

Georgia's European Way

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Introduction

The five-day war of August 2008 altered Georgian reality. This tragedy changed not only the thrust of Georgia's official foreign policy and the lives of tens of thousands of internally displaced persons who lost their homes, livelihoods, and sense of security: it also changed Georgian society's perception of the outside world.

»In light of the Russian aggression in August 2008 and the subsequent occupation of significant parts of Georgian territory, European integration has acquired particular importance for our country,« reads the paper distributed at the Sixth International Conference »Georgia's European Way,« held in Tbilisi on February 11–13, 2010. A summary of the official expectations of the Georgian government towards the European Union can be found in the same paper: »Georgia's foreign policy is directed more than ever towards the EU, which is associated with progress, democracy, human rights protection, economic development, welfare and prospects for Georgia's unification.«

To what extent are these expectations realistic? How do they relate to the new initiative of Eastern Partnership (EaP)? Are the actions of the Georgian government consistent with its declared goal of achieving greater integration with the EU? Is the foreign policy of the Georgian government towards the EU shared by domestic political actors and the general public? Is the EU ready to provide an adequate response to these expectations through the EaP?

The Georgia–EU Relationship

The formalization of relations between the EU and Georgia dates back to 1992, right after Georgia regained its independence in the wake of the break-up of the Soviet Union. Bilateral relations intensified significantly

following the 2003 »Rose Revolution,« when the old regime under Shevardnadze was replaced by an energetic team of young leaders sharing liberal, Western values. From the first days of his inauguration, President Saakashvili sent a clear message to the outside world that Georgia was going to pursue Euro-Atlantic and European integration – even at the expense of worsening relations with Russia.

To achieve these goals, special bodies were introduced at the executive and parliamentary levels. In December 2004, the office of State Minister for European and Euro-Atlantic Integration was created under the government, and was entrusted with the task of deepening cooperation with NATO and the EU, ultimately achieving full political, legal, military, economic, and cultural integration. To oversee Parliament's fulfillment of obligations undertaken by Georgia towards the EU, the Parliamentary Committee on European Integration was created. Although these bodies were introduced soon after the Rose Revolution, the EU–Georgia relationship did not enter a new phase until after August 2008.

In general, the foreign policy strategy pursued by the government of Georgia after 2003 can be divided into two parts: before and after the 2008 conflict. It is widely perceived that, after the five-day war with Russia, Georgia shifted the focus of its attention from the US and NATO to the European Union. This perception is confirmed by the official Foreign Policy Strategy¹ papers that coincide with these periods. Whereas in the Strategy for 2006–2009, NATO membership is a »declared objective« of foreign policy, the »gradual integration with the EU« is regarded as a »long-term foreign policy goal of Georgia.« This somewhat cautious attitude towards the EU can be explained largely by the then passive approach of the European Union toward matters in the South Caucasus. Indeed, the Strategy for 2006–2009 talks about the need »to achieve *more active* involvement of the EU in Georgia and the South Caucasus.«

After August 2008 the situation changed dramatically for both actors: Georgia and the EU. The former, disappointed by the Bucharest Summit of April 3, 2008 and its refusal to give Georgia a Membership Action Plan (MAP), realized after military confrontation with Russia that NATO membership had become an unrealistic goal. Therefore, in the post-conflict era, the Georgian authorities have perceived the European Union as the only alternative for ensuring the security and territorial integrity

1. See the website of Georgia's Ministry of Foreign Affairs: http://www.mfa.gov.ge/index.php?lang_id=GEO&sec_id=8 (accessed on June 5, 2010).

of the country. The EU's role has increased in particular because of the closure of the OSCE and UNOMIG missions in Georgia: that is, the EU civilian monitoring mission (EUMM) remains the only international body closely following developments in the conflict zones. In the long run, Georgia hopes that the EU's role in the process of restoring territorial integrity will grow. However, besides security and stability issues, which the authorities regard as the top priorities, considerable emphasis is being placed on the issues of economic cooperation, trade, and visa liberalization with the EU.

On the other hand, the Russian invasion of August 2008 once again made it clear to the European Union that the EU's security begins outside its borders, and that developments taking place in its neighbourhood impact its well-being. The new EaP initiative with the EU's three immediate neighbors (Belarus, Ukraine, and Moldova) and three Southern Caucasus states (Armenia, Azerbaijan, and Georgia) is assessed as an attempt to ensure stability and security on the eastern borders of the EU through a number of bilateral and multilateral initiatives.

Georgian Commitments to Democracy and the Rule of Law: Myth or Reality?

The Joint Declaration of the Prague Eastern Partnership Summit in 2009 states that »bilateral cooperation under the Eastern partnership umbrella should provide the foundation for Association Agreements between the EU and those partner countries who are willing and able to comply with the resulting commitments.« But how will this willingness and ability be assessed? The European Commission in its December 2008 Communication stated that: a sufficient level of progress in terms of democracy, the rule of law and human rights, and in particular evidence that the electoral legislative framework and practice are in compliance with international standards, and full cooperation with the Council of Europe, OSCE/ODIHR and UN human rights bodies will be a precondition for starting negotiations and for deepening relations thereafter.²

In other words, for the EU the start of negotiations on the Association Agreement with Georgia is conditional on political achievements in terms of the quality of democracy and the rule of law.

