertical.”<sup>28</sup> His words basically points out that the democratization process during Saakashvili slid down. It is impossible to talk about any progress when there is no rule of law, freedom of choice and etc. The government accountability during Saakashvili period was low. This inability of citizens and opposition to participate in decision making process hinders the democracy development. This subsection was devoted to the level of government accountability during Saakashvili period.

### **1.3. Reasons for stagnation**

One of the main reasons of the stagnation of the democratization process in Georgia is the so called super-presidency factor during Saakashvili.

Several scholars including (Ghia Nodia) state that Georgia and its people see the democracy as the only possible path that their government should take.<sup>29</sup> However, the way to democracy is a long path that requires not only time but also strong dedication and commitment from the government, opposition and the society itself. All three key players should put their own efforts in the democratization process in Georgia. Democracy does not occur overnight.

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<sup>27</sup> Pamela Jawad, “Conflict Resolution through Democracy Promotion? The Role of the OSCE in Georgia.” *Routledge, Democratization*, 15:3, 611-629, accessed April 03, 2015, DOI:10.1080/13510340801972288: 617.

<sup>28</sup> Steven Jones, “Democracy in Georgia: Da Capo?” *Cicero Foundation Great Debate Paper No. 13/02*, (April 2013): 4.

<sup>29</sup> Ghia Nodia, “The Crisis of Democratization in Georgia? The visions, paths and resources of democratic consolidation.” *Caucasus Institute for Peace, Democracy and Development*, Policy Paper (March 2012): 11.

Moreover, it does not have only one ready blueprint or a road map that will help the country to become a consolidated democracy. Power in Georgia has changed its hands three times after it got its independence. Interestingly, each time the next government claimed that they will provide fresh wave of democratization and finally bring liberal democracy in force.<sup>30</sup> However, all these three times the power failed<sup>31</sup>, it should be noted that each time the government had both minuses and pluses during their office. But what we observe today is the fact that Georgia still puts its efforts to work on its democratization process and tries to implement all policies that are conducive to democracy.

Georgia was ranked by Freedom House, an international organization that conducts studies that show the level of democracy in a given country based on several factors such as: political freedom and human rights, as a “hybrid regime” which means that Georgia has both democratic as well as authoritarian traits.<sup>32</sup> This regime basically means that Georgia is “partly free” but the goal of this chapter is not to determine the exact definition of the level of democracy but rather to indicate the reasons of stagnation. During Saakashvili’s office, the country went through different stages and policies that had both positive and negative effects. Georgia was an excellent testing ground both for international community as well as political scientists to see whether the democracy has roots in Georgia and what is its destiny.

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<sup>30</sup> Steven Jones, “Democracy in Georgia: Da Capo?” *Cicero Foundation Great Debate Paper No. 13/02*, (April 2013): 5.

<sup>31</sup> Steven Jones, “Democracy in Georgia: Da Capo?” *Cicero Foundation Great Debate Paper No. 13/02*, (April 2013): 5.

<sup>32</sup> [www.freedomhouse.org](http://www.freedomhouse.org) in Ghia Nodia, “The Crisis of Democratization in Georgia? The visions, paths and resources of democratic consolidation.” *Caucasus Institute for Peace, Democracy and Development, Policy Paper* (March 2012):5

Hybrid regime also means that the country has authoritarian traits too. In this case Saakashvili's policies can be good example of it. The main reason why there was a stagnation of democratization process in Georgia is according to George Khelashvili "super presidency"<sup>33</sup> or another name for it which was coined by Stephen Jones "strong political habit of centralizing"<sup>34</sup>. These two terms basically mean that the executive power in Georgia was increased at the expense of the legislative power. During Saakashvili period local governments did not enjoy independence as well as judiciary did not. Private and public sectors were interconnected and interdependent on each other, while the separation of key sectors is a determinant factor in terms of democratization process in any country. Business entities did not possess enough freedom of action; the government was not accountable to its people from which they exert their legitimacy. Media was somewhat of dependent on the state bodies and was mostly pro-governmental.<sup>35</sup> All these factors were crucial in the establishment and the consolidation of the democratization process. Constitutional changes that took place in February 2004 little contributed to the overall democracy in Georgia. Not just did not contribute but moreover hindered the process itself.

Another factor that should not be undermined is a political tradition. One of the elements that makes democracy work is the democratic habit. Meaning that the country's leading policy makers, civil society activists and governmental officials should take it for granted that all conflicts can be solved by means of democratic principles and methods.<sup>36</sup> In this case, when there is a debate over February 2004 Constitution change, an important phenomenon takes place.

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<sup>33</sup> George Khelashvili, "Explaining the Stagnation of Democratisation in Georgia." *PONARS Policy Memo No. 104* (June 2010): 2.

<sup>34</sup> *Ibid.*, 13.

