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Making Georgia's democracy work: Western political conditionality and domestic agendas of Georgian political parties

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EXECUTIVE SUMMARY

External democracy promotion has not brought any tangible results to most countries in the European Neighborhood Policy (ENP), contrary to Western expectations. Georgia has been one of the few exceptions to that trend, however.” The Black Sea country has advanced in terms of good and democratic governance over the last ten years and, even though the democratization process in Georgia remains unfinished, the country has experienced a number of democratic breakthroughs and, overall, democratic quality has increased. This policy brief explores how democratic conditionality – a key instrument of democracy promotion that has been frequently applied by the US and the EU (defined in the policy brief as the “West”) – has been shaping the process of democratization in Georgia; analyses the trends over the last ten years; and offers recommendations to democracy-promoting actors on how to further improve their conditionality-based strategies in Georgia – and to Georgian ruling and opposition parties on how to deal with external democratizing pressure.

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** For more information, see: Freedom House, “Nations in Transit 2017. Table of Country Scores,” accessed December 1, 2017, <https://freedomhouse.org/report/nit-2017-table-country-scores>; Freedom House, “Freedom in the World 2018: Democracy in Crisis,” accessed January 19, 2018, https://freedomhouse.org/sites/default/files/FH_FITW_Report_2018_Final_SinglePage.pdf

Introduction

The prospect of integrating with Euro-Atlantic institutional structures as a result of successful political and economic reforms – or what academics and policy practitioners call democratic conditionality – has long been among the West’s strongest tools for projecting influence and incentivizing liberal reforms. In the late 1990s, democratic conditionality helped Central and Eastern European countries consolidate their democracies and implement market-economy reforms, which resulted in their EU and NATO membership. Similarly, Western Balkan countries have recently been conducting democratic reforms to qualify for EU membership.

The Eastern Partnership (EaP) countries, on the other hand, do not have an immediate EU membership perspective and NATO membership is also becoming more distant as time passes, which means that Western democratic conditionality in these countries lacks the most attractive incentives. The EU tried to replace them by other incentives, such as the prospect of association agreements, free trade deals, visa-free movement and increased financial support (“more for more”). Hence, although based on less attractive offers, the neighborhood conditionality has become a key instrument to leverage political and economic reforms in the former Soviet Union member states. Yet conditionality-based democracy promotion by the West has so far failed to generate tangible results in the majority of the EaP states. In Belarus the incumbent regime remains unshaken despite Western pressure and in Armenia and Azerbaijan, the West has never managed to consistently apply political conditionality. On the other hand, Georgia, together with Ukraine and Moldova, represents a case of mixed success of EU and US political conditionality. Beginning in the late 1990s, Western conditionality has been an inextricable part of Georgia’s democratic reforms and Western pressure has, on a few occasions, managed to fundamentally alter the strategies and objectives of ruling parties in Georgia: the Rose Revolution, the 2012 electoral power transition – and the political processes in its aftermath – have been heavily influenced by the political conditionality applied by the West. The lack of a membership “golden carrot” was substituted by Georgia’s asymmetric dependency on the West and the reliance of Georgia’s ruling parties on Western political and economic support, which made them vulnerable to Western pressure.

Yet, as evidence shows, Western conditionality cannot induce democratic transformation in third countries on its own, although it is a significant mechanism for stabilizing domestic democratic drive in transitional countries like Georgia. Its strength is in its power to provide decisive support to pro-reform domestic players, such as civil society actors and opposition parties, which can limit the influence of reform-resistant groups, especially incumbent regimes and ruling parties that fear losing their grip on power. Without Western conditionality, (even if unfinished) democratic breakthroughs such as the electorates’ protests against the attempts by the ruling regimes to falsify the elections and the 2012 electoral power transition would have been much harder to achieve. Yet, this conditionality has not always worked flawlessly in Georgia and, what is more, in some cases of democratic backslide, it was not invoked at all. The differential application of conditionality by the West can be attributed to several factors. In the case of Georgia, this may include the weakness of the opposition, the danger of instability and the tension between state-building and democratization. The remainder of this brief compares different examples of successful and

unsuccessful cases of Western conditionality in Georgia and draws conclusions about when the West invokes conditionality and how it helps Georgia's democracy.¹

