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The European Union's New Role in Georgia: Successful Mediation and a Way Ahead

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Cover Photo: Meeting with Charles Michel in Georgian Parliament Ended | <https://georgiatoday.ge/>

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Consolidation of democracy is a lengthy and turbulent process, in which political crises can be a recurrent phenomenon. For Georgia, aiming to apply for the membership in the European Union (EU) by 2024, it is politically costly to let crises become unmanageable. However, the current political crisis, which started in June 2019, entered a deadlock in February 2021 when the leader of the largest opposition party, Nika Melia was arrested. At this point, the EU took up a role of a mediator and negotiated a deal between Georgian political parties. This defused the situation and a part of the opposition agreed to enter the parliament. While the political crisis is far from over the EU has found a way out of the deadlock. This policy paper explores the EU's successful mediation. The paper first contextualizes the Georgian crisis to provide some insights into why solving it was important for the EU and then explores determinants of mediation effectiveness. The paper argues that three factors were the key: high capacity of using leverage, adopted mediation strategy, and high degree of coherence as a mediator. Based on the findings, a set of recommendations is provided for various domestic actors and the EU.

Key words: Georgia, EU mediation, democratization, political crisis, parliamentary boycott, conditionality.

Political crises in Georgia are not unusual, but understanding and learning from these crises is the key for Georgia's success, especially if Tbilisi plans to apply for European Union (EU) membership by 2024. Therefore, this policy paper explores the latest political crisis in Georgia, in which the EU adopted the new role of mediator. The EU managed to drag the Georgian political elite out of a deadlock. Considering that the Union normally hesitates from interfering in domestic political affairs and had never done this before in Georgia, this paper aims to answer a few questions why did the EU adopt a new role and engage in the internal political crisis in Georgia? How did the EU manage to succeed? What should be the way forward for Georgia?

Although the EU's interest in the current crisis in Georgia is unprecedented, the country is used to external interventions in similar contexts. Throughout the 1990s and early 2000s, this external actor was Russia; the last Russian involvement in a Georgian political crisis as was in 2003 and 2004 during the Rose Revolution and the ousting of Aslan Abashidze. However, since then Russia became a source of internal political crises in Georgia (see Kakachia et al 2017). The current crisis, the origins of which can be traced to June 2019, is a clear illustration (Kakhishvili 2019).

To understand the EU's new role in Georgia, this paper adopts Bergmann and Niemann's (2015) framework developed to evaluate the EU's effectiveness as a mediator in various conflicts, and identifies what goals the EU aimed to achieve. These are identified based on the content analysis of 59 news articles published by Civil Georgia between 24.02.2021 and 24.04.2021. The analysis focused on direct quotations from speeches, statements, and letters of various MEPs and other EU officials. This analysis also identified what leverage the EU used to incentivize or coerce Georgian political elite to achieve a compromise; what mediation strategy the EU adopted; and how coherent the EU was across various institutions and member states.

The paper proceeds with a background section describing the anatomy of the current political crisis and how it is connected to the June 2019 events. This is then followed with contextualization of the Georgian crisis in terms of what has been happening in the Eastern Partnership (EaP) region and why the EU needed to engage. The next section deals with the determinants of the EU's success followed by a section discussing a way ahead for Georgia. The concluding section provides a package of recommendations for Georgian political parties, the president, CSOs, and the EU.

BACKGROUND: THE ANATOMY OF THE CRISIS

Effective crisis management is extremely important, especially in an EU-aspirant country. However, Georgia has failed to avoid negative consequences from an early stage of the current crisis (see Kakhishvili and Puslys 2019), which was triggered on June 20, 2019, when a Russian MP from the Communist Party, Sergei Gavrillov, addressed the delegates of the Inter-Parliamentary Assembly on Orthodoxy (IAO) in Russian from the seat of the Speaker of the Georgian parliament (see Figure 1). This symbolic violation of Georgia's sovereignty sparked protests in Tbilisi resulting in clashes between the police and protesters. Although the protests were triggered by an issue related to Georgia's foreign affairs, the demands of the demonstrators quickly shifted to domestic matters (Kakhishvili and Puslys 2019). Apart from the resignations of various political figures, one of the main demands was electoral reform – switching to a fully proportional system for the 2020 elections.