<sup>35</sup> Steven Jones, "Democracy in Georgia: Da Capo?" Cicero Foundation Great Debate Paper No. 13/02, (April 2013): 4

<sup>36</sup> Ghia Nodia, "The Crisis of Democratization in Georgia? The visions, paths and resources of democratic consolidation." *Caucasus Institute for Peace, Democracy and Development*, Policy Paper (March 2012): 11

As Ghia Nodia pointed out that civil society organizations were not able to influence the decision making process.<sup>37</sup> However, it is significant to mention that time is crucially needed for political habit to take roots.

The paper discussed the opposition as an indicator for measuring the democratic system. So, the absence of opposition can only negatively impact on the overall democratic level in a given country. Ghia Nodia argues that the main goal of political parties is to represent the diverse opinions and interests of citizens. Georgian political parties did not fulfill this mission. In Georgia the typical party is built by means of one individual based on his financial resources. The typical parties don't have solid agenda, goal or vision.<sup>38</sup>

In conclusion, it is important to point out that the structure of leadership has a tremendous impact on the policies in a country as well as on its democracy development. In Saakashvili's ruling, he and his party were the dominant actors on a political scene. However, pluralism, opposition and active civil society are needed for democracy flourishing.

#### **1.4. Analysis and Conclusion**

Basically the reforms that were introduced during Saakashvili's period were promising and ambitious. There are two camps that are divided among two different opinions, whether Saakashvili's ruling was successful or not. For example, Lincoln Mitchell argued that by prioritizing state building over democracy promotion, Saakashvili's government did achieve none of them. However, the first thing that we should take into account when we measure the process, are preconditions or requirements for democracy establishment and development in force. In this

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<sup>37</sup> Ibid ., 26

<sup>38</sup> Ghia Nodia, "The Crisis of Democratization in Georgia? The visions, paths and resources of democratic consolidation." Caucasus Institute for Peace, Democracy and Development, Policy Paper (March 2012): 15



regard, for example, Ghia Nodia argues that Georgia underwent some positive achievements too during previous government.<sup>39</sup> He admits the fact that Mikheil Saakashvili's ruling had autocratic traits. Undoubtedly, one of his reforms which negatively impacted on democracy was February 2004 Constitution change. However, there is a common idea that there are prerequisites for democracy such as socio-economic and cultural developments.<sup>40</sup> At this point, interesting question arises whether it is possible to work on socio-economic development without consolidating the power, by democratic principles? The answer might be obvious, state building can go along with democracy promotion. However, it will take more time. As it is commonly known, the decision making process and policy implementation in consolidated countries are slow. As a result of Mikheil Saakashvili's ruling there are both positive as well as negative outcomes. Among positive ones Ghia Nodia points out that nowadays' Georgia is more functional state than it used to be, for example, ten years ago.<sup>41</sup> Negative is that to democracy promotion was not paid much attention, there were no effective policies aiming to establish and maintain the democracy.

The objective of this chapter was to answer the question whether there was a stagnation of democratization process or not. Throughout the research it is seen that it is difficult to definitely give one answer. Since, one answer always tend to become one sided. The democratization is a big concept that composes of different core elements. However, in the regard to the indicators that were chosen, namely in terms of rule of law and government accountability; there was a

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<sup>39</sup> Ibid., 26.

<sup>40</sup> Ibid., 22.

<sup>41</sup> Ghia Nodia, "The Crisis of Democratization in Georgia? The visions, paths and resources of democratic consolidation." Caucasus Institute for Peace, Democracy and Development, Policy Paper (March 2012): 27.

democratization derailment during Mikheil Saakashvili' rule. But it does not mean that his achievements should be overlooked.

## Second chapter: Current Government

The fact that Georgian Dream Democratic Coalition won the parliamentary elections in 2012 was the first time the power in Georgia peacefully transferred to the next political coalition. Even though Georgia did not go through Samuel Huntington's "two turnover test"<sup>42</sup> which basically means that for a state to become a stable democracy the power should change its hands twice<sup>43</sup>, it did a big step towards democracy by voluntarily passing the power. It is a big success for Georgia and its democratization. As the history shows Georgia's democratization process was slid down each time when the politics in Georgia turned to be the so called "one party dominance."<sup>44</sup> Still Georgia is a divisive issue among scholars and international actors. Georgian politics is famous for its persistent chain of political situation; promises of democratic changes turn out to be authoritarian reality.<sup>45</sup> The situation raises so many questions and guesses. There are many reasons of this phenomenon. However, the purpose of chapter is to come up with the clear picture of current situation of democratization process in Georgia. Georgian Dream is a coalition which basically implies existence of different opinions and interests among political members. In this sense, no doubt, that this form is very helpful to avoid "one party dominance"<sup>46</sup> or when the politics in the country is mostly dependent on one individual, president. In coalition it is harder to bring big changes, to amend the constitution or somehow dominate the politics. In regard to its plans and aspirations, new coalition has a promising program. It promises to finish "political messianism", to establish an independent judiciary, to strengthen the checks and

