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Tavkhelidze, Tatia

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Unwrapping the Georgian Government's Reluctance to Align with EU Recommendations

Tatia Tavkhelidze (University of Leipzig)

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Abstract

The Russian full-scale war against Ukraine has significantly influenced the European Union's decision to expedite the accession process for Ukraine, Moldova, and Georgia. While Ukraine and Moldova obtained candidate status, Georgia received the 'European perspective', with the condition that it can become a candidate once specific criteria are fulfilled. This article examines the Georgian government's hesitance in taking advantage of this opportunity and implementing the reforms requested by the European Commission. The article offers a perspective on why the Georgian government might be hindering the EU integration process, making the argument that pursuing the required reforms to meet EU criteria could potentially undermine the ruling party's absolute power.

Introduction

The European Union (EU) responded to the Russian war of aggression in Ukraine by accelerating the accession process for Ukraine, Moldova, and Georgia. However, Georgia has encountered difficulties in fully aligning with the EU's core principles, encompassing human rights, democracy, equality, and the rule of law. Consequently, the European Commission recommended granting Georgia a 'perspective to become a member of the European Union' and granting candidate status once it implements the 12 EU recommendations by the fall of 2023. These recommendations include political depolarization, emphasizing collaboration between the government and its political opposition, de-oligarchisation (which involves dismantling the vested influences on the nation's political, economic and social life), ensuring the independence of state institutions, implementing judicial reforms, combating corruption, promoting media independence, protecting vulnerable groups' rights, and fostering gender equality, among others (European Commission 2022).

Nonetheless, the Georgian government has been slow in aligning with the EU recommendations. The first EU candidacy assessment, conducted by eight organisations under the leadership of the Open Society Georgia Foundation, indicated that in the period ending April 2023, the government had mainly fulfilled only two criteria: promoting gender equality and fighting against organised crime (Open Society Georgia Foundation 2023a). The second and third assessments revealed that the government had made limited progress, but all requirements other than the previously mentioned two remained partly or completely unfulfilled (Open Society Georgia Foundation 2023b, 2023c).

This article offers potential reasons behind the Georgian government's hesitancy to fully engage in the EU integration process. The argument within posits that the government's hesitation may arise from concerns that the adoption of essential reforms to meet EU criteria could potentially undermine the ruling party's uncontested authority.

The Rationale behind the EU's Recommendations

Fulfilling the EU recommendations extends beyond mere conditions for EU accession. It aims to create a framework protecting ordinary people from government abuse of power, strengthening the nation's bid to transform into a European society where the fostering of prosperity and security for its citizens prevails. Correspondingly, the European Commission's call for reforms highlights the evident problems.

The first recommendation focused on resolving political polarisation in Georgia stemming from heightened tensions between the ruling party and the opposition. This polarisation has resulted in political instability, undermining the effectiveness of state institutions and diverting attention from serving the people's needs, ultimately leading to societal division. The political crisis reached its peak following the 2020 parliamentary elections. While opposition parties held 60 seats, the ruling party secured a majority of 90 seats, thereby enabling them to shape legislation, implement their policy agenda, and govern the country with relative ease. However, allegations of election fraud by the opposition exacerbated the situation, leading to opposition candidates refusing to participate in parliamentary activities and sparking street protests by thousands of their supporters.¹ In an effort to de-escalate the political crisis, European Council President Charles Michel intervened in Georgia, bringing both sides to the negotiation table and facilitating the signing of the EU-led pact of cooperation.² However, the enforced peace did not last long, and the country continued to experience one political crisis after another. Evident manifestations of this persistent issue were seen in the imprisonment of opposition journalist Nika Gvaramia, who was later pardoned by President Salome Zourabichvili,³ and controversies arising from allegations that the government was responsible for the inadequate medical care provided to imprisoned former president and opposition party leader Mikheil Saakashvili.⁴

