



The Georgian succession

by Ondrej Ditrych

A state with a turbulent modern history, Georgia has seen three regime changes in the last two decades. In October, the country will hold a presidential election - an important milestone in the ongoing political transition of the country that is bound to be closely monitored.

Not long after they had deposed the Communist *apparatchiks*, Zviad Gamsakhurdia's nationalists were succeeded by nomenclatura cadres of the veteran Soviet leader Eduard Shevardnadze following a civil war (1991-1992). The corrupt and inefficient Shevardnadze regime was then overthrown in the Rose Revolution ten years later, in 2003, when modernisers led by Mikheil Saakashvili came to power. Not a dictator, but more a (liberal) reformer than a democrat, 'Misha' embarked on an ambitious – and occasionally reckless – project of modernising both formal state institutions and society, showing little tolerance of dissent and a limited understanding of the long-term benefits of political pluralism along the way. Thus, last October, following a polarised campaign in which, according to the OSCE, the advantages of incumbency were offset by the massive private financial assets of the opposition, the new movement Georgian Dream (GD) won a majority in parliament and defeated the hitherto dominant United National Movement (UNM). GD came to power by playing on the regime's *hubris* and tapping into the grievances of

those that lost out or were politically and culturally alienated in the modernisation process.

Despite the fact that the UNM honoured the outcome of the election and went into opposition, international observers were made uneasy by a number of factors. Fundamentally, the GD was a protest platform, focusing on retribution (or revenge) and lacking a clear political vision; its leader, Bidzina Ivanishvili, is an opaque figure who had made his fortune in Russia in the early 1990s before returning home to his native province of Imereti. As a further complication, an unforeseen 'cohabitation' came into being between the 'lame duck' president and the new government.

A tale of two camps

While the cohabitation has been far from painless, the risk of serious social unrest and violence in Georgia remains very low, even in the run-up to the presidential election in October. This is the case despite the inflammatory rhetoric of both parties. Saakashvili and the UNM have periodically accused the Ivanishvili government of *inter alia* undermining the reforms achieved over the past decade, abandoning Georgia's EU and NATO aspirations, and reorienting the country towards Russia. The UNM has also claimed that their members

and activists are being persecuted and that their elected officials are defecting because of intimidation. Ivanishvili and the GD respond by accusing the former majority of attempting to destabilise the country, of having abused their power in the past (words like ‘dictatorship’ or ‘tyranny’ are in no short supply), and of pursuing a flawed foreign policy regarding Russia (insinuating e.g. collusion with terrorists operating in the North Caucasus)

In addition to this political bickering, the two ‘camps’ have clashed on a number of issues over the last few months. Saakashvili unsuccessfully attempted to block an amnesty bill (his veto was eventually overturned by Parliament) which led to the release of some 9,000 inmates since January: among these less than two hundred were designated as ‘political prisoners’, sentenced for espionage or participation in street protests and mutinies. This halved the prison population in Georgia, but it was also intended to promote the message that the new government was correcting abuses by the former one as human rights violations in prisons had become one of the main campaign issues.

A more serious clash occurred when the GD pressed for a constitutional amendment – endorsed by the Council of Europe’s Venice Commission – to limit presidential powers. This sought to prevent the possibility of Saakashvili (who denied having any such intentions) dismissing the government and choosing a new one without Parliament’s blessing, or dissolving Parliament less than six months before a national election. Following a period of protracted tension, the amendment was passed on 25 March with the opposition finally voting in favour in exchange for a bipartisan declaration affirming that the integration into the EU and NATO (as well as restoring territorial integrity) were among Georgia’s top priorities.

Although the agreement did not herald a new spirit of cooperation, it did avoid a constitutional crisis. Moreover, the inflammatory rhetoric should be seen in the context of grand gestures and drama typical of Georgian politics. Finally, the UNM – marginalised, unpopular, and internally divided – appears to accept that it cannot challenge the government either by standard democratic means or otherwise. With its chairman and once-likely presidential candidate, Vano Merabishvili, in pre-trial detention, the party has yet to nominate a contender (the primaries are ongoing). According to people close to

it, the UNM seems resigned to what is likely to be a major defeat at the hands of GD nominee Giorgi Mergvalishvili in the presidential ballot scheduled for 27 October, with only 8 per cent having indicated that they would vote for the party’s candidate in a March 2013 opinion poll conducted by the National Democratic Institute. The more hopeful among the party members look rather to the local elections due to be held in 2014.