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<sup>42</sup> Steven Jones, "Democracy in Georgia: Da Capo?" *Cicero Foundation Great Debate Paper No. 13/02*, (April 2013):3

<sup>43</sup> Ibid

<sup>44</sup> Ibid., 5

<sup>45</sup> Ibid

<sup>46</sup> First coined by Duverger in 1951 in "The key to one dominance : A Comparative Analysis of Selected States" by Phillip Frederick Gauta Mtimkulu (July 2006):21

balances, to make sure that the fundamental conditions for democracy are in force, to reinforce the parliamentary opposition, to develop local representation and put efforts to develop free media.<sup>47</sup> To vividly see the results that the current government already achieved during its office, it is important to go through factors that are conducive to democracy promotion. The first such factor is the rule of law.

## **2.1. Rule of law (Current Government)**

In 2012 parliamentary elections took place in Georgia. These elections provided Georgia's legislative branch the powers once it used to possess. So, as Steven Jones pointed out the important progress during the current government was the fact that Parliament became the important and independent body in the decision making process.<sup>48</sup> Some experts argue that during Saakashvili there was absence of government's accountability and very limited circle of individuals had a right to influence the decision making process in Georgia. Namely this factor was a reason of poor decisions that consequently led to undesired outcomes. (Abkhazia and South Ossetia)<sup>49</sup>. Why did it take place? One of the answers may lie in the way how the decisions in Georgia were admitted. Lincoln Mitchell observed that Saakashvili was impatient in his policies and decisions.<sup>50</sup> His ability to answer to the policies and actions of Russia quickly, without much debate and deliberation explains the fact that Georgia's decision making process was weak and dependent on one person's final word<sup>51</sup>. Absence of a strong opposition might lead

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<sup>47</sup> Steven Jones, "Democracy in Georgia: Da Capo?" *Cicero Foundation Great Debate Paper No. 13/02*, (April 2013):9

<sup>48</sup> *Ibid.*, 11.

<sup>49</sup> *Ibid.*, 10.

<sup>50</sup> Lincoln A. Mitchell, "Compromising Democracy: State Building in Saakashvili's Georgia." *Central Asian Survey* (July 2009) : 175, DOI: 10.1080/02634930903034864.175.

<sup>51</sup> Steven Jones, "Democracy in Georgia: Da Capo?" *Cicero Foundation Great Debate Paper No. 13/02*, (April 2013): 6.

as in the case of Georgia to one party dominance, in consolidated democracies it is believed that the decision making process is slower so that parties could counteract each other's ambitions and interests. For this reason the current government tries to draw lessons from the history and to establish balance.

The current government seems to learn lessons from the previous government's mistakes. So, for example, according to Thomas Hammarberg, EU Special Adviser on Constitutional and Legal Reform and Human Rights in Georgia, there are ongoing reforms take place in the High Council of Justice in Georgia. One of them is that new government initiated and implemented the reform aiming at making the judiciary system in Georgia more independent and depoliticized as well as to increase the transparency of judicial institutions. For this purpose, they adopted the law, according to this new law; judges have a right to appoint their representatives to the High Council of Justice (HCJ), and the president's power to appoint members to HCJ was eliminated, so now it is the parliament's right to appoint members who are competent and independent enough to work in judiciary system. Another good change that reform brought was the fact that courtrooms became open, meaning that from that time on, the doors of proceedings were open for media, civil society and different NGOs.<sup>52</sup>

Summing up, several reforms were introduced to increase transparency in judiciary and make it more independent. The very fact that there are some changes in the judicial system gives

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<sup>52</sup> Thomas Hammarberg. "Georgia in Transition Report on the human rights dimension: background, steps taken and remaining challenges." (September 2013):10.

a hope that the rule of law in Georgia will become equal for all its citizens, not allowing to fall into “selective justice”<sup>53</sup> category, will become more transparent and independent.

## **2.2. International Factor**

In previous chapters the two fundamental democratic principles which are the rule of law and government accountability were discussed. Now it is time to look at the role that international community plays, namely the European Union in the regard to the democracy promotion in Georgia.

While being beset by its own economic problems at home, the European Union puts its efforts to help its neighboring countries by different means.<sup>54</sup> One of such means in regard with Georgia is the European Neighborhood Policy launched in 2004. This policy namely aimed at supporting its neighbors in terms of democracy development, rule of law and market economy. All that was supposed to be done through financial support, visa facilitation and different trade contracts. The European Neighborhood Policy (hereafter ENP) is a way which the European Union chose to influence its neighboring countries. The policy was addressed to 16 countries which were diverse in many ways: economically, politically and finally culturally- Egypt, Belarus, Israel, Moldova, Georgia, Algeria, Armenia, Jordan, Lebanon and some others. It is noteworthy to cite here the official aim of the European Commission in the regard to the ENP, so basically the primary goal of the policy is “political association and economic integration” of the neighboring countries around a body of ‘shared values’ (rule of law, democracy, human rights

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<sup>53</sup> Ibid., 7.