Another EU requirement focuses on the autonomy of state institutions, encompassing both the judiciary and anti-corruption bodies. Autonomous state institutions play a pivotal role in monitoring and balancing government authority, thereby promoting transparency,

efficiency, and accountability (Verdzeuli 2022). However, Transparency International states that Georgia's political system is characterised by a notable consolidation of power within a single political faction, leading to an excessive sway over all major public institutions. For instance, in the period leading up to the 2015–2016 parliamentary elections, numerous meetings occurred between influential judges and high-ranking government officials. These meetings resulted in the development of a tacit understanding of non-interference and mutual support between the 'Georgian Dream' party and the so-called group of 'loyal judges' aligned with the government. Transparency International's report also asserted that by the end of Georgian Dream's second term in office, the evidence had accumulated to suggest that corruption in Georgia had evolved into 'state capture', defined as 'a situation where powerful individuals, institutions, companies, or groups, whether from within or outside a country, exploit corruption to shape a nation's policies, legal framework, and economy for their own private interests'.⁵

This concern raises a crucial topic highlighted in the EU recommendations: the process of de-oligarchisation, which aims to diminish the sway of powerful individuals over politics and the economy while promoting economic growth and equitable resource distribution. As noted by the Venice Commission, an advisory body of the Council of Europe, oligarchic influence in Georgia manifests as a combination of wielding political power without a proper mandate and unduly influencing parliament, government, the judiciary, and law enforcement bodies, resulting in unfair competition, corruption, and the manipulation of public policy to serve the interests of a select few rather than the broader population (Venice Commission 2022). Transparency International identified oligarch Bidzina Ivanishvili as being responsible for the aforementioned processes in Georgia.⁶

As addressed by the Venice Commission (2022), one significant issue concerning oligarchisation is the control of mass media, which led to another recommendation by the European Commission regarding the need for a pluralistic media environment in Georgia. The European Parliament's 2022 resolution highlighted numerous instances of media freedom violations and threats to jour-

1 'Georgian opposition vows 'biggest ever' protests, decries vote fraud', EURACTIVE, 1 November 2021, <https://www.euractiv.com/section/europe-s-east/news/georgian-opposition-vows-biggest-ever-protests-decries-vote-fraud/> (accessed 4 August 2023).

2 'Michel's mediation in Georgia revealed', EURACTIVE, 5 July 2021, <https://www.euractiv.com/section/eastern-europe/news/michels-mediation-in-georgia-revealed/> (accessed 4 September 2023).

3 'Noted Georgian Journalist Gvaramia Sentenced to Lengthy Prison Term', Radio Free Europe/ Radio Liberty, 16 May 2022, <https://www.rferl.org/a/georgia-gvaramia-prison-sentence-corruption/31852799.html> (accessed 4 September 2023).

4 'Georgia: Reconsider Mikheil Saakashvili's Release on Medical Grounds', Human Rights Watch, 2 March 2023, <https://www.hrw.org/news/2023/03/02/georgia-reconsider-mikheil-saakashvilis-release-medical-grounds> (accessed 4 September 2023).

5 'Is Georgia a Captured State?', Transparency International, 11 December 2020, <https://www.transparency.ge/en/blog/georgia-captured-state> (accessed 4 September 2023).

6 'Is Georgia a Captured State?', Transparency International, 11 December 2020, <https://www.transparency.ge/en/blog/georgia-captured-state> (accessed 4 September 2023).

nalists' safety in the country.⁷ One such significant event took place during 'Tbilisi Pride' in July 2021, where journalists encountered multiple instances of violence and the police forces made minimal efforts to protect them.⁸

Finally, another prominent concern emphasised in the EU recommendations pertains to the necessity of a vibrant and engaged civil society, which plays a crucial role in democratic governance. Currently, numerous non-governmental organisations (NGOs) operate in the country, representing the interests of civil society and serving as government watchdogs. However, the ruling party harbours animosity towards these organisations. In 2023, they became the primary targets of the government's proposed 'foreign agent bill', which, although not ultimately passed, aimed to marginalise NGOs in Georgia. Those organisations receiving foreign grants, even from Georgian allies and partners like the EU and US, would have been forced to register as foreign agents and disclose finances annually, potentially facilitating state oppression and reinforcing the narrative that these NGOs prioritise foreign interests over those of their own country (Gabrichidze 2023).

Thus, the implementation of the EU recommendations in Georgia could foster transparency, accountability, and democratic values, leading to more inclusive and responsive governance. The government's reluctance to fulfil these criteria raises questions about their true commitment to the well-being of the citizens, and whether their primary aim is indeed to consolidate absolute power.