07 The Balkan region directly borders EU member states: some of the Balkan countries are already members of the EU while the rest are on the path to membership. Article 21 of the Treaty on European Union, which defines provisions for European External Action, sets the following top three goals: "(a) safeguard its [EU's] values, fundamental interests, security, independence and integrity; (b) consolidate and support democracy, the rule of law, human rights and the principles of international law; (c) preserve peace, prevent conflicts and strengthen international security" (European Union 2012). The Union has repeatedly made their interest in Georgia and wider EaP region clear, therefore it is not surprising that the EU has adopted the role of a mediator in Georgia. Considering the context of what has been happening lately in the EaP countries, the EU's engagement becomes even more logical. Three main developments can be identified in the EaP region to contextualize the Georgian crisis: unrest in Belarus; renewed war between Armenia and Azerbaijan over Nagorno Karabakh; and intensification of the warfare and subsequent build-up of Russian troops near the eastern borders of Ukraine.

The EU has failed to ensure peace and stability in all these developments, which threatens its interests. The elections and the following large-scale protests in Belarus have demonstrated vulnerabilities of the Alexander Lukashenko regime, as well as the limits of the EU influence (see Erlanger 2020). Lukashenko, who enjoys the possibility of external support from Russia, is not willing to give up power.

The so-called second Nagorno Karabakh war, has been another demonstration of the EU's limited influence in the region. Only Russia, with the support of Turkey managed to negotiate a peace deal between Armenia and Azerbaijan (BBC 2020), marking "a deep retreat in Europe's ambition to be a regional actor" (Judah 2020). While Europe stood by, Russia increased its presence in South Caucasus by gaining the right to station about 2,000 peacekeepers in Azerbaijan (BBC 2020), which means that Moscow now has a military presence in all three South Caucasian countries.

The third development is related to Ukraine. Even though in 2020 a ceasefire deal was achieved between Kyiv and pro-Russian separatists in eastern Ukraine (Reuters 2020), the agreement soon came under strain (BBC 2021a) while in March, Russia started building up its troops along the Russian-Ukrainian border, alarming NATO (BBC 2021c). Even though the Russian defense ministry stated that troops have been instructed to return to their permanent bases (BBC 2021b), this process too showed how limited the EU's influence is when it comes to traditional tools of coercion.

Against this background, Georgian political parties' unwillingness to compromise seems to be an easy problem to solve. These and, perhaps, other factors, e.g., President Michel's personal background as a Belgian politician from a divided society closely familiar with political standoffs, could incentivize the EU to act where it can and strengthen its role in the eastern neighborhood. Therefore, keeping Georgia, a frontrunner of EaP, stable in an otherwise turbulent region became more important for the EU than ever before.

DISSECTING THE MEDIATION PROCESS: HOW DID THE EU MANAGE TO SUCCEED?

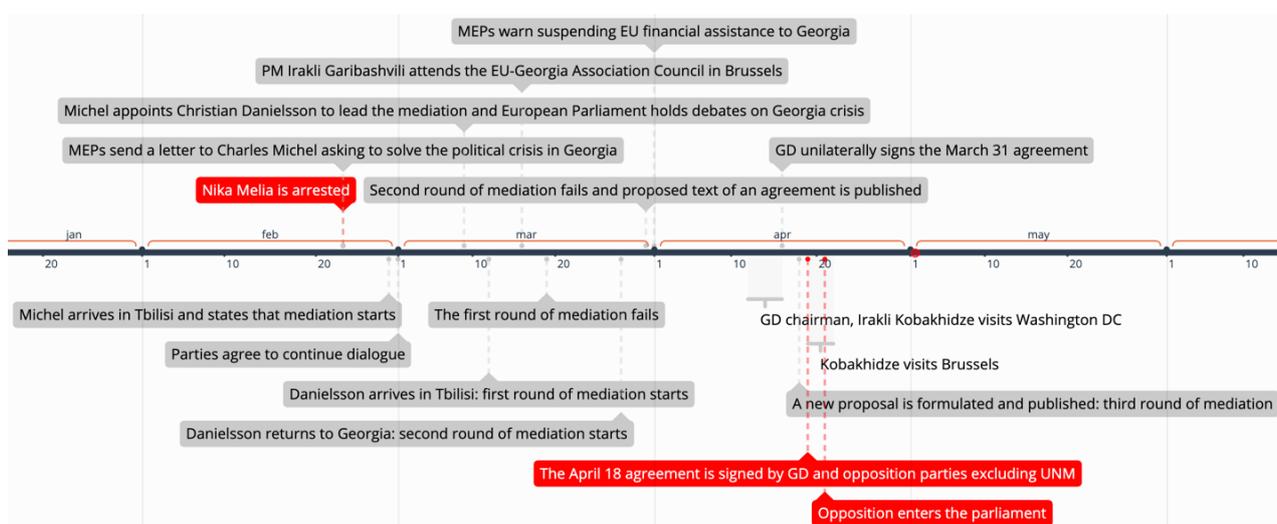
The EU's success in concluding the agreement is a first step in a long process of undertaking reforms to strengthen institutions in Georgia. However, evaluating mediation effectiveness is important to understand how the EU managed to deliver concrete results. Bergmann and Niemann (2015) conceptualize "mediation effectiveness" as goal attainment, i.e., to what extent the mediator was clear about the goals of the mediation process beforehand and to what extent these goals were achieved (Bergmann and Niemann 2015). Consequently, it is important to evaluate what goals the EU had set before the mediation process and what factors determined their attainment.

