



## From Delegating the Coercion to Non-State Actors to the Idea of “Sovereign Democracy”

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The legal condition of the peaceful assembly of citizens has been paradoxical in Georgia since 2013. Specifically, the right of peaceful assembly of the various political or social groups is not enforced by the state itself through the usage of legitimate power (Ombudsman.ge 2020); however, peaceful assemblies are often canceled by the organizers or find themselves significantly limited in time and space due to the obvious danger coming from counter-demonstrations that have been organized to take place simultaneously (Civil.ge 2013a, Civil.ge 2013b, Radio Liberty 2018, Radio Liberty 2019a, Radio Liberty 2019b, Tabula.ge 2019a, Civil.ge 2019a, Ombudsman.ge 2020, Civil.ge 2021a). It is noteworthy that the government views the “violent groups” as those people with different opinions who use the right of peaceful assembly, and confine the threats from them within the same legal framework that guarantees the rights of those people who express their opinions in a peaceful manner (Ombudsman.ge 2020). In addition, the government does not implement any efficient preventative measures to guarantee the right of peaceful assemblies and provide protection for the peaceful participants (Ombudsman.ge 2020). This situation leaves space for the assumption that the state is informally cooperating with those far-right groups and segments of the clergy that are organizing counter-protest actions and, in this manner, informally impairs the freedom of peaceful assembly in the country.

Due to the aforementioned challenges, the policy memorandum discusses the phenomenon of informal cooperation between the state and the organizers of counter-demonstrations and suggests arguments as to why the political elite in the country might need to indirectly restrict the freedom of peaceful assembly in the country. In addition, considering the recent background of the government’s evidently non-constructive rhetoric towards the West, the memorandum also views how the existing tendencies of the informal cooperation between the state and the organizers of the counterdemonstrations might impact the prospect of democratic development in the country.

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## Why the State's Inaction towards the Counterdemonstrations might Signify State's Informal Coercion on the Freedom of Peaceful Assembly?

For some observers the inactive measures implemented by the state in terms of the counter-protests (Radio Liberty 2015, Ombudsman.ge 2020, Ombudsman.ge 2021a) might indicate the ineffectiveness of the state rather than any possible interest of the governing elite to indirectly limit the freedom of assembly; however, there are some circumstances which might indicate to the latter.

- *The Target Gatherings of the Counter-Protests have a Specific Range*

A retrospective examination of gatherings held under the conditions of the Georgian Dream government shows that counter-protests always go against civil groups with a liberal ideology and oppositional stance. In this regard, the counter-demonstrations organized by the far-right are generally against any freedom of expression from the country's sexual minorities and their supporters (Kvirikashvili 2021, Ombudsman.ge 2020). However, based on the analyses of the insight of protest actions held between 2013-2021 in Georgia, it is clear that during their counter-protests, far-right groups often threaten the demonstrations that are particularly causing discomfort for the governing elite. Specifically, in 2018 a counter-protest confronted the White Noise demonstration which demanded the resignation of the then-Minister of Internal Affairs and the Prime Minister (On.ge 2018).

The anti-occupation protest action of June 20, 2019 also demanded the resignation of the Prime Minister (Civil.ge 2021b) and the counter-protest of July 8 – which consisted of radical groups and members of the clergy – did not try to conceal the fact that their objective was to “end the 19-day depravity in the country” (Civil.ge 2019b). It is interesting to note that the main objects of ultra-right groups' attacks on July 5, 2021 were the office of one of the main organizers of the anti-government demonstration, the Shame Movement (Netgazeti.ge 2021), and the representatives of any critical media outlets (Mediachecker.ge 2021) towards whom the Georgian Dream representatives stated their discontent numerous times (Formulanews.ge 2021, Formulanews.ge 2020, Tabula.ge 2019b). Considering the target range of the counter-protests, it is noteworthy that the counter-protest not only did not confront the protest action against the Namokhvan hydroelectric power plant but instead saw the far-right adherents protest the agreement signed by the state with the Turkish company ENKA, along with the Rioni Valley Defenders (Radio Liberty 2021a). The agreement's terms were also unsatisfactory for the Prime Minister (Radio Liberty 2021b) and later it was canceled by the ENKA company due to the force majeure (Mtisambebi.ge 2021).