Successful cases of Western democratic conditionality in Georgia

Containing Shevardnadze's autocratic government

Over the last twenty years, there have been at least three landmark cases when the West successfully invoked democratic conditionality against different governments of Georgia: the 2003 electoral revolution, the 2012 electoral power transition and – most recently – the Rustavi 2 case. In all three cases, Western interference was crucial to tip the scales in favor of the democratic development of the country and to keep the ruling parties' power-hungry instincts in check. Yet Western conditionality also differed from case to case and the set of incentives at its core has also evolved over time. In the run-up to and during the Rose Revolution, the EU and the US mostly used political and financial pressure against the embattled regime of Eduard Shevardnadze. Western donors reduced financial support to Georgia and did not recognize the results of the 2003 parliamentary elections, bolstering the legitimacy of street protests that finally succeeded in ousting Shevardnadze's regime. By using political conditionality against Shevardnadze's government, the West was reacting to the process of Georgia turning into a typical failed state in the final years of Shevardnadze's presidency, which was marked by permanent economic crisis and dysfunctional state institutions.

A second important factor behind Western conditionality during the 2003 events was the growing divide between the incumbent regime and the broad public, which did not accept the political status quo. The presence of a formidable opposition made the change possible. The street protests in 2003 were led by politicians from the so called reformist camp within Shevardnadze's government who, together with civil society leaders, were considered in the West as a real alternative to the government, and were seen as leaders who would be able to curb corruption and incentivize much needed reforms in Georgia. Hence, the key factors that forced the West to side with the opposition and invoke strong conditionality against Shevardnadze's government were: the presence of a strong reform-minded opposition; the prospect of Georgia degrading into a failed state under corrupt and irresponsive regime; and the lack of societal support for the ruling party.

¹ It should be noted that democratic conditionality has been a significant instrument but it is just one of the tools on the West's democracy promotion agenda in Georgia. It has always been accompanied by instruments of financial support, capacity building, political dialogue and various persuasion mechanisms. Various Western non- and semi-governmental organizations (such as German and US political foundations, developmental institutions and numerous NGOs) have been investing enormous financial and advocacy resources in political education, the development of parties' programs and structures, improving the democratic quality of legislation and establishment of principles of transparency and democratic accountability at all levels of governance. Hence, conditionality has often worked efficiently in Georgia because it was supplemented by a whole range of other democracy-promotion instruments.

The 2012 electoral power transition

Another successful case of Western conditionality in Georgia was the 2012 electoral power transition. Unlike the immediate aftermath of the Rose Revolution, when the new Georgian government under Mikhail Saakashvili enjoyed unconditional support from the West, during the 2012 parliamentary elections three different factors forced the EU and the US to once again apply strong pressure on Georgian government. First, the impression was strong in the West that the reform agenda of the ruling United National Movement (UNM) party was running out of steam and the continuing rule of Saakashvili's party would result in the stagnation of reforms. Second, the UNM was becoming increasingly unpopular domestically and the multibillionaire Bidzina Ivanishvili had gathered together the formidable opposition bloc the "Georgian Dream" (GD), which was seen in the West as capable of replacing the West's one-time favorite - the UNM. But more importantly, as in the case of the electoral revolution that ousted Eduard Shevardnadze from power, the growing alienation of the ruling regime from society was perhaps a ticking point that forced the West to roll back its support to the UNM. Third, the West was not comfortable with the idea of its protégé, then Georgian President Mikhail Saakashvili, replicating the "Putin Model" of changing the constitution and becoming prime minister after the two presidential terms. To oppose this scenario, both the EU and the US increased democratizing pressure on the UNM government and tried to ensure open and fair 2012 parliamentary elections by urging the government to participate in a peaceful transition of power.² Both the US and the EU made future cooperation conditional on holding democratic elections.³ Western pressure was strengthened by the united opposition and the rising protest sentiments against the UNM rule in the electorate. The UNM had no choice but to accept its defeat in the parliamentary elections and hand power over to the GD. Hence, as it had during the Rose Revolution, Western pressure combined with the domestic protest and strong opposition to prevent a possible authoritarian backlash. This ensured another democratic milestone - in the form of the electoral power transition - on Georgia's rocky road of democratization.