2. For the full document see: http://ec.europa.eu/eas/eas/docs/com08_823_en.pdf

There is a general consensus that Georgia has more work to do to strengthen its democracy. In 2008, under mounting international pressure, President Saakashvili promised a »new wave of democracy,« envisaging, among other things, increased powers for parliament, more opposition oversight, a freer media, and reform of the country's judiciary.

So far, the reality has been disappointing. Despite the re-introduction of limited political debate shows, all three national TV channels (the public broadcaster and the two private TV companies Rustavi 2 and Imedi) are clearly pro-government. Today, according to assessments by Reporters Without Borders and Freedom House, Georgia's media is less free and pluralistic than it was before the Rose Revolution in 2003.

Following the OSCE/ODIHR reports in 2008, which outlined several irregularities in the conduct of elections, the government amended the Electoral Code in 2009. However, the amendments do not adequately address the potential abuse of administrative resources during elections. Despite »evident progress towards meeting OSCE commitments« in the May 30 municipal elections, the OSCE/ODIHR noted significant remaining shortcomings, including deficiencies in the legal framework, its implementation, an uneven playing field, and cases of election-day fraud. The government did not manage to stamp out the practice of intimidating political opponents, nor did it send the right message to the offenders. Indeed, the most serious allegation of intimidating opposition leaders in regions involving high ranking officials from the Ministry of Internal Affairs (MIA) went unpunished.

The low level of trust in the judiciary continues to be a matter of concern. The extremely high conviction rate and the failure of the legal system to prosecute or even pursue many high profile »political cases« raises worries over judicial independence.

Reforms have been carried out in the police service, including the introduction of human-rights training programs as part of the police training curriculum. However, 2009 saw a sharp increase in the use of excessive force by police officials.

Although three months of protests by the non-parliamentary opposition in April 2009 were generally conducted peacefully, there was a clear imbalance with regard to the treatment of protest-related incidents and crimes against government officials. The latter were investigated and solved quickly, while the opposite is true in the case of crimes committed against non-parliamentary opposition activists. The Public Defender and NGOs reported dozens of cases where opposition supporters were severely

beaten up by groups of unidentified persons. To date, no perpetrators have been identified or brought to justice. Detention in prisons remains an area of concern, including the inhuman and degrading conditions, often caused by overcrowding. The use of parole or alternatives to imprisonment is inadequate, and in contravention of Council of Europe standards.

Many influential opposition parties continue to boycott Parliament, describing the reforms as mere window dressing. The polarization of political life in Georgia continues to be a serious obstacle to genuine political reform and inclusiveness. However, the decision of the opposition to participate in the work of local »Sakrebulo« (self-governing bodies) after the May 30 municipal elections is a positive step in extending political debate from the streets into the political arena. However, the impact of the opposition's participation in the work of »Sakrebulo« remains to be seen.

Approaches towards the EU: The Political Opposition and Society

The political environment has remained highly polarized since the dramatic events of November 2007, when peaceful demonstrations in Tbilisi and Batumi were violently dispersed by the government, and since the subsequent presidential and parliamentary elections, which were widely challenged by the opposition. In protest against alleged violations in both elections, many opposition parties have boycotted the work of the Parliament. The armed conflict with Russia further aggravated political tensions.

If before the conflict of August 2008 European and Euro-Atlantic integration was one of the notable points of consensus in mainstream Georgian politics, considerable changes in foreign policy priorities are to be observed in the period following the military confrontation with Russia. Surprisingly, the political parties that had quickly denounced Russian aggression in August and blamed the government of Georgia for paving the way for the Russian intervention due to the failure to obtain a Membership Action Plan at NATO's Bucharest Summit, changed their rhetoric some time after the war.

In particular, in a memorandum concluded in the month following the Russian invasion, two political parties – the Conservative Party

and the People's Party – openly criticized the Russian government for occupying Georgian territories and held up NATO membership as a prerequisite for the country's survival. However, some time later, the same parties heavily criticized the government for having worsened relations with Russia, citing the examples of Armenia and Azerbaijan as countries which had managed to maintain normal relations with Russia while pursuing their European aspirations. The »West,« which gave priority to the development of relations with Russia and avoided confrontation with the latter over Georgia, is considered to have turned its back on the Georgian cause. Both the Conservatives and the People's Party view the restoration of political, economic, and trade relations with Russia as a necessary precondition for Georgia's welfare. This attitude seems to be shared by the Labour Party, a well-established, leftist party. In starting negotiations with Russia, some politicians and political parties went even further. For instance, Zurab Noghaideli's party, »Movement for a Fair Georgia,« signed a cooperation agreement with Russia's ruling party Edinaia Rossia on February 9, 2010. Nino Burjanadze, head of the political party »Democratic Movement – United Georgia,« joined Noghaideli in his frequent visits to Moscow for »trust building« activities with Russia. The Conservatives and the People's Party, forming the coalition National Council, together with Zurab Noghaideli's party »Movement for a Fair Georgia,« received 8.26 percent of the votes cast in Tbilisi's Sakrebulo elections.