08 According to Bergmann and Niemann (2015), three factors characteristic to the mediator and mediator's strategy determine the outcome of mediation: mediator leverage, mediation strategy, and mediator coherence. The higher the mediator leverage the more effective the mediation will be. Considering that the EU's external relations primarily rests on the principle of conditionality, the capacity to use positive or negative conditionality is high. The extent to which the EU is willing to use coercive measures is another matter. When it comes to mediation strategy, Bergmann and Niemann (2015) differentiate three types: facilitation, formulation, and manipulation. However, the latter is largely redundant because it is defined as the combination of formulation strategy and usage of positive and/or negative conditionality. Formulation, in its turn, is defined as a strategy during which the mediator not only makes communication easier for conflict parties – a facilitation strategy – but also formulates a concrete proposal of compromise. Consequently, formulation is viewed to be more effective than facilitation and the most effective if coupled with usage of leverage. Coherence, on the other hand, refers to the internal unity of the mediator. In this case, whether various EU institutions or member states send the same signals to the conflict parties. The higher the coherence, the more effective the EU mediation.

Goals of the EU mediation

The effectiveness of the mediation process should be understood as opposed to the goals set in advance (see Figure 2 for the timeline of the mediation process). There are two aspects to such goals: ambitiousness and clarity. In Georgia, the EU set an ambitious goal of solving the political crisis and put forward a range of both clear and vague goals.

Figure 2. Timeline of the EU mediation



Source: Author's illustration.

During his first visit, Charles Michel set a clear goal: “to solve this political crisis” (Civil Georgia 2021a). “Solving the crisis” here solely refers to the deadlock resulting from the radicalizing rhetoric of Georgian parties.

At the same time, there were other less ambitious of representatives of the EU: to relaunch dialogue between the GD and the opposition; to stop polarizing rhetoric; and to sign a concrete memorandum of understanding between the parties. These goals were all voiced during or before Michel's first visit.

09 As a result of this visit, however, dialogue was relaunched, and the radicalizing behavior stopped from the side of the opposition parties. Illustration of the latter is the March 3 announcement of the opposition parties about suspending street protests to avoid disruption of “the talks resumed after President Michel’s mediation” (Civil Georgia 2021e). The concrete memorandum was signed by mediation participants on April 19. There were other ambitious long-term goals that illuminate how the EU sees the Georgian political elite’s efforts; these are not to be fixed by the mediation process. Instead, the primary goals of the mediation process aimed to bring parties together to agree on the reforms agenda, but these were accompanied by additional, vague objectives. The clear goals can be grouped into three larger categories: electoral reform; judicial reform and the opposition’s role in the parliament. The vague goals can also be grouped into three categories: protection of Georgian citizens’ interests; protecting constitution and democratic principles; and finding common ground to achieve a consensus (see Table 1).

Table 1. Goals of EU mediation

Clear goals	Vague goals
Elections <ul style="list-style-type: none"> • Reform of the electoral system Possible early elections	Protection of the interests of the citizens of Georgia
Judiciary <ul style="list-style-type: none"> • Reform of the judicial system • Appointment of the Supreme Court judges Two cases of politicized justice	Protection of the constitution and democratic principles
Parliament <ul style="list-style-type: none"> • Power-sharing and opposition’s oversight functions Ending the boycott	Finding a common ground to achieve a compromise-based consensus

Source: Author’s analysis.