<sup>54</sup> Natalia Shapovalova, , Richard Youngs, “EU democracy promotion in the Eastern Neighbourhood: a turn to civil society?” *FRIDE*, (December 2012):2.

and social cohesion).<sup>55</sup> More concretely, it consists of a series of bilateral agreements and regional frameworks through which the EU offers financial aid, market access and visa facilitations to these countries in exchange for the conduct of domestic reforms in the political, economic, and administrative spheres.”<sup>56</sup>

It is important to mention why the international context was chosen as one of the indicators of the success or the stagnation of the democratization process in Georgia. The first reason is that EU’s foreign policy tool which is ENP at its core works mainly in the spheres of the democracy, rule of law, respect for human rights and economic integration. In this sense, the policy is highly helpful in the overall measurement of the democratization in Georgia. The second reason is as it is commonly known that Georgia is full of Euro – Atlantic inspirations, it is a good test for the country to not only show its commitment to democratic values but also to prove in practice that Georgia is ready for the changes and chooses to become a consolidated democracy.

In the sense of democracy promotion, Georgia became one of the top receivers of international aid for democracy development. According to Boonstra if the democratic consolidation will not take roots in Georgia, the whole idea of democratic promotion and development will fail.<sup>57</sup>

Georgia is showing its genuine interest in the project also because she puts its efforts to one day become a full member of the European Union. The country took pro – European course

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<sup>55</sup> David Cadier, “Is the European Neighbourhood Policy a substitute for enlargement?” available at [http://www.lse.ac.uk/IDEAS/publications/reports/pdf/SR018/Cadier\\_D.pdf](http://www.lse.ac.uk/IDEAS/publications/reports/pdf/SR018/Cadier_D.pdf): 52.

<sup>56</sup> Ibid.,1.

<sup>57</sup> Boonstra, J. 2010. Assessing Democracy Assistance: Georgia. Madrid: Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE)in Lazarus, Joel’s article: "Neo-liberal State Building and Western." Prepared for delivery at the 2010 SGIR 7th Pan-European, 2010: 4.

and tries to work on its democratization process. The state does not associate itself with post-soviet space, moreover, tries to avoid this legacy and become more pro-liberal and pro-western.

<sup>58</sup>However, is the process successful or not, the chapter of this paper will try to find out.

Georgian government signed the ENP Action Plan in 2006. The Action Plan was composed of different reforms in many spheres. The core directions of ENP Action Plan lie on different spheres such as: rule of law, deep and sustainable democracy, developing economy, ensuring the property rights and many others.

In order to see whether the international factor in a face of the European Union was successful or not, it is useful to go case by case, starting from the rule of law. So, the first element that will be analyzed is the rule of law. In the Action Plan signed by the Georgian government and the European Union was clearly stated the objectives:

*Strengthen rule of law especially through reform of the judicial system, including the penitentiary system, and through rebuilding state institutions. Strengthen democratic institutions and respect for human rights and fundamental freedoms in compliance with international commitments of Georgia*<sup>59</sup>

In this context during Saakashvili period there were presented several changes in the judiciary system so that to establish the independence and impartiality of one of the most important state bodies. The vivid examples of the changes might be the efforts in the process of making the judiciary system more independent and to reduce the possible leverages over it. In this regard, the Parliament adopted the law on communications of external actors and the

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<sup>58</sup> Kornely Kakachia, Professor of Political Science at Tbilisi State University and Director of the Georgian Institute of Politics, skype interview by the author, March 28, 2015 (list of questions and answers are available upon request)

<sup>59</sup>Commission, 2006: European Neighbourhood Policy Action Plan Georgia, Brussels:4  
[http://eeas.europa.eu/enp/pdf/pdf/action\\_plans/georgia\\_enp\\_ap\\_final\\_en.pdf](http://eeas.europa.eu/enp/pdf/pdf/action_plans/georgia_enp_ap_final_en.pdf)



judiciary bodies. So, for instance, judges have a strict obligation to report whenever some external actors try to influence the decision of the judge to the High Council of Judges. Another good point that scholars mention is that now only the ones who graduate the training program under the High Council of Judges have a right to become a judge.<sup>60</sup> Another point is that High Council of Judges who is competent for selecting; training the judges should consist of judges and parliamentarians and also should include one person from the opposition. Other examples would be the decision to appoint the judges for a life long term. In a sense it might lead to the overall better functioning of judges. Moreover, judges will have a stability and immunity; it might increase their independency from the executive body. Apart from it, the big success in this context can be considered the change in the criminal procedure code of Georgia. The change basically presents the jury trials in the criminal cases.<sup>61</sup> It was done in a hope that it will bring more justice and independence in the decision making process of judiciary system. There are many benefits from the establishment of the jury trials, it decreases the possibility to influence the verdict and raises the public awareness regarding the judiciary sector. However, the implementation of it might cause many obstacles. So, the society should be ready for it, the good training should be provided for juries. However, these abovementioned changes were mostly institutional meaning that it was more about changes on paper but what about the implementation and enforcement of all changes? As the paper gives us an answer, even though there were presented and adopted many changes in promotion of independent and impartial judiciary, the