- *The State does not Use Preventive and Proactive Measures Under its Disposal Towards the Counter-protest*

The argument of insufficient resources seems less solid considering the background of using the water cannons, tear gas, and rubber bullets against the participants of the anti-occupation protest on June 20 2019 (Civil.ge 2019c), as well as the use of water cannons to break up the demonstration organized by the opposition to protest the results of the election on November 8, 2020 (Civil.ge 2020). In addition, the police did not arrest those behaving aggressively, with them instead simply being given administrative penalties (Radio Liberty 2015). The issue of accountability of the organizers of violence, despite the footage showing that they were calling for violent action, is overlooked (Radio Liberty 2015, Ombudsman.ge 2021).

- *Limiting the Gatherings with Liberal and Oppositional Attitude in Time and Space: the Role of the Government*

After the appearance of the counter-protest threat, the government called upon the peaceful demonstrators to abstain from participating in a planned event due to a possible escalation (Ombudsman.ge 2019) and offered a less contentious spot for the peaceful assembly (Ombudsman.ge 2020, Radio Liberty 2021a). If the activists still hold demonstrations in any form, after the threat coming from the counter-protest becomes abundantly evident, the police directly assist the activists to leave the territory by using safe corridors and buses which are mobilized in advance (On.ge 2020, Civil.ge 2013b, Radio Liberty 2019a, Civil.ge 2021c).

- *The Information in Open Sources Regarding the Non-formal Cooperation between the Organizers of the Counter-protest and the Government Raises Doubt*

The fact that based on the request of one of the main organizers of the counter-protest, Sandro Bregadze, some deputies of the Georgian Dream mediated for the representatives of the Georgian March who were arrested for attacking journalists from an opposition TV network in 2018, might indicate towards an informal agreement between the government and far-right activists (On.ge 2018). Meanwhile, one of the most famous members of the ultra-nationalists threatened the government through social media stating that if they didn't free the people arrested during the events of July 5, the governing party would not receive any support from them during the elections (Vardosanidze 2021).

Based on the reviewed cases, an assumption can be made that through purposeful inactivity towards the ultra-rightist groups, the government is encouraging the spreading of fear among peaceful demonstrators of physical threats coming from the counter-protestors and, through the aforementioned indirect ways, limits the freedom of assembly and expression of the civil groups with liberal and distinctly oppositional attitudes. This behavior of the

government is identical to the method of delegating coercion to non-state actors (Chen 2017), which is mostly approbated in authoritarian countries and unconsolidated democracies (Robertson 2009, Mirovalev and Birch 2009, Chen 2017) so that the governing elite can restrict political and social groups which are unacceptable for them while maintaining its reputation.

## **What is the Purpose of Delegating Coercion to the Non-State Actors in the Georgian Context?**

According to the general explanation, limiting a citizen's freedom of expression and assembly by the state aims to prevent the coordination and collective action of individuals and groups of individuals who think differently in comparison to the nature of the regime, neutralizing the potential threat coming from them and, in this manner, extending the state's authority (Davenport 2004). One of the methods of preventing the coordination and collective actions of those social groups which are deemed to be incompatible with the social and political mainstream created by the political regime is high-intensity explicit repression, which is directly enforced by the state (Gerschewski 2013). However, in terms of saving the political regime, violent repression has a high cost even in authoritarian countries, because it decreases the state's legitimacy and complicates the possibility of maintaining stability in the country (Davenport 2004). Specifically, violent repression forms the foundation for the civic resistance, which, considering the intensity of the violence, might be expressed by the openly violent response from the oppressed social groups or even potentially provoking the military coup (Gurr 2015, Ortiz 2007, Pierskalla 2010).