The clarity of the goals not only helps to evaluate the extent of the EU’s effectiveness as a mediator but also provides an important insight into what issues the EU deems important. All the goals labeled as “clear” in this policy paper were put forward in the period between the arrest of Nika Melia and Charles Michel’s decision to appoint Christian Danielsson as Envoy. These goals never changed, and no new goals were added after March 9. This means that the EU was highly consistent in its actions and had a clear target from the earliest stage of its involvement. Considering that all these issues were included in the final document signed by the parties, excluding the UNM, it can be argued that the EU was effective as a mediator.

Determinants of effectiveness: leverage, strategy, and coherence

Based on the adopted analytical framework, the EU’s mediation is the most effective if it formulates a concrete proposal, uses coercive measures and/or positive incentives, and shows overall unity in the mediation process – which the data suggests is what happened in the Georgian political crisis. Based on preliminary preparatory consultations, the EU did formulate a specific agreement text and redrafted it after the parties failed to reach a consensus. At the same time, this was coupled with a set of positive incentives and coercive measures with a high level of coherence from the side of the EU as a mediator.

10 The usage of leverage by the EU can be divided into two parts. The first covers the period before the second mediation round led by Christian Danielsson, while the second starts following the failure of the second mediation round. In the first period, usage of leverage is dominated by messages that are both positive and negative, but are rather general in their content. The positive incentives mostly included voicing the EU's support for Georgia's "prosperous future" as well as sovereignty and territorial integrity. An exception in terms of the generic nature of positive incentives came on March 9 when Josep Borrell, High Representative of the Union for Foreign Affairs and Security Policy, alluded to the EU's financial support to Georgia: "We are helping Georgia, we are the largest donor in Georgia, we are allocating Georgia important support to face the coronavirus pandemic" (Civil Georgia 2021c). He went on to express hope that the process would result in a political agreement, thus tying the financial support with the outcome of mediation.

Meanwhile, negative messages remained limited to suggestions on how the political crisis "risks diverging Georgia from the path of reforms under the Association Agreement" (Civil Georgia 2021d) and "jeopardize[s] the country's stability and aspirations for Euro-Atlantic co-operation" (Civil Georgia 2021f). An exception was when an Estonian MEP from European People's Party suggested that the "EU must have strong leverage over Bidzina Ivanishvili" to prevent him from "leading from behind the curtains" (Civil Georgia 2021c).

Following the failure of Georgian parties to sign the proposed agreement, which was publicized on March 31, the EU adopted harsher language and discussed concrete measures. On April 1, seven MEPs from various political groups published a joint statement suggesting that "The future of EU-Georgia relations is at stake", warning that "Following the refusal from the political parties to compromise, Georgia's leaders should not expect a return to business as usual from the European Union" (Civil Georgia 2021b). The MEPs additionally stated that there would be concrete consequences for Georgia "in terms of EU financial assistance, including both a suspension of further disbursements of and an increase in conditionality linked to EU Macro-Financial Assistance and budget support programmes" (Civil Georgia 2021b). This became the first time the EU warned about using a specific instrument as negative conditionality, which served as a repercussion of the actions of Georgian political leaders and, therefore, as a coercive measure.

All these positive and negative measures were used in tandem with the formulation mediation strategy, which suggests that the mediator should have a high degree of effectiveness. Furthermore, the EU was highly coherent, as demonstrated by the diversity of actors involved in mediation efforts (see Table 2). These actors never expressed messages that would undermine or oppose any other message from a different actor, which was helpful for getting the expectations across.

The EU demonstrated a high degree of coherence internally, but the USA was also in line with the message box the EU used. The U.S. Embassy adopted a similar role to the EU Delegation, while U.S. Senators voiced the possibility of using negative conditionality in relation to the implementation of the agreement. Introduced on April 22, a bipartisan resolution in the U.S. Senate expressed concern that disrupting democratization would "slow [Georgia's] progress toward achieving its aspiration of Euro-Atlantic integration (...) and could result in conditions placed on U.S. assistance to Georgia" (Civil Georgia 2021g). Therefore the U.S. involvement was of additional significance, especially considering that the GD unilaterally signed the March 31 agreement on April 16 following the official visit of the GD Chairman, Irakli Kobakhidze, to Washington.