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<sup>60</sup> The Normative Power of European Neighborhood Policy in Georgia:33 available at <http://diggy.ruc.dk/bitstream/1800/9430/1/The%20Normative%20Power%20of%20European%20Neighbourhood%20Policy%20in%20Georgia%20-%20f%C3%A6rdig.pdf>

<sup>61</sup> Joint Staff Working Paper “Implementation of the European Neighbourhood Policy in 2010”, Country report: Georgia, 4.

conviction rate of the public is 98 %.<sup>62</sup> These numbers vividly illustrates that there was no evident success of the executed changes; the public simply does not see it. In the article it is stated that the reason might be found in “the combination of high conviction rates together with severe punishment. This combination results in the very frequent use (87,5% of cases) of plea bargaining.”<sup>63</sup> Which basically means that the public does not trust the judiciary system, tries to find unlawful ways to somehow influence the decision making process. With this phenomenon is strongly connected another factor which is corruption. According to the Transparency International 2007, among the most corrupt institutions Georgian citizens indicated the judiciary and Parliament.<sup>64</sup>

ENP is ambitious and result-oriented program; however, it has several shortcomings. One of the reasons why the ENP was considered as not the most effective foreign policy tool is lies in the fact that the EU did not clearly open the possibility of EU membership for ENP countries. In this regard, it is important to mention that some experts assume that absence of solid incentive (in this case the possibility of membership) which was not offered might lead to the overall disinterest for the substantial reforms in ENP countries.<sup>65</sup> The countries might work harder and the elite might become more reform-minded, but since there is no a solid incentive from the EU, the overall commitment to democracy might be slow. It is useful at this point to mention the fact that not all countries were highly interested in the program as Georgia. Georgia, Moldova and

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<sup>62</sup> Commission, 2012b:5 “Implementation of the European Neighbourhood Policy in 2011” [http://eeas.europa.eu/delegations/georgia/documents/news/enpprogressreport\\_2011\\_en.pdf](http://eeas.europa.eu/delegations/georgia/documents/news/enpprogressreport_2011_en.pdf) in “The Normative Power of European Neighborhood Policy in Georgia”:35.

<sup>63</sup> The Normative Power of European Neighborhood Policy in Georgia:35.

<sup>64</sup> Ibid.

<sup>65</sup> Stefan Lehne, “Time to Reset the European Neighborhood Policy” *Carnegie Europe*, (February 2014) :1.

Ukraine showed genuine interest in the program, while countries as Azerbaijan or Belarus showed little initiative.<sup>66</sup>

Another important point that scholars accurately stated that one of setbacks of the program was the universal program for all ENP countries, meaning that the EU did not take into account the differentiation of all countries, their diverse background, and their current economic and political situations.<sup>67</sup>

They simply used one approach to deal with every country, which failed to work out. For example, in our case, case of Georgia, the country showed a genuine interest and willingness to follow the procedures and become a member of the European Union. In this case, the role of Russia in the region should not be neglected. Russia in the response to the EU's initiatives came up with their own Eurasian Customs Union; Georgia showed little interest in the Union, because the country always wanted to alienate itself from the Soviet legacy and Russian dominance in the region.<sup>68</sup> In this sense, the initiative of the EU in the face of ENP was a very good opportunity for Georgia to move in a more democratic direction and pursue its pro-European goals. As the scholars pointed out the approach of the ENP can be summarized by means of "three Ms" – money, mobility and market. Mobility goes hand in hand with visa liberalization which simply encourages legal migration from ENP countries. Second component which is money, financial support was given through grants delivered by the European Commission, and the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD) also took place in the process by offering loans to ENP countries. According to the numbers in

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<sup>66</sup> David Cadier, "Is the European Neighbourhood Policy a substitute for enlargement?" :54.

<sup>67</sup> Stefan Lehne, "Time to Reset the European Neighborhood Policy" *Carnegie Europe*, (February 2014):6

<sup>68</sup> Kornely Kakachia, interview by the author, March 28, 2015.

the abovementioned article, the ENP countries were given for the period of 2011-2013 is 6.5 billion euro.<sup>69</sup> The third element which the partial access to the European Market is a good economic opportunity for countries to develop trade and cooperation. The techniques used for implementation of the third element are taking away the tariffs and liberate customs barriers. The ultimate stage in this sphere is to sign the Deep and Comprehensive Free Trade Agreement (DCFTA).<sup>70</sup> This agreement provides the full capacity for a state to be economically integrated with the EU's market. However, as many scholars state the process is full of technical and legislative prerequisites which can take a long way to go. So, in this section the overall information about the ENP was given. The next subsection will be devoted to Eastern Partnership.

