



European solutions for shadow oligarchic rule in Europe's East: Do they work? The case of Georgia

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Abstract

This article looks at the EU's intervention as the mediator in a domestic political stand-off in Georgia, triggered by the parliamentary elections of 2020. Believing the results of the elections to be fraudulent, the parliamentary opposition rejected them. European Council President Charles Michel then stepped in, initiating a mediation process between the government and the opposition in 2021 and securing a political agreement intended to end the crisis. Analysing the relevant geopolitical and policy framework for this intervention, and its successes and failures, presents fertile ground for understanding the EU as the foreign-policy actor in its neighbourhood and the implications of such a role for the Eastern Partnership initiative. This article argues that while the EU's active leverage model for supporting democracy was applied in the case of Georgia, the shortcomings and miscalculations of the premises on which the policy model was built limited its success.

Keywords

Georgia, Mediation, Eastern Partnership, Leverage model, Democracy promotion, Geopolitical competition

Introduction

Russian President Vladimir Putin has yet again decided to engage in geopolitical gerrymandering, carving up Europe's security architecture to his liking and demanding guarantees which will halt NATO's expansion. NATO is not the only 'evil' Russia is attempting to stop from spreading to its neighbourhood. The real menace, as perceived by the Kremlin, is liberal democracy. In Putin's view, NATO and the EU are the actors

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which bring the metastases of this dangerous ailment to Russia's neighbourhood and thus pose a terminal risk to its ruling regime. With the recent escalation of geopolitical competition in the region of the Eastern Partnership (EaP) countries, the role of the EU as a foreign policy actor, in what is often referred to as Europe's shared neighbourhood with Russia, has gained added importance. Both Ukraine and Georgia have association, free-trade and visa-free travel agreements with the EU. Both rely on the EU as a security actor, hosting Common Security and Defence Policy missions in their territories (European Commission 2021). The two countries have enthusiastic pro-European citizens (*National Democratic Institute* 2017; *International Republican Institute* 2021). While the high standard of living and economic prosperity within the EU is certainly an attraction, most Ukrainians and Georgians also believe that democracy is a good way to live (*National Democratic Institute* 2019). Therefore, how the EU fares in supporting democracy in these countries is important not only to Russia—which hopes that it fails—but also to the citizens of those countries, whose hope lies with the EU.

This article examines how successful the EU's intervention was in supporting Georgia's democracy through the mediation effort initiated by European Council President Charles Michel in the spring of 2021. It first reviews the political context in which the intervention took place and then looks at the results of the intervention—both the agreement secured and its current state of implementation. It then goes on to assess whether the intervention can be considered a success or failure by applying the theoretical framework of the leverage model, as used by the EU for democracy promotion in its neighbourhood. Finally, based on this assessment, the final part of the article offers policy advice for future EU efforts to help democratic transformations in the EaP countries.

Since the author was a member of the negotiating team during the mediation on behalf of the Georgian opposition, most of the observations offered in the article are original and are not attributable to secondary sources.

Political context of the EU's intervention in Georgia in 2021

Russia perceives the existence of democracy, both in its neighbourhood and in the West, as offering an opportunity to influence the outcome of elections. The year 2012 was a successful one for Russia in Georgia, with the oligarch Bidzina Ivanishvili, who made his fortune in Russia, managing to defeat the staunchly pro-Western government of former President Mikheil Saakashvili. Since then, Georgia has not seen much progress on its path towards integration with either the EU or NATO. The Association Agreement and the Deep and Comprehensive Free Trade Area agreement, which were largely negotiated before 2012, have been signed, but implementation is less than encouraging, reforms have stalled and Georgia seems to be stuck just where Russia wants it to be—in a no man's land between Russia and the West. Ivanishvili resigned from his position as prime minister as early as 2013, before resigning his chairmanship of the governing Georgian Dream (Kartuli Otsneba, GD) party in 2020, declaring his withdrawal from politics.

The parliamentary elections of 2020, conducted against a backdrop of extreme political polarisation, resulted in a severe political crisis. Alleging widespread electoral violations, the opposition refused to recognise the results of the elections. Months of negotiations led by the European and US diplomatic missions in Georgia did not produce results. In February 2021 the crisis deepened further. The chair of the main opposition party United National Movement (Ertiani Natsionaluri Modzraoba, UNM), Nick Melia, was detained when he refused to pay the bail imposed on him by the government-controlled court after his arrest for allegedly leading a public insurgency in June 2019 (Adkins 2021). When the highest political level of the EU—the European Council in the form of Council President Charles Michel—entered the murky waters of Georgian domestic politics, the opposition made the following main demands: the release of all prisoners arrested in connection with the anti-Russian occupation protests in June 2019, including Melia; changes to the electoral administration; and early elections. Michel's involvement was encouraged by Members of the European Parliament from various political groups when he visited Georgia in 2021 (Gotev 2021).