Clear goals	Role
1. EU Delegation to Georgia Represented by Carl Hartzell, EU Ambassador to Georgia	Facilitated talks before mediation started
2. European Council Represented by Charles Michel, President	Started mediation Appointed Christian Danielsson, in cooperation with High Representative Borrell, as an Envoy who acted as a mediator
3. European Union External Action Service Represented by Josep Borrell, High Representative of the Union for Foreign Affairs and Security Policy	Supported Charles Michel in his plan on mediation and appointment of Christian Danielsson Chaired EU-Georgia Association Council on March 16
4. European Parliament Represented by various MEPs from different political groups including most actively EPP, S&D, ECR, Greens/EFA, Renew Europe, etc.	Held debates on Georgia Several MEPs sent a public letter to Charles Michel Several MEPs made a joint statement
5. Member States Represented by Gabrielius Landsbergis, Foreign Minister of Lithuania	Planned to set up a mediator group composed of various EU foreign ministers

Source: Author's analysis.

WHAT NEXT FOR GEORGIA?

It is a problem for Georgia that the political actors needed an external mediator for conducting a dialogue and achieving a compromised-based consensus. Georgian political parties should have had sufficient resources for a dialogue or another domestic actor, e.g., the president, should have been able to undertake the role of a mediator. Commentators of Georgian politics have warned against the challenges related to political forces seeing politics as a zero-sum game (Georgian Institute of Politics 2021) and advocated for consensus-based politics (Kakachia and Lebanidze 2021b), but it became apparent that domestically there was insufficient resources for a constructive dialogue. Although the EU managed to relaunch the constructive political process through its mediation, it does not mean that the change is either imminent or inevitable. If the GD's declared goal to apply for the EU membership by 2024 is feasible, Georgia will have to do its homework. The best indication of what is expected of Georgia is outlined in the April 18 agreement. Doing this homework is a shared responsibility of all political actors in Georgia.

12 One of the key challenges of the April 18 agreement is the fact that the UNM has not signed it, nor have the European Georgia and Labor parties. The latter two are smaller parties, while the UNM is the largest opposition party; therefore, the UNM's actions are more impactful. However, the document was signed by individual participants of the mediation process such as Salome Samadashvili and Davit Bakradze, although Bakradze had already left the European Georgia, while Samadashvili subsequently voiced her plans to quit the UNM.

The UNM's refusal to sign the agreement is part of the conflict context. In the political stand-off, the GD was one side while the other included a range of political parties with heterogeneous interests and expectations. It is usually more likely that within a disunited conflict party there will be one or more actors who will not agree to the formulated deal. Even in this situation, it does not seem that the UNM will be willing or able to remain outside the constructive political process. They are expected to enter Parliament. This can be concluded from two facts: Melia has allowed the EU to pay his bail and be released, and Saakashvili called on the UNM to sign the April 18 agreement following Melia's release (JAMnews 2021). Consequently, what is the most important for Georgia at this stage is implementing the April 18 agreement and developing consensus-based politics.

The agreement signed by most of the political parties has five sections: (1) addressing perceptions of politicized justice; (2) ambitious electoral reform; (3) rule of law/judicial reform; (4) power sharing in the parliament; (5) future elections (European Union External Action Service 2021). From these issues, the most long-lasting and impactful are the electoral and judicial reforms. These reforms are supposed to create stable institutions, promote public trust in the judiciary and elections. However, the agenda of reforms outlined in the agreement should not be viewed as an exhaustive list of actions Georgia needs to undertake; electoral reform is a clear illustration for this argument.

The electoral reform as outlined in the April 18 agreement only focuses on the electoral system, i.e., how elections are conducted. Moving to proportional national elections with a low barrier and decreasing the share of single-mandate districts in local elections are important steps. In a fully proportional system, coalition governments will eventually become a real possibility, which will force Georgian political parties to work together. Such developments will make it clear that winner-takes-all elections will no longer be a concern of smaller parties. To this end, the agreement is commendable for defining the directions of change of the electoral system.

At the same time, an equally important aspect to electoral contestation is the pre-election environment. The extent to which all parties have relatively equal capacity is an important question. The balance between budgetary funding and private donations, access to media, ruling party's usage of administrative resources – these are some of the most pressing issues that legislation needs to address. However, on these issues, the April 18 document suggests following the joint opinion of the Venice Commission and OSCE/ODIHR (2021), which only recommends to reconsider adoption of the amendments on party financing. Consequently, how Georgia manages to level the playing field between the government and the opposition remains to be seen.