The Government's Apprehension in Letting Go of Absolute Power

The theory of political democracy describes undemocratic governance as a system that forsakes the importance of checks and balances, leading to the accumulation of absolute authority in the hands of one entity. This enables the ruling party to maintain their rule indefinitely (Rosanvallon 2019). The accusations of undemocratic actions by the Georgian government, including the exertion of oligarchic influence, manipulation of the judiciary with loyal judges, suppression of civil society, and restriction of media pluralism, suggest an attempt to consolidate absolute power, eroding the system of checks and balances. This fosters the perspective that the government's reluctance to meet EU criteria stems from its unwillingness to jeopardize its absolute control over state institutions and its sources of power.

According to the EU candidacy assessment conducted by the Open Society Georgia Foundation, de-

oligarchisation, political depolarisation, electoral and institutional reforms, and fostering a pluralistic media environment are the most crucial aspects of a free society which the government struggles to fulfil (Open Society Georgia Foundation 2023c). As a matter of fact, in 2012, the ruling party's electoral victory was significantly aided by the oligarch Bidzina Ivanishvili, who subsequently assumed the role of Prime Minister. In 2021, the European Parliament's Research Service published a report emphasising that despite Ivanishvili stepping down as prime minister in 2013, his continued informal influence over public institutions remains a major obstacle to democratic functioning (Russell 2021).

The impact of this oligarchic influence is evident in the appointment of individuals associated with Ivanishvili to key state positions even after his departure. For instance, the country's current Prime Minister, Irakli Garibashvili, has been affiliated with Ivanishvili's 'Cartu Bank' since 2004. Likewise, Grigol Luluashvili, the head of the State Security Service, has previously held significant roles in companies owned by Ivanishvili (Ghogoberidze 2023). Hence, requesting de-oligarchisation from the ruling party, whose foundation was built by and whose continuing support comes from the oligarch, essentially implies assigning themselves the task of deconstructing the very system that sustains their power.

Moreover, institutional and electoral reforms encompass the government's responsibility to abstain from exerting influence over specific entities, such as the Election Administration of Georgia or the judiciary. Nevertheless, in recent years, the government has faced allegations of manipulating parliamentary elections to secure a majority (Fix/ Kapp 2023) and appointing corrupt judges to the Supreme Court who display allegiance to the ruling party.⁹ Demanding the government ensure fair elections and reform the judiciary can be perceived as urging them to put their own position at risk — as the saying goes, 'take a saw to the branch they are sitting on'.

Moving on to the next criteria, pluralistic media environment and de-polarisation, it is evident that these do not align with the government's interests. Media outlets aligned with the opposition are demonised by 'Georgian Dream' because they act as a mirror, reflecting the government's wrongdoings and creating public awareness about them. Moreover, the government portrays the opposition as a threatening entity, implying that their intent is to promote chaos and destabilisation. The opposition is held responsible for any unrest

7 'European Parliament resolution of 9 June 2022 on violations of media freedom and the safety of journalists in Georgia', https://www.europarl.europa.eu/doceo/document/TA-9-2022-0239_EN.html (accessed 4 August 2023).

8 'Georgia: Mass violence against journalists covering Tbilisi Pride', International Press Institute, 5 July 2021, <https://ipi.media/georgia-mass-violence-against-journalists-covering-tbilisi-pride/> (accessed 4 August 2023).

9 'Georgian Judges Sanctioned by US State Department Speak Out Against Accusations', Civil Georgia, 6 April 2023, <https://civil.ge/archives/536258> (accessed 5 August 2023).

in the country. For instance, when the Georgian government hesitated to apply for EU candidacy, leading to massive demonstrations, government Officials blamed the opposition for fuelling the unrest, though it was in reality the unbiased will of the Georgian people to have their call for Europe heard (Gegeshidze/ de Waal 2021). Therefore, the anticipation of political depolarisation from the ruling party implies expecting them to forsake the politically advantageous 'image of the enemy' they have constructed of the opposition to suppress their adversaries. However, these opposition groups are also, if inadvertently, contributing to the government's strategy and thus share responsibility for the political crisis in the country (Smolnik et al. 2021). For instance, a significant public majority perceives that opposition parties are not acting in the country's best interests.¹⁰ In the end, this appears to be a never-losing game for the ruling party.