Michel's visit to the EaP countries in March 2021 was also initially planned as a show of the EU's geopolitical presence in the region, which Russia considers its backyard, after the harsh treatment shown to the EU High Representative/Vice-President of the European Commission Josep Borrell on his last visit to Moscow (Rettman 2021). By taking on the role of peacemaker in Georgian politics, the EU was trying to prove its relevance in the region. The stakes were high, the drama immense and all eyes were on the EU, both in the region and in Russia. A failure to find a negotiated way out of the crisis, possibly leading to further instability in Georgia, would play into Russia's hands. Would the EU, with its structured, rules-based approach to policy, prevail and help Georgia overcome its democratic challenges, or would Russia claim another democratic failure in its neighbourhood? The implications were great for both Georgia's future and the EU's policy in the region (Foy and Peel 2021).

The EU-brokered agreement and its results as of January 2022

Led by President Michel and his Special Envoy, Ambassador Christian Danielson, the difficult negotiation process was spread over an eight-week period in spring 2021. The negotiations concluded with the creation of the agreement, 'A Way Ahead for Georgia', in April (*EU Neighbours East* 2021). It consisted of five key parts: addressing politicised justice, electoral reform, the conditions under which early elections might be called, judicial reform and a power-sharing agreement in the parliament. A large majority of the opposition parties which had seats in the parliament signed the agreement, as did the governing party and some independent members of parliament.

The UNM—the largest opposition party—initially refused to sign the deal. The EU moved forward with the agreement despite the UNM's opposition, as the key number of votes for changing the constitution and implementing the other reforms had been

achieved, and the political process was able to move back to the parliament. The GD declared its withdrawal from the agreement in July 2021 (*Agenda.ge* 2021), and the UNM, revising its earlier position of adamant opposition, then joined the EU-negotiated deal in September, took its seats in the parliament and called on the GD to return to the agreement as well (*Civil Georgia* 2021). The ruling party refused to do so, declaring it null and void. The GD has assured its EU partners that it will implement the agreed reforms in any case. However, except for the release of several people, including Nick Melia, from prison, the terms of the ‘Michel Agreement’, as the document is known, are being neglected. The power-sharing agreement in the parliament has not been implemented, the constitutional changes have not been completed, and the promises of judicial and electoral reform have been ignored. Regional elections were held in autumn 2021. But according to assessments by local and international observers, they were not an improvement over the parliamentary elections (Organization for Security and Co-operation in Europe 2021). Former President Mikheil Saakashvili returned from Ukraine and was arrested on the day before the local elections, which has further polarised the political environment. Under the framework of the agreement, a Jean Monnet dialogue was to be created. But to date no meeting has taken place in this context as the parliamentary chair from the GD has not found the time to meet the Members of the European Parliament who planned to visit Georgia in January 2022 (*Civil Georgia* 2022).

Furthermore, in February the government made an additional move that went against both the letter and spirit of the agreement. Despite a trial which had lasted three years, the courts had been unable to convict Mamuka Khazardze and Badri Japaridze, the leaders of the pro-European party Lelo, on charges of money-laundering. But in February the government accused them of having committed a fraud in 2008, even though the prosecutors had dropped this charge much earlier in the trial. The same court then decided that the statute of limitations had expired and did not give them a custodial sentence. But in a clear act of political retribution, the GD decided to strip Japaridze, who had played a key role in securing the 2020 political agreement, of his parliamentary mandate (*OC Media* 2022).

Failure or success?

Was the EU intervention a success or a failure, and why did it turn out as it did? To answer these questions, one must consider the top-down approach that the EU employs to induce democratic reform—as opposed to the bottom-up approach through which the EU encourages democratic reform by supporting civil society and citizens. When using the top-down approach, the EU tries to bring about reforms through the use of political conditionality, thus aiming to force political elites to implement the desired changes; this is known as the leverage model (Lavenex and Schimmelfennig 2011). Assisting Georgia with its democratic consolidation and, by so doing, demonstrating that the EU remains the key actor in the region were the two key goals of the mediation process initiated by Michel. According to him, the EU was hoping to help Georgia demonstrate its progress towards achieving ‘a mature democracy, [which] is the route towards stability and prosperity and . . . the route towards an ever-closer relationship between EU and Georgia’ (Makszimov 2021). For policy solutions to work, they have to be based on the right

premises in terms of their targets, underlying assumptions and the tools used to achieve them.

Targets

Two aspects of Georgia's political model present particular challenges for the EU. The first is the informal rule by Bidzina Ivanishvili, who still today, as a private citizen, takes the key political decisions. The second is the political role of Saakashvili in the UNM. Due to his politically motivated prosecution, he has not been able to play a formal role in the party over the last nine years, but despite this he remains an important political influencer due to his popularity with the UNM voters. In a sense, both Ivanishvili and Saakashvili continue to play important roles in Georgian politics, one informally, as the shadow decision-maker behind the GD, and the other as a prosecuted leader, who has either been in political exile or prison for the past nine years. This was the first shortcoming of the EU's intervention efforts: the two men in charge of the largest political groups were not at the negotiating table, albeit for different reasons. Attempts to use leverage on the political elite to reach the solution that the EU deemed important for strengthening democracy were therefore doomed with these two key figures left untargeted by the policy. While the smaller opposition parties and independent politicians deserve credit for working with the EU to make the agreement a success, the nature of the strongly polarised political scene has limited their influence.