Apart from the problems the agreement aims to solve, it also offers one important opportunity: "parties shall seek to establish a Jean Monnet Dialogue with the European Parliament" (European Union External Action Service 2021). The Jean Monnet Dialogue can become instrumental in building a consensual democracy in Georgia. This tool has already been successfully used in countries such as Ukraine, North Macedonia, and Serbia (Samkharadze 2021, Kakachia and Lebanidze 2021a). If the Georgian political elite remains divided and shows little capacity of constructive dialogue without outside interference, the Jean Monnet Dialogue will help the practice of responsible politics cementing the EU's new role as a mediator invested in Georgia's future.

CONCLUSION AND RECOMMENDATIONS

Overall, the April 18 agreement is an important step in resolving the protracted political problems Georgia faces. The West will closely watch how the agreement is implemented. As these actors have demonstrated, they will not hesitate from using negative conditionality should they see fit. Therefore, the implementation of the agreement may become a condition for further financial assistance from Western partners. Additionally, the Georgian political elite should be aware that implementation of this agreement will not be sufficient if Georgia plans to apply for EU membership by 2024. Secondly, the future of the country and how it is seen in the EU or the USA is a shared responsibility of all parties mandated by Georgian voters to make decisions influencing their daily lives.

Based on the analysis above, the paper presents the following recommendations:

To all political parties in Georgia

- Ensure that the April 18 agreement is implemented not only to the letter but also to the spirit. All parties should take their share of responsibility to this end.
- Engage in constructive negotiations in the format of a Jean Monnet Dialogue in order to nurture consensus-based politics.
- Refrain from using radicalizing language, i.e., portraying politics as a zero-sum game or opponents as enemies. This type of language contributes to frustration of voters and moves content-focused policy debates towards the bottom of the agenda of public discourse.

To the Georgian Dream

- Propose further reforms in two key areas: judiciary and electoral environment. The reforms should aim to level the playing field for all political parties in Georgia in order to restore public trust.
- Seek and follow the Venice Commission and OSCE/ODIHR recommendations when drafting bills related to changing the political and judicial environment in Georgia.
- Consult CSOs while drafting legislation, make the legislative process inclusive and transparent, and seek approval of CSOs to gain higher legitimacy.
- Seek consensus among various domestic stakeholders, i.e., opposition parties and CSOs, on systemic reforms instead of pushing ideas forward through brute force.
- Understand that power cannot be retained indefinitely. Therefore, implementing reforms to ensure level playing field for all political parties is a step towards ensuring that when inevitably GD will be in the opposition, it will enjoy the necessary institutional environment to return to power through winning elections.

To opposition parties

- Refrain from long-lasting boycotts of Parliament and respect the popular mandates received through elections. Boycotts can be effective, but quitting parliamentary politics limits the space for constructive and transparent policy debates.
- Focus on long-term goals such as changing the system that puts opposition parties at a disadvantage, for example, ensuring competitiveness by reforming rules on party finances or access to media, and cementing judicial neutrality.
- Avoid antagonizing international partners by refusing to engage in constructive political processes such as parliamentary work. This may lead to use of negative conditionality.

To the president of Georgia

- Proactively cultivate trust among opposition political parties to establish an image of the President of Georgia as an impartial arbiter.
- Act as an unbiased facilitator in case the ruling party and the opposition experience difficulties in communication.
- Assume the role of mediator in case of another deadlock by cultivating President Salome Zourabichvili's personal capacity as an experienced diplomat.

To civil society organizations

- Monitor the implementation of the April 18 agreement and report findings to the public to ensure accountability of parties.
- Continue advocacy efforts and raise concerns with the EU Delegation and/or other EU institutions if the implementation process is derailed.
- Continue advocating for systemic reforms to make elections and judiciary more trustworthy.

To the European Union

- Help Georgian political parties practice consensus-based politics through the Jean Monet Dialogue format.
- Keep acting as a mediator using a stick-and-carrot approach and formulation strategy of mediation.
- Maintain a high level of coherence across all institutions and member states in relation to how Georgia should advance its democracy through supporting an impartial judiciary and competitive elections.

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