It is more likely that, should discontent with the current government grow, it will be former Parliament Speaker Nino Burjanadze’s Democratic Movement-United Georgia party that will assume the role of (moderate) opposition. Saakashvili, too, seems to acknowledge the possibility that the UNM may become politically irrelevant, and it was widely rumoured that his two recent trips to the United States had less to do with official duties and more with job hunting. By having openly suggested that Saakashvili could face ‘numerous charges’, including for drawing Georgia into the war with Russia in 2008, Ivanishvili may well be making the ‘retirement’ scenario more attractive for the outgoing president.

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Hugging the bear?

Despite the allegations of the government’s critics, no deliberate shift towards Russia seems to be taking place. The incumbent government does indeed appear to be conducting a more pragmatic policy toward Moscow, but as the Speaker of Parliament Davit Usupashvili reasonably claims, Tbilisi is only heeding Western advice in this respect. It has generally encouraged a more temperate rhetoric, and appointed a special envoy, Zurab Abashidze, who has met several times (most recently in June) with Russian Deputy Foreign Minister Grigory Karasin. The government insists, however, that these moves are neither an *overture* to restoring normal diplomatic relations nor a substitute for the Geneva talks on the conflict (co-sponsored by the EU) – where, in the words of Georgia’s negotiator, “irreconcilable differences” still persist.

There are no indications that the government is willing to compromise on the main area of dispute in relations with Moscow: Georgian sovereignty over the separatist regions. Ivanishvili did make a confusing statement about a ‘Kosovo scenario’, although this was more likely meant as a call for reconciliation with (rather than recognition of the

independence of) the entities. He also suggested that the Abkhazia railway connecting Georgia and Russia could be reopened, even if the Abkhaz government remains opposed. Contrary to critics' claims, restoring this 'vertical' transport corridor (an initiative contemplated also by the previous government) would not undermine the 'horizontal' route project of Baku-Akhalkalaki-Kars currently under construction.

Furthermore, with the exception of a few words of praise by Foreign Minister Sergei Lavrov and the lifting of the ban on Georgian wines imposed for political reasons in 2006 (probably more an attempt by Russia not to compromise its position in the WTO), the Kremlin does not seem to be fully reciprocating. It continues to call on Tbilisi to accept 'new geopolitical realities' and has renewed its 'borderisation' policy consisting of the unilateral installation of fences (most recently in and around the villages of Ditsi and Dvani) along the 350 km long administrative boundary line between Georgia proper and South Ossetia. The EU Monitoring Mission called the move – which cut into the territory under Tbilisi's control and restricted the movement of Georgians who regularly use land, water, and other resources around the border line (which was never formally demarcated) – 'unacceptable'.

The new government in Tbilisi, for its part, has made a number of relatively consistent statements reaffirming Tbilisi's Euro-Atlantic orientation. Although Ivanishvili did indeed cause a stir when, in a radio interview during a visit to Yerevan, he cited Armenia (a member of the Collective Security Treaty Organization (CSTO) and host of Russian military base in Gyumri) as a model for handling relations with Russia and NATO. In May, however, he announced that Georgia would seek to obtain a NATO Membership Action Plan (MAP) at the next summit of the alliance in 2014.

Selective justice?

With the government ostensibly empowering the judiciary to correct past miscarriages of justice, the nature of the judicial process in Georgia is an issue of great concern among observers. According to the prosecutor general, some 20,000 complaints have been received, almost half of which relate to 'voluntary' transfers of property (under threats of legal charges or harassment during imprisonment) after the Rose Revolution. Such transfers allegedly punished the affluent class deemed to have thrived during the Shevardnadze years in order to 'finance' reform projects. Around a fifth of cases relate to ill-

treatment and torture in prison. Processing these complaints (more than 200 state officials have been charged to date) has a political dimension – framed as it is as 'transitional justice' – and should therefore be closely monitored to ensure due process.

This is even more the case with the several proceedings opened against former senior officials, most notably the former Interior Minister and Prime Minister Vano Merabishvili, charged with alleged embezzlement of €2.4 million of public funds for election financing purposes, and recently also with obstructing the investigation of the murder of a young banker, Sandro Girgvliani, in 2006. Other names that have been mentioned as possible targets of legal action include the current mayor of Tbilisi, Giorgi Ugulava (already under investigation), Giga Bokeria, secretary of the national security council, and the former speaker of parliament, Davit Bakradze (one of the more likely UNM presidential candidates).