In conclusion, it is noteworthy to go through the arguments that were presented and sum up them. So, the European Neighborhood Policy had a good intention and was developed to support its partner countries to become more stable and developed neighbors. However, there are some reasons to state that the overall work of ENP was unsuccessful in terms of democracy promotion. The first reason of unsuccessfulness of the ENP in the area of democratization was the fact that during Saakashvili, his government was too busy with rebuilding the state and the promotion of democracy was not among his top priorities.<sup>71</sup> The second reason according to Tamar Khuntsaria is the absence of the clear vision and provision of good incentives for ENP countries. The incentives that were provided by the EU as a reward for democratic achievements were not good and attractive enough for Georgia. In this regard, many scholars argue that the EU

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<sup>69</sup> David Cadier, "Is the European Neighbourhood Policy a substitute for enlargement?" available at [http://www.lse.ac.uk/IDEAS/publications/reports/pdf/SR018/Cadier\\_D.pdf](http://www.lse.ac.uk/IDEAS/publications/reports/pdf/SR018/Cadier_D.pdf): 55.

<sup>70</sup> David Cadier, "Is the European Neighbourhood Policy a substitute for enlargement?" :55.

<sup>71</sup>Tamar Khuntsaria, "External Democracy Promotion in Georgia" (PhD diss., University of Oxford, 2014):13.

did not come up with one clear objective with the regard to its ENP and this very confusing factor was a setback in the overall effectiveness of the program.<sup>72</sup> In the article was noted that the EU designed so called conditionality incentives for the countries (access to the market, visa facilitation, financial support) to boost the democratic reforms, however the most important incentive which is the enlargement possibility was missing.<sup>73</sup>

Finally, her paper argues that another substantial reason of the stagnant democratization process in Georgia in the regard to EU assistance was the fact that EU did not have strong checking policies, basically did not monitor the funds that were given and the overall mutual partnership between EU and Georgia was held on the elite basis.<sup>74</sup>

### **2.3. Eastern Partnership**

With the regard to the ineffectiveness of the ENP, the EU decided to come up with a regional addition to the ENP which is Eastern Partnership (EaP). The EaP addressed six countries such as: Georgia, Moldova, Ukraine, Belarus, Armenia and Azerbaijan. Georgia matters a lot in this sense, because it is the most pro-European country in the region which openly shows its commitment and aspiration to become one day a member of the EU. Change of political elite in Georgia brought young, ambitious leaders such as Mikheil Saakashvili and his team. During his office, Georgia clearly showed a genuine interest and aspiration to get into European Union's club. In this regard, it is worthy to bring the idea of the author who states that if the EaP is not successful in Georgia, there is a less hope that it will work out in less interested EaP countries

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<sup>72</sup> David Cadier, "Is the European Neighbourhood Policy a substitute for enlargement?" :53.

<sup>73</sup> Ibid

<sup>74</sup> Tamar Khuntsaria, "External Democracy Promotion in Georgia" (PhD diss., University of Oxford, 2014):4

such as: Armenia and Belarus.<sup>75</sup> Positive conditionality means that the EU motivates the ENP partners to reform and develop in a liberal direction by proposing the rewards for certain success. Joint ownership literally suggests that the whole program and action plans were designed in a close touch with the partners. The third principle - differentiation means that the programs are worked out in a way that they take into account the specific differences and circumstances of each ENP country.<sup>76</sup> In the regard with Georgia the last element was something that Georgia was in a need of. Georgia is full of EU aspirations in the regard with the membership to the EU family. In this sense, it is crucially important for Georgia to work on its democratization process because the success in this field will bring the country closer to the EU membership. In this context, it is the aim of this section to determine whether did the contribution of EU in the democracy promotion in Georgia bring the country any closer to its aims and aspiration or not?

#### **2.4. Achievements:**

The Eastern Partnership is an effective tool in the process of democratization in Georgia. Association Agreement between Georgia and the European Union made Georgia even closer to her Euro – Atlantic goals. The agreement was signed in June 2014, the core element of which was Deep and Comprehensive Free Trade Area (DCFTA).<sup>77</sup> This event was met with high hopes and expectations. According to European Integration Index 2014 for Eastern Partnership countries, it was a big success for Georgia in 2014.<sup>78</sup> This agreement is different from ordinary trade agreements in a sense that one of the goals of DCFTA is to make the trade legislation in

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<sup>75</sup> David Rinnert, “The Eastern Partnership in Georgia Increasing Efficiency of EU Neighborhood Policies in South Caucasus?” *Stiftung Wissenschaft und Politik* (2011):5, available at [http://www.lse.ac.uk/IDEAS/publications/reports/pdf/SR018/Cadier\\_D.pdf](http://www.lse.ac.uk/IDEAS/publications/reports/pdf/SR018/Cadier_D.pdf).