While some of the opposition parties share the same policy, significant political parties – New Rights, the Republican Party, Irakli Alsanias »Our Georgia – Free Democrats,« and the parliamentary opposition Christian-Democratic Party, openly support the government's policy towards European and Euro-Atlantic integration. However, the policies of the government meant to achieve these declared goals are openly questioned and heavily criticized.

Towards the EU or Back to Russia?

The August war has significantly shaped the attitudes of Georgians and redefined their preferences with regard to their country's external relations. An important survey was conducted by the London-based NGO SaferWorld and two of Georgia's non-governmental organizations (GYLA and CIPDD) in June, 2010 in the four regions of Georgia (two of

them – Samegrelo and Shida Kartli – adjacent to the conflict zones). This survey showed that Georgia's pro-Western orientation was seen by part of the public as contributing to an environment in which violence could re-emerge. In particular, it was felt by some of those questioned that Georgia's European aspirations had provoked a negative response from the Russian government («Russia was irritated by the inclusion of Georgia in global projects»). More specifically, a majority of those questioned thought that an over-emphasis in government policy on relations with the US/West at the expense of worsening relations with Russia increased regional tensions and made a return to violence more likely.

Talking about the economic dimension of the August conflict, some of those surveyed cited greater integration of Georgia with Western markets, and especially with the EU, as having contributed to the conflict. In particular, it was felt that the Russian government had a negative view of such integration and took measures to block it.

Despite the fact that membership of European and Euro-Atlantic institutions is still desirable for the majority of those questioned,³ at the same time it is apparent that communities in all regions feel the need to question the values they held before the conflict. This includes, for example, their understanding of appropriate international policies («should Georgia be so pro-Western?») and of what is «right» for Georgia.

Strong disappointment with the perceived lack of support from the West is a general feeling in Georgian society. This disappointment to some degree has led to disillusionment, frustration, and a loss of confidence in the West. It was felt that the US and the West had proved unable to counter Russian aggression, and had been reduced to making declarations rather than taking action or being able to enforce agreements (such as the Six-Point Plan) and resolutions.

Importantly, all four regions shared the perception that the ineffectiveness of the West and the subsequent loss of confidence are compelling large parts of society to re-evaluate their attitudes towards the West and Western values. Many feel that the faith they had in the West was misplaced and are looking for alternative sources of values,

3. NATO membership was supported by 73.2 percent of the war-affected population compared to 64.9 percent of the rest of those surveyed, and EU membership was supported correspondingly by 85.0 and 75.0 percent of the population, respectively: N. Sumbadze, «Georgia Before and After the August War, Report on the Survey of Population,» Barometer 2007 and 2008, Tbilisi 2009, Institute for Policy Studies.

including from Russia. However, this option is overshadowed by the common perception that Russia acted as an aggressor against a sovereign state in the August 2008 conflict. This has manifested itself in increased resentment and revulsion towards the Russian government, as well as increased patriotism.

Is the Eastern Partnership a Step Forward?

The Joint Declaration of the Eastern Partnership's Prague Summit talks about raising the relationship between the European Union and the partner countries to a new level of cooperation through the establishment of the Eastern Partnership initiative.

The EaP represents added value for Georgia. After all, Tbilisi considers the EaP a higher level of relations with the EU, where Georgia is treated as a »Partner« and not simply as a »Neighbor,« as it is referred to in the European Neighbourhood Policy (ENP). In addition, the EaP is perceived as an important step towards European integration, the primary elements of which include an Association Agreement, visa-free travel, and introducing a free trade area. These are seen as giving flesh to the ENP's general objectives.

While the Association Agreement, visa liberalization, and the Deep and Comprehensive Free Trade Area (DCFTA) are perceived as important achievements in themselves, the Georgian government views them as necessary steps to full integration with and membership of the European Union. This view is also supported by experts such as Kakha Gogolashvili, Director of the Georgian-European Policy and Legal Advice Center, who see the Association Agreement as the final step in the process of winning EU membership.

Most importantly for Georgia's authorities, the EaP serves not only social and economic goals, but also security objectives. The Georgian public is expecting greater involvement on the part of the EU in settling the region's frozen conflicts, convinced that the process of integration with the EU will help to guarantee Georgia's security. But even full EU membership is not an end in itself: it is rather a guarantee of the security and reunification of Georgia.

Nonetheless, Georgia's security concerns are largely ignored in the EaP. According to experts like Boonstra and Shapovalova, the country's significant security concerns cannot be met by the soft measures offered

by the EaP. Therefore, the government of Georgia insists on including topics related to resolving the conflict in Thematic Platform 1 discussions.

In general, the Georgian government is making use of the EaP as a platform for diplomacy, and for pursuing the