Yet the launch of these investigations and trials suggests an ulterior motive, and the new leadership seems keen on taking personal revenge on some representatives of the former regime (like the once formidable and much feared 'Vano') while eliminating possible future challenges by the UNM. These are also gestures towards society to show power and resolve, satisfy the 'call for blood' made by some, and draw people's attention away from other domestic issues such as the poor economic performance of the country. This is all the more necessary given the unrealistic expectation of Ivanishvili's electorate that the billionaire philanthropist from a village in Imereti would 'take care' of the entire country.

While the high-profile detention of Merabishvili raised doubts about how committed the current government is to rule of law principles when dealing with political opponents, Georgia has not been set on the 'Ukrainian path', as claimed by Saakashvili. To prevent this, however, continued interest in the issue by the EU is essential. HR/VP Ashton and Commissioner Füle have made clear their concern about the risk of politically motivated trials in the country since last autumn, and, following the arrests of Merabishvili and former Health Minister Zurab Chiaberashvili, also reaffirmed their desire for further proceedings to be conducted 'according to international standards'. Monitoring the judicial process (in cooperation with the OSCE/ODIHR and local NGOs) as well as the ongoing reform of the judiciary is crucial to ensure that past injustices are effectively tackled and that the executive does not wield excessive control over the courts.



Establishing commissions to review miscarriages of justice and property restitutions (as proposed by Human Rights Watch) could also be supported as an additional element of 'transitional justice', as could a political amnesty for low- to mid-level civil servants, which would foster stability. The government seems to endorse the proposed amnesty, but the UNM has demurred on the grounds that it is either too limited *or* morally inconceivable, since those to whom it would apply 'built modern Georgian statehood'. Finally, the area of justice could be considered a primary area for the transfer of EU expertise aimed at bolstering local institutional capacities (including the public defender to provide endogenous control of the due process) and increasing confidence in the legal system.

Too pragmatic by half?

Another major source of concern is that the new government appears more focused on the past and the present rather than the future. That said, some reforms are underway in the areas of justice, competition law, or in the civil service - the latter aimed at limiting widespread nepotism. On the whole, however, the new leadership seems more interested in consolidating its power (including through reported systematic dismissal of local government officials), eliminating the UNM as a political force (and taking what often seems a personal, 'retributive' approach to the transition), and demonstrating that its *modus operandi* is different from that of the previous government – even at the cost of undoing past achievements.

A legacy of the origins of GD as a catch-all movement for the 'enraged', the new government's policy is often vague, with mixed messages coming from the leadership (e.g. on the labour code reform, which was meant to remedy previous neoliberal excesses). Ivanishvili, whose authority in the new government is unchallenged, is a political pragmatist who has yet to demonstrate that he is a man of vision. He recently stated that he may resign as prime minister before the end of his mandate, perhaps already after the October election. But it is clear he would like to keep his political clout: his choice of a presidential candidate, widely perceived as weak, is likely to facilitate this wish.

An associated trend is the rising influence in Georgian politics of traditionalists outside the government, namely the conservative elements of Georgia's Orthodox Church – one of the most trusted and respected organisations in the country – and its associated networks. Having actively campaigned against the UNM, these elements

now perceive the new government to be indebted to them. Many observers were shocked to see the clergy passionately mobilising the mob that attacked participants of a demonstration by gay and lesbian groups on 17 May (while the police, poorly prepared, were reluctant to intervene). Even more worrisome than the actual acts of violence was the apparent impunity of the organisers (condemnation by members of the government notwithstanding) and the way they viewed and communicated the reasoning for their actions: not as a protest against minority rights, but more generally against what is seen as an imposition of Western values. Both this event and the public reaction that followed were a painful reminder that, despite the modernisation efforts of the Saakashvili era, these values have not taken root in society at large (as opposed to the former political class, partly composed of Georgian émigrés, and the educated urban youth) and is now even openly resisted.

The government's pragmatism has been helpful in finalising both the new Association Agreement and the Deep and Comprehensive Free Trade Agreement with the EU, expected to be initialled at the upcoming Eastern Partnership summit in Vilnius. It has also helped facilitate the ongoing visa liberalisation dialogue, and a Visa Liberalisation Action Plan (VLAP) was presented to Georgia in February. But it cuts both ways: the leadership is far from resisting the continuing convergence with the EU and yet, at the same time, it does not seem to have aspirations to join the West coded in their DNA. It is therefore poised to follow whichever course will serve its interests best. Sustained efforts and clear incentives *vis-à-vis* the government on the part of the EU are key to ensuring that Georgia remains on track and moves towards fulfilling the core promise of the Rose Revolution: liberal reform combined with political pluralism, and a country where the rule of law applies to all.

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