<sup>76</sup> David Rinnert, “The Eastern Partnership in Georgia Increasing Efficiency of EU Neighborhood Policies in South Caucasus?” *Stiftung Wissenschaft und Politik* (2011) :8.

<sup>77</sup> European Integration Index 2014 for Eastern Partnership countries: 38.

<sup>78</sup> Ibid.

compliance with European standards, to make commerce legislation closer to European style of regulations. According to the agreement, the products made in Georgia will be free from tariff barriers when they are exported to the European market.<sup>79</sup> Elimination of customs fees is a big advantage for Georgian market. However, there are other difficulties. As it was mentioned above, one of the goals of agreement is to make Georgian trade legislation closer to the European standards; it will involve the same quality of products, sanitary requirements and others. According to Adam Hug, namely this factor is a current setback for Georgian entrepreneurs. Government agreed to put efforts to eliminate technical barriers.<sup>80</sup> However, it takes time. Another factor that might hinder Georgian - EU strong economic integration is the possibility of Georgian products to be exported to Russian market, since Russian market does not have technical barriers.<sup>81</sup> An embargo imposed on Georgian products was abolished by Russian government in 2012. After this event, Georgian entrepreneurs decided to come back to Russian market, since it is easy due to lack of technical and informal barriers.<sup>82</sup> However, the author warns stating that Russia is famous for using economic leverage for political goals. In this regard, such cooperation is not stable, by making Georgia vulnerable to external pressure.<sup>83</sup> These factors are important to take into account while making economic policies and plans. DCFTA is a good opportunity for Georgia to improve its economy, to bring its legislation in compliance with international standards, to work on its sanitary system. Economic prosperity, food safety, sanitary factors are all necessary parts of stable economically developed country. Kornely Kakachia

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<sup>79</sup> Adam Hug, edited., "Trouble in the Neighborhood? The Future of the EU's Eastern Partnership." *The Foreign Policy Centre* (2015): 49.

<sup>80</sup> *Ibid.*, 77

<sup>81</sup> *Ibid.*, 50.

<sup>82</sup> *Ibid*

<sup>83</sup> *Ibid*

stressed this event as something important and useful for Georgian development. At its core, to bring agriculture sector, trade regulations to a new level, enforcing food safety are good both for Georgian people as well as EU market. Agricultural products will be of higher quality, food safety regulations will protect citizens' health. <sup>84</sup>Undoubtedly, this process is time consuming; however, the results are worth of it.

Georgia is known for its straightforward goals regarding closer integration with the European Union and on this way tries to push all its efforts to develop the country and work on its democratization process. In the regard of democracy, according to Election Monitoring Report by Office of Democratic Institutions and Human Rights, Georgia's 2013 presidential elections took place in a more open and fair atmosphere in comparison with 2012 parliamentary elections. <sup>85</sup> The European Union is active in the region and provides financial as well as political assistance. The Eastern Partnership focuses on different spheres, however, the core ones are democracy promotion, rule of law, develop economy. All their programs aim at integrating Georgia closer to European standards let it be in economic sphere or political. In this regard, the European Commission was created that would check the overall process of Eastern Partnership countries in their integration process. So, this European Commission gave a general insight to the elections that took place in Georgia by stating "Georgia navigated successfully a complex and unprecedented transition with two landmark elections in which power has changed hands peacefully, two changes of prime minister, change of president, a functioning cohabitation and

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<sup>84</sup> Kornely Kakachia, skype interview by the author, March 28, 2015.

<sup>85</sup> ODIHR (Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights), Election Observation Mission Final Report, Georgia, Presidential Election, 27 (October 2013) : 2.



constitutional shift in the political system, moving away from a one-party dominated state”<sup>86</sup>. It is important to point out that for Georgia it was truly a big achievement in terms of democracy development. Since, the political landscape in Georgia was turbulent. The UNM of Saakashvili did not want to lose the power, in this sense; they put efforts to decrease the chances of opposition to win. So, statistics only for September revealed that 60 opposition members and activists were arrested and 44 were detained for committing crimes.<sup>87</sup> In this context, it was a big achievement for Georgia to have these presidential elections in a peaceful and competitive manner.