The Rustavi 2 case and the "restoration of justice" policy

During the GD government, the West has continued its conditionality-based approach. However, due to the improved quality of the election processes - and a weakened opposition, which allowed the ruling party to conduct democratic elections without risking its stay in power - the main focus of Western pressure has moved from election monitoring to other areas, such as the editorial independence of mass media and the political persecution of former officials. Western attempts to

² Tanja A. Börzel and Bidzina Lebanidze, "The transformative power of Europe" beyond enlargement: the EU's performance in promoting democracy in its neighbourhood," *East European Politics* 33, no. 1 (2017), doi:10.1080/21599165.2017.1280473

³ Two messages were the most crucial in this regard. During Saakashvili's visit in Washington in 2012 US president Barack Obama openly urged the Georgian president in an unprecedented clear language to ensure "the formal transfer of power" through "fair and free elections". Similarly, just a few days before the elections, the EU made "the quality and intensity of the relations with the EU in the future" conditional on democratic conduct of elections. For more information, see: Liz Sherwood-Randall, "President Obama Meets with Georgian President Mikheil Saakashvili," The White House, accessed July 18, 2016, <http://www.whitehouse.gov/blog/2012/02/03/president-obama-meets-georgian-president-mikheil-saakashvili>; Catherine Ashton and Štefan Füle, "Joint Statement by High Representative/ Vice-President Catherine Ashton and Commissioner Štefan Füle, on EU-Georgia Relations and the Upcoming Elections," accessed October 20, 2015, http://europa.eu/rapid/press-release_MEMO-12-640_en.htm?locale=en

protect members of the former government represent a key feature of Western conditionality aimed at establishing the democratic rules of the game between the ruling party and the opposition. A certain level of guarantee that the ruling party will not be punished after moving into the opposition, and that the new government will not use the resources at its disposal to weaken the opposition, is a key precondition to break the zero-sum-game mindset among politicians and establish a regular and stable power transition mechanism.⁴ Hence it is not surprising that the West has always vouched for the political forces in Georgia once they have been forced out from Government; the West insisted on guaranteeing security and basic rights for Eduard Shevardnadze after he stepped down as a president in 2003. But this sort of conditionality reached its highpoint after the 2012 electoral power transition, when the West tried to defend the representatives of the former UNM government. Western pressure was further strengthened by the strategic policy of the former ruling party the UNM, which has strong political links in the West and has been using its close ties with Western political circles to apply pressure on the GD government.⁵ So it is natural that the Western community did not like the idea of the GD's "restoration of justice" directed against UNM officials, a process that has often been criticized by Western journalists and politicians as a "political vendetta" and selective justice.⁶ The West could not entirely prevent the "restoration of justice" policy by the GD government; however by continuing to criticize the policy, the West forced the GD to significantly limit its scope. The West has been more successful in challenging the GD's attempt to monopolize the media landscape. The wide-scale criticism of the attempt by the Supreme Georgian court to change the ownership structure of the only remaining national, government-critical TV station, Rustavi 2, was accompanied by an unprecedented decision of the European Court of the Human Rights (ECHR), which suspended the decision of Georgian court indefinitely.⁷ The GD government complied and Rustavi 2 has so far survived as a government-critical television.⁸ In general, though the GD has not been more authoritarian than the UNM as a ruling party, at times its reaction to the application of political conditionality has been more radical than the UNM's responses were during similar situations under its government. This has often resulted in a war of words between Western politicians and the GD officials, due to the fact that the GD officials have been diplomatically less skillful at confronting Western pressure and have lacked advocate networks in the West.

⁴ Bidzina Lebanidze, "What makes authoritarian regimes sweat? Linkage, leverage and democratization in post-Soviet South Caucasus," *Southeast European and Black Sea Studies* 14, no. 2 (2014), doi:10.1080/14683857.2014.905040, <http://dx.doi.org/10.1080/14683857.2014.905040>

⁵ The UNM has been especially successful in leveraging its ties with the European Peoples Party – a center-right group in the European Parliament, which often resulted in open verbal conflict between the EPP members and the Georgian government.