In terms of the close connection between the violent repression and the issue of legitimacy, the Georgian Dream has a good example in the form of November 7, 2007, and May 26, 2011, which significantly damaged the reputation of the National Movement and turned into a “black spot” in the political portfolio of the former governing party, both within the country as well as in the eyes of the international society. Considering the fact that the Georgian Dream is trying to position itself in the political arena as more democratic in comparison to the previous government, limiting the freedom of assembly and expression is not compatible with its own narrative. While the democratic “mantle” obligates the Georgian Dream to be less reliant on the open method of repression, it uses less identifiable variety of repression, such as delegating acts of coercion to non-state actors, where it is almost impossible to directly accuse the state and which, in a rational sense, allows the governing party to be in a far more lucrative position both in terms of internal and international legitimacy.

### **Delegating the Coercion to the Non-State Actors: Internal Legitimacy**

There are possibly two major aspects under which delegating coercion to non-state actors ensures strengthening the internal legitimacy of the Georgian Dream party and in this sense,

extends its authority. First of all, one may make an assumption that through the ultra-nationalist groups the government demonstrates its power over target civic actors with critical standpoints, as happened during the attack on the journalists of critical media outlets and the office of “the Shame Movement”. At the same time, another possible reason for encouraging counter-protests might be the reduction of the continuity of anti-government protest actions in the public space. Limiting the gatherings of those with liberal and oppositional attitudes makes it significantly harder for civil activists to state-specific demands towards the government. In the long-term, the aforementioned strategy might be directed towards limiting the space for general social and political resistance and therefore provide a less dangerous environment for the governing party, without blaming the political regime.

In the Georgian context, delegating coercive activities to non-state actors might be beneficial for the Georgian Dream from the electoral standpoint as well. On one hand, cooperation with the Georgian Orthodox Church and far-right groups from the side of Georgian Dream might aim to gain supporters among conservative voters, emphasizing the compatibility of the party with national and traditional narratives promoted by the radical groups. The Church, which has steadily maintained the status of one of the most trustworthy institutions for the Georgian population (IRI 2021, NDI 2020) from the electoral standpoint, is a meaningful force. In addition, ultra-nationalists have a solid social base/ground in the country as well; their representative political party, the Alliance of Patriots, has managed to gain seats in Parliament since 2016 (Cesko.ge 2016, Cesko 2020). Furthermore, far-right supporters own mass-media outlets and, when necessary, they can mobilize the citizens with a conservative attitude. On the other hand, delegating the legitimate use of force to the ultra-nationalists might be beneficial in terms of maintaining the support of uninformed voters. With the existing background of political and media polarization, directly linking the governing elite with the counter-demonstrations might be hard for some of those voters who support the governing party for its democratic style of governance. Delegating the use of force to non-state actors decreases the possibility that the Georgian Dream will lose the aforementioned segment of voters.

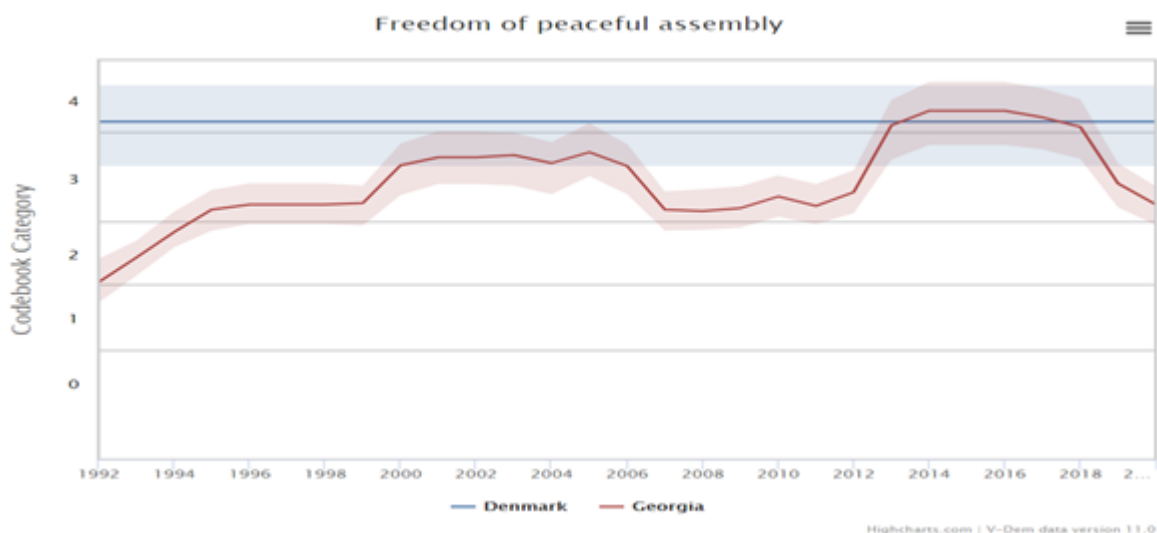
## **Delegating Coercion to the Non-State Actors: International Legitimacy**

The method of delegating the use of force to non-state actors also helps the governing party to create a democratic façade for the country's international partners and strengthens its international legitimacy. In front of its international partners, Georgia has adopted the responsibility of democratic development and building up national institutions,, over the course of which the country has received 1.8 billion dollars (USAID 2021) from the United States Agency for Development and more than 2 billion from the EU (MFA.ge 2021). Of this, the country only received 121 million Euros after 2014 for “the democratic reforms implemented since 2014” (MFA.ge 2021). With this background, the Georgian Dream needs

to follow Western standards and recommendations, at least formally, and provide freedom of expression for all political or social groups.

According to general international standards, the only power which can repress civic and political rights is the state (Davenport 2004). To be more precise, the component of restrictions directly implemented by the state represents the main criteria for the index of freedom of expression and peaceful assembly (Coppedge et al, 2020) due to those research institutions whose data is often used by the different international actors to evaluate the democratic environments in countries. In this sense, the illustration of the data from the Varieties of Democracy Institute is very interesting, which perfectly represents the effect of delegating the use of force to non-state actors in Georgia. The index of freedom of peaceful assembly of the Varieties of Democracy Institute, which investigates to what extent the government respects and protects in practice to an intentional and temporary presence of a number of individuals in a public place, for a common expressive purpose” (Coppedge et al, 2020), depicts the usage of police forces to conduct a brutal raid in 2019 and 2020 against the protest demonstrations (Agenda.ge 2020, HRW 2019, BBC 2020). However, the VDem data does not illustrate the impact of counter-demonstrations on the legal state of peaceful assembly. Moreover, even if it sounds paradoxical, in 2013-2017 Georgia has a higher score of the freedom of peaceful assembly Index than one of the most liberal democracies in the world - Denmark (graph 1).

**Graph 1.** *the dynamics of the index of peaceful assembly in Georgia and Denmark (1992 -2020*



**Source:** Varieties of Democracy Institute (VDem)

Based on the aforementioned analyses, we can make the assumption that the method of delegating the use of force to the non-state actors allows the Georgian Dream to limit the freedom of assembly of the citizens with liberal and oppositional attitudes in a manner that makes it hard for international partners to identify the guilt of the government. This

decreases the international levers of influence against the governing party, which, in the long term, might also strengthen the continuity of the political regime in the country.

## **The Idea of “Sovereign Democracy” as a Novel Source of Legitimacy**

During the third term of the Georgian Dream’s tenure in power, democratic backsliding became especially obvious and it has been reflected not only within the traditional institutional problems but also with the actions and rhetoric of party representatives. While commenting on the events of July 5, the Prime Minister of Georgia stated that if the majority of citizens are against the assembly of certain social and political groups in the public space, the government respects the majority’s opinion (Radio Liberty 2021c). After this statement, the ruling party refused to implement reforms in accordance with the adopted international commitment (Chichua 2021) and frequently employed non-constructive rhetoric toward Georgia's international partners. Considering the fact that in response to the criticism towards the existing governance in Georgia the prime Minister of Georgia and other members of the government are openly calling upon the international actors not to interfere in the internal affairs of the country (Interpresnews.ge 2021b, Civil.ge 2021d), the impression is formed that the ruling party of Georgia is trying to develop the idea of “sovereign democracy” in Georgia; the threat of its formation under the Georgian Dream government was forecasted as early as 2012 (Avaliani 2012).

We can make the assumption that the choice in favor of “sovereign democracy” by the Georgian Dream is linked with the problem of internal legitimacy, which became clear for the ruling party as well during the third term of governance. Even in closed autocracies, the government needs to satisfy the society with the basic conditions of life in order to strengthen the legitimacy within the country. From this standpoint, with the background of the state Capture (Transparency International Georgia 2020), with unenviable indicators of economic growth, increased poverty and the weak model of the management of the pandemic, the Georgian Dream party cannot offer much to the wide spectrum of voters. Based on the circumstances, in order to maintain the internal legitimacy, the Georgian Dream might prefer to rely on supporters of the radical wing of the Orthodox Church and ultra-nationalist groups, whose values are incompatible with the liberal democratic model offered by the West. In this sense, it might be far more rational for the governing party to openly confront the country's Western partners which are asking the Georgian government to meet the minimal standards of democracy.

If for the purpose of maintaining the legitimacy inside the country the ruling elite is betting on receiving support from far-right groups and the Church, this might mean that the Georgian Dream government will try to find new sources (Avaliani 2012) in terms of external legitimacy, which would allow them to ignore civil and political rights. This creates the risk that the façade of the democracy environment that exists in the country in terms of providing rights for citizens with liberal and oppositional mindsets will take on a much more radical form.

## Conclusion

According to the minimal concept of democracy, freedom of expression and peaceful assembly is one of the main dividing lines between the democratic and non-democratic regimes (Dahl 1971). In this sense, it is obvious that the ruling elite meet this standard only formally, and by delegating the use of force to non-state actors infringe on the rights of the citizens with liberal and oppositional beliefs to express their social and political preferences through the form of peaceful assembly. The method of delegating the use of force to the non-state actors helps the Georgian Dream to maintain internal and external legitimacy and, in this way, extend its time of governance. However, considering the fact that in recent months Georgia's democratic backsliding became obvious, we should not exclude the idea that the ruling party will no longer observe even the most minimal standards for ensuring the peaceful assembly, which it respected at least formally until this point. With this background, based on the paradigms of democracy that were discussed above, the threat of demoting Georgia in the category of an authoritarian political regime from the category of a hybrid regime in international indexes might be real. This circumstance will basically nullify the efforts directed towards the democratic development of Georgia and will lead the country into a deadlock for a long time.



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**Georgian Institute of Politics (GIP)** is a Tbilisi-based non-profit, non-partisan, research and analysis organization. GIP works to strengthen the organizational backbone of democratic institutions and promote good governance and development through policy research and advocacy in Georgia.

This publication was produced with the support of the Netherlands Fund for Regional Partnerships MATRA for regional cooperation in the Eastern Partnership (EaP). The views and opinions expressed in this article are the author's alone and do not necessarily reflect the views of the Georgian Institute of Politics and the Netherlands Fund for Regional Partnerships MATRA for regional cooperation in the Eastern Partnership (EaP).

#### How to quote this document:

**Teona Zurabashvili**, “From Delegating the Coercion to Non-State Actors to the Idea of “Sovereign Democracy””, Policy Memo No. 51, Georgian Institute of Politics, November, 2021

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