Another big step towards democracy was the conduct of the municipal elections that took place last year. The report states that these elections were observed by several organizations, they state that the elections complied with European standards. They stated that the elections had minor violations; however, it did not have a big impact on election results.<sup>88</sup>

However, the fundamental right of freedom of association and assembly was not respected. The example can be the peaceful demonstration of 50 LGBT activists on May 17, the International Day against Homophobia, the members of which were attacked by 30000 violent anti – LGBT individuals. In this context, neither the police nor prosecution could not first of all prevent the attack and afterwards, was not able to bring to justice those who attacked the peaceful activists.<sup>89</sup> In 2014, after one year, LGBT activists’ demonstration did not take place.<sup>90</sup> As for a

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<sup>86</sup> European Integration Index 2014 for Eastern Partnership countries: 38.

<sup>87</sup> European Integration Index 2013 for Eastern Partnership countries: 38.

<sup>88</sup> JOINT STAFF WORKING DOCUMENT Implementation of the European Neighbourhood Policy in Georgia Progress in 2014 and recommendations for action : 5.

<sup>89</sup> JOINT STAFF WORKING DOCUMENT Implementation of the European Neighbourhood Policy in Georgia Progress in 2013 and recommendations for action : 6.

corruption combat, Georgia made a small progress forward. So, according to Transparency International Ranking Georgia now is 52nd out of 175 countries; there is a slight step forward, in 2013 Georgia in the same category was 55<sup>th</sup> out of 177 countries.<sup>91</sup> Another achievement was seen in Judiciary system. The judiciary now became more independent from the Prosecutor's office. As it was known that during Saakashvili period the law became submissive to executive branch, since then in 2013 to avoid this phenomenon, the government amended the law that limits the executive branch's power to interfere into criminal investigations.<sup>92</sup> The careful look was given by policy makers into the prison system. So, in 2013 there was a large scale amnesty that decreased the prison's population by half. This cut along with the budget increase could allow the government to allocate its resources to healthcare system, especially in rehabilitation and re-socialisation works.<sup>93</sup>

Summing up, international factor in the face of EU's program European Neighborhood Policy and its regional addition Eastern Partnership had a big role in democracy promotion in Georgia. The ENP had several shortcomings. Its regional addition Eastern Partnership had more positive impact on the democracy development in Georgia.

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<sup>90</sup> JOINT STAFF WORKING DOCUMENT Implementation of the European Neighbourhood Policy in Georgia Progress in 2014 and recommendations for action : 5.

<sup>91</sup> JOINT STAFF WORKING DOCUMENT Implementation of the European Neighbourhood Policy in Georgia Progress in 2014 and recommendations for action.7

<sup>92</sup> JOINT STAFF WORKING DOCUMENT Implementation of the European Neighbourhood Policy in Georgia Progress in 2013 and recommendations for action :7.

<sup>93</sup> JOINT STAFF WORKING DOCUMENT Implementation of the European Neighbourhood Policy in Georgia Progress in 2014 and recommendations for action : 7.

## **Conclusion:**

There is one idea which gives hope that one day Georgia will become the consolidated democracy. The rule of law will deepen its roots and media will enjoy full freedom. The idea lies on the fact that Georgian people, incumbents and its opponents support and see democracy as the only possible political scenario for their country. It means that people want to live in a democratic state and enjoy their rights. Georgian society chose its way on the political landscape; however, they need to learn to maintain those democratic standards and live in the compliance with them. The desire to have democracy and view it as the only viable step for Georgia to take in future is very optimistic; but what is more important and difficult is the process of implementation and maintenance. As, it was mentioned Georgia lacks democratic experience, so basically the society is not aware of the exact way they are going through. It is their first time and the democratization process is incomplete, it is still in process. The process is very important because it will bring inevitably some changes. As it is commonly accepted Georgia is considered to be a traditional country, so in this case it is difficult to undergo rapid changes towards democracy. During Saakashili period as it was already discovered the state was too busy with the rebuilding of the system, introducing changes, and as many argue in the process of the rebuilding the state, the democratization process was stagnant. The current government is working on the implementation of reforms and changes into the system. The big achievement for Georgia was the conduct of parliamentary and presidential elections in a more competitive environment. Parliament got the powers which counterbalance those of the President. The main result out of the work is the fact that democratization process is a long process that requires efforts, commitment and dedication. There are core elements for consolidated democracy which are the rule of law, free and fair

elections, strong opposition and civil society. Saakashvili's ruling did not pay enough attention to the democracy development in terms of abovementioned indicators. The current government tries to work on the democratization process, but since it is not experienced and due to the fact that Georgia never enjoyed democratic tradition, it is a hard way to go through. The ENP was not successful in terms of democracy development in Georgia. However, the role of the European Union should not be marginalized; its regional addition the Eastern Partnership shows better results and understanding about Georgia's needs and aspirations.

Summing up, the democratization process is a long way to go. No one can surely state how much time is needed and what obstacles should the country face. Each democratic transition is different. The fact that the government, opposition and the civil society all view democracy as the only viable scenario for their political future gives a hope that the country will continue its way towards consolidated democracy.

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