⁶ Civil Georgia, "GD Hits Back at 'Unfounded Concerns' over Saakashvili Prosecution," accessed January 4, 2018, <http://www.civil.ge/eng/article.php?id=27560&search=>

⁷ RFE/RL, "Thousands Celebrate European Court Ruling In Favor Of Georgia's Rustavi 2 TV," accessed January 4, 2018, <https://www.rferl.org/a/georgia-rustavi-tv-echr-ruling-celebrate/28363966.html>

⁸ Freedom House, "Nations in Transit 2018: Georgia,"

Unsuccessful cases of Western democratic conditionality

There have been few cases in Georgia's recent history when the West refrained from invoking democratic conditionality despite apparent autocratic tendencies. The most obvious example of Western reluctance may be the immediate period after the Rose Revolution, when the West unconditionally supported the new government's economic and institutional reforms. Already in the first year of its rule, the UNM consolidated its power through constitutional changes that weakened parliament and moved the country in the direction of superpresidentialism.⁹ Critical media remained largely silent; effectiveness was prioritized over transparency and democratic accountability as the anti-corruption crusade took uglier forms. A few years later, again both the EU and the US criticized the shortcomings of the controversial 2008 presidential and parliamentary elections,¹⁰ but, at the same time, they acknowledged the results and called on "all political forces to respect the election results and to engage constructively to resume an inclusive political dialogue in order to build a broad consensus in the interest of the country".¹¹ The West's unconditional support of the UNM in the years following the Rose Revolution can be explained by three factors. First, in the immediate aftermath of Rose Revolution, the main focus of the West was on state-building measures and the UNM government delivered some unexpected results in terms of good (although not necessarily democratic) governance by rebuilding the state institutions from the scratch. Second, the Western democracy promotion strategy also often faces a so called democratization-stability dilemma, which means that uncertain democratic openings may lead to destabilization in the short- or medium term.¹² Translated in the Georgian context, it would mean that supporting the opposition at any cost may have compromised UNM's state-building reform agenda.¹³ The third, and perhaps the most important factor, was the opposition itself. The author of this paper has personally witnessed the failed attempts to establish a strategic dialogue between the opposition parties and the European politicians in the run-up to the 2008 presidential elections. With the exception of a few politicians, the opposition lacked the necessary communication skills and used radical language, which was unacceptable for European politicians who were rooting for a peaceful political solution. Hence, it is no surprise that the Western political community considered the 2008 opposition as radical, reform-resistant and not mature enough to rule the country and that opposition largely failed to secure Western backing in the significant electoral year. To sum up, it

⁹ Freedom House, "Nations in Transit 2005: Georgia," accessed January 21, 2018, <https://freedomhouse.org/report/nations-transit/2005/georgia>

¹⁰ Bidzina Lebanidze, "What makes authoritarian regimes sweat? Linkage, leverage and democratization in post-Soviet South Caucasus," *Southeast European and Black Sea Studies* 14, no. 2 (2014), doi:10.1080/14683857.2014.905040, <http://dx.doi.org/10.1080/14683857.2014.905040>

¹¹ Delegation of the European Union to Georgia, "EU Presidency Statement on the Parliamentary Elections in Georgia, held on 21 May 2008 (21/05/2008)," accessed March 26, 2013, http://eeas.europa.eu/delegations/georgia/press_corner/all_news/news/2008/20080522_01_en.htm

¹² Annette Jünemann, ed., *Euro-Mediterranean relations after September 11: International, regional, and domestic dynamics* (London: Frank Cass, 2004), <http://site.ebrary.com/lib/alltitles/docDetail.action?docID=10093984>

¹³ It is important to note that the stability-democratization dilemma is not the only important feature of Western conditionality. The domestic discourses of transitional countries and hybrid regimes are also often shaped by this controversy. Georgian society was also plagued for many years by the stability-democratization dichotomy. Eduard Shevardnadze often used the "stability-first" discourse to justify the absence of reforms and demonize the opposition. The UNM also often portrayed the opposition as Russia's fifth column, which aimed at destabilizing the country.

can be argued that the UNM's reform drive and the weakness of the opposition insulated the UNM government from Western pressure during the early period of its rule. Overall, the nine-year rule of the UNM shows that the West does not always invoke political conditionality, especially when it may endanger the pace of reforms or bring to power radical opposition. On the other hand, being a pro-Western government and conducting efficient reforms, as it was the case with UNM, is also not a guarantee of indefinite Western support. Sooner or later the West will pressure its client government to democratize, as it did with the UNM in 2012. The UNM's example showcases the complex nature of democratic conditionality, which is often weakened by conflicting objectives. Supporting both effective and democratic governance does not always go together. Moreover, the presence of a radical opposition, similar to that of the 2008 National Council, which may pursue radical solutions and prevent the peaceful coexistence of the government and the opposition, may be another impediment for the consistent application of conditionality.¹⁴ Finally, the West is most likely to apply conditionality when there is a demand in society for political change and when the ruling regime loses public legitimacy, as was the case in 2012.