Never-Losing Game of Government?

In June 2022, the Georgian people made their aspirations resoundingly clear as tens of thousands of people took to the streets in a powerful rally, demanding the country's membership in the European Union.¹¹ This display of unity and determination reflected the desire of the Georgian population to align their nation with the values and opportunities offered by the EU. Their European inclination received further validation through the findings of the Caucasus Barometer 2023, which indicated that 82% of Georgians support the country joining the EU.¹²

The deteriorating public trust in the government exacerbates the situation, as there has been a noticeable decline in confidence that the government prioritises the people's interests.¹³ The government's propaganda rhetoric, whether blaming the EU for punishing Georgia due to its reluctance to engage in another conflict with Russia to aid Ukraine or pointing fingers at opposition groups for working against the country's interests, fails to absolve them of their responsibility for Georgia's stalled EU integration.¹⁴

About the Author

Dr *Tatia Tavkheldze* is a Research Fellow at the Faculty of Theology, University of Leipzig, Germany.

Nonetheless, the statistics demonstrate that the ruling party continues to enjoy more public support than the opposition groups.¹⁵ The public's aversion to the main opposition party appears to be once again tilting the scales in favour of the ruling party in the upcoming 2024 parliamentary elections.¹⁶ The government, sensing limited pressure from the public to continue on the country's integration path, apparently does not fear losing enough electoral support to endanger its absolute majority in parliament, especially when state institutions are under its control. Consequently, one might wonder why the ruling party would reject the practice of consolidating absolute power over EU candidacy.

Ultimately, it is the Georgian people who stand to lose if Georgia does not advance toward EU integration. Thus, Georgians must assert their role in shaping their country's European future and ensure EU integration by reminding their government that they are the ones who truly rule Georgia.

Conclusion

Georgia stands at a critical juncture regarding its EU candidacy, a pivotal moment with the potential to shape its European future or lead to further regression into undemocratic governance. Despite the clear and resounding support of the Georgian people for EU membership, this has so far not resulted in sufficient pressure to compel the government to fully adhere to EU recommendations. A choice must now be made between aligning with the will of the people, or persisting in the pursuit of absolute power. The ruling party so far appears to prioritize its authority over the will of the people.

Therefore, civil society should, through all available means, compel the government to pursue candidate status under the threat of taking away its power. Achieving harmony between the aspirations of the people and the actions of the government remains crucial in determining Georgia's future trajectory.

¹⁰ Caucasus Research Resource Centre (CRRC) NDI: Public attitudes in Georgia, March 2023, <https://caucasusbarometer.org/en/nm2023ge/codebook/> (accessed 7 August 2023).

¹¹ 'Tens of thousands rally in Tbilisi to demand EU membership', Euronews, 20 June 2022, <https://www.euronews.com/2022/06/20/georgia-tens-of-thousands-rally-in-tbilisi-to-demand-eu-membership> (accessed 7 August 2023).

¹² Caucasus Research resource Centre (CRRC) NDI: Public attitudes in Georgia, March 2023, <https://caucasusbarometer.org/en/nm2023ge/codebook/> (accessed 7 August 2023).

¹³ Caucasus Research Resource Centre (CRRC) NDI: Public attitudes in Georgia, March 2023, <https://caucasusbarometer.org/en/nm2023ge/codebook/> (accessed 7 August 2023).

¹⁴ 'Datablog | Who's to blame for Georgia's EU candidacy debacle?', OC MEDIA, 6 September 2022, <https://oc-media.org/features/datablog-whos-to-blame-for-georgias-eu-candidacy-debacle/> (accessed 9 September 2023).

¹⁵ CRRC. Public attitudes in Georgia. 2023.

¹⁶ 'Expectations and Projections for 2024 parliamentary elections in Georgia', Civic Idea, 4 April 2023, <https://civicidea.ge/en/expectations-and-projections-for-2024-parliamentary-elections-in-georgia/new/> (accessed 7 August 2023).

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