Underlying assumptions

The key premise on which the policy intervention rested was the commitment of all relevant actors to the idea that Georgia's future lies in Europe. With the GD's declaration that it wants to apply for EU membership in 2024 and the staunchly pro-Western stance of the opposition, there seemed to be no reason to doubt that this key premise was both justified and relevant.¹ However, in Georgia's zero-sum political culture of mutual destruction, political compromise can be perceived as weakness. The refusal of the UNM to sign the agreement and the withdrawal of the GD from it were clear signs of this. Thus, the leverage model used to influence the political actors had another inherent weakness: it made a flawed assumption about the political values and culture in the country.

Tools

When using the leverage model of democracy support, the key to success is having leverage over the target that is strong enough to achieve the desired outcome. In the process of negotiations, the EU made assumptions about what its points of leverage were over the political actors. Taking the traditional approach to EU conditionality was meant both to persuade the governing GD to sign the agreement and to secure its implementation. However, the EU was surprised when its intention to withdraw the macro-financial assistance earmarked for Georgia for 2021, due to the lack of progress on judicial reforms, was met by a pre-emptive counter-move by the Georgian government, which refused to accept the assistance (Kinchia 2021). Thus, the governing party not only defied the EU

when it withdrew from the agreement negotiated by Michel, but also attempted to neutralise the EU's leverage.

To sum up, the goal pursued by the EU's policy intervention—helping Georgia to overcome its challenges and move towards a more mature democracy and a less polarised political environment—seems a long way from being achieved. As a result the EU has become gravely disappointed with Georgia's political class, and a certain 'Georgia fatigue' has set in among policymakers. The second goal, that of demonstrating the EU's relevance in the region to Russia by preventing further destabilisation of the Georgian domestic political scene, has however been partially achieved. The EU remains deeply involved in the country, and the widespread support among Georgian citizens for the EU's commitment to the political negotiations was apparent. Polls show that, across the political divide, Georgian citizens have cheered the EU's efforts to help the country overcome its crisis (*National Democratic Institute* 2017). However, the EU's disappointment with the current results of the negotiations and the agreement is undermining Georgia's European future.

Conclusion

The lessons which the EU can draw from this experience in Georgia are five-fold. First, the citizens in many EaP countries remain the key allies when it comes to supporting and promoting democracy. While engagement with the political elites is important, both top-down and bottom-up support for democracy needs to continue. The greater the demand for reform along the lines of EU policy at the citizen level, the better the EU's chances of succeeding. After all, one of the key factors in the UNM's decision to sign the agreement was the polls, which showed that the majority of its voters supported the agreement negotiated by the EU. The most important allies of the EU in the region are the citizens of the EaP countries.

Second, when dealing with political elites, the reality of the post-Soviet world, where shadowy oligarchs often dominate public life from behind the scenes, has to be better factored into EU policy. This means that when the leverage model of democracy is applied, those exercising real power need to know that they will face the consequences of their actions, whether these are personal sanctions or another form of leverage. Political actors need it made clear that there will be rewards for those who are reliable partners and punishments for those who are not. In this respect, it is important to carefully map and identify the key partners for the EU and assist them in their electoral empowerment.

Third, better use should be made of the connections which have been cultivated between the political elites at the European and local levels—through associate memberships of the pan-European parties, such as the UNM's membership of the European People's Party and the GD's membership of the European Socialists.

Fourth, the EU also needs to review its pressure points among the EaP partners which fail to deliver results. In Georgia, for instance, where the commitment of the citizens to a European future seems to be stronger than among some political elites, a clear demonstration by the EU

of its attitude towards those leaders who show open disdain for their commitments to the EU might be an even better point of leverage than the withdrawal of assistance.

Finally, the goal of the EU's leverage model should continue to be changing systems and rules. While engagement with the elites and bottom-up support for democracy are important, the third element, engagement in reforms, remains key, as long as the EU is willing to impartially assess the results of such reforms and does not shy away from calling a spade a spade. Thus, if the large investment in the judicial and electoral reforms in Georgia fails to deliver, it would benefit the country, as well as EaP policy, to halt the assistance programme, rather than give cover to failed reform projects for the purpose of bureaucratic expediency.

Strengthening democracy, the rule of law and respect for human rights in the EaP countries should remain the centrepiece of the EU's policy. Russia's goal is to prove that these values are incompatible with the societies in what it considers its backyard. Every time the EU proves Russia wrong, it scores a foreign-policy victory in this geopolitical competition—a competition which Russia has brought to Europe's doorstep, undermining European stability and defying the EaP's declared objective of helping its Eastern partners to become successful democracies.

Note

1. On 3 March 2022, Georgia submitted its formal EU membership application, following Russia's decision to launch an unprovoked war against Ukraine on 24 February 2022.

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