Conclusions

To conclude from the experience of Georgia, one could argue that the quantity and intensity of Western conditionality depends on three factors: the degree of dependency of the country on the West; the degree of the democraticness and effectiveness of the political system; and the readiness of society for change and strategies of the opposition parties (see table 1). In the case of Georgia, where the first factor is constant, the intensity of the Western conditionality has varied based on societal attitudes, opposition tactics and governments' management of democratic and good governance reforms. There have been a few cases when the West could have, but decided against, applying democratizing pressure on the Georgian government. Whenever the conditionality was invoked, however, it was at least partly successful. The past and present Georgian governments have been aware of their dependency on the West, which has limited their capacity to oppose Western pressure. Both the UNM and the GD have had to strike a difficult balance between the wider goal of democratizing the country and the narrow political goal of retaining their grip on power. Yet, every time the West has drawn red lines, both of them complied: the UNM lost critical elections and the GD abandoned its attempt to control Rustavi 2 and limited the extent of its restoration of justice policy.

¹⁴ It should be noted though that the West failed to fully prevent similar radical policies pursued by the GD after the 2012 power transfer.

Table 1: List of political events when ruling parties' violation of democratic norms created conditions for applications of political conditionality

Key political events	Would-be political agenda of the ruling party	Western conditionality	Main reasons for presence/absence of conditionality	Instruments of conditionality
The 2003 elections, corruption, bad governance	Falsify elections if necessary to remain in power	Present - Successful	Failed state; inefficient and undemocratic government;	Withdrawal of financial support; Questioning legitimacy of elections
The 2008 presidential and parliamentary elections	Falsify elections if necessary to remain in power	Mostly absent	Focus on state-building reforms; radical opposition;	Political dialogue
The 2012 parliamentary elections	Falsify elections if necessary to remain in power	Present - Successful	Prevention of replication of "Putin-model" in Georgia; alienation between UNM and broader public	Political dialogue; persuasion; Indirect political pressure
"Restoration of justice" policy	Imprisonment of former officials	Present - Partly successful	Prevention of autocratic backsliding; UNM's close ties with the West;	Political and diplomatic pressure
Rustavi 2 case	Control of only remaining government-critical nationwide television	Present - Successful	Prevention of autocratic backsliding;	Political and diplomatic pressure; ECHR

There are three lessons to be learnt from the success story of the West's application of political conditionality in Georgia – for opposition parties, ruling parties and the West itself respectively.

First, the ruling parties' undemocratic practices are the main trigger for Western political conditionality, yet the West has not always been very consistent and demanding. Hence, ruling

parties can escape Western pressure by generally following the norms of democratic governance even if they resort to questionable practices now and again.

Second, the positive image of the opposition is an important precondition for the West to apply pressure on the ruling elite. To avoid the mistakes made in 2007-2009, Georgia's opposition parties should not only focus on the domestic electorate but also be on good terms with Western partners.

Third, the Western political conditionality has so far been quite successful but that success is not guaranteed in the future. To make it more successful, the West needs to diversify the scope of its pressure and continue to provide incentives as a main basis of its condition-based policy. Further, it would be advisable to also apply pressure on opposition parties by encouraging them to play by democratic rules and to overcome their egoistic nature by joining forces during elections.

Recommendations

The mixed record of the successes and failures of Western political conditionality in Georgia allows for a number of concrete recommendations for the West on how to improve its conditionality – as well as for the ruling and opposition parties in Georgia on how to respond to Western pressure more effectively. In concrete terms, these recommendations include:

For Governmental parties

- Do not to cross red lines in terms of democracy and good governance
- Have permanent political dialogue with opposition parties
- Maintain close personal ties with Western politicians, governments, journalists and epistemic communities
- Conduct state-building and effective governance reforms in transparent and democratic manner

For Opposition parties

- Maintain close personal ties with the Western politicians, governments, journalists and epistemic communities
- Develop political programs that not only identify the weaknesses of the government but also offer viable alternatives
- Exclude the unconstitutional forms of power transition from the political toolbox
- Commit to basic liberal-democratic norms

For the EU and the US

- Acknowledge the vulnerability of the Georgian government to Western pressure
- Further diversify the thematic scope of conditionality
- Apply conditionality not only on the government but also on opposition parties
- Offer new incentives to ensure continued strength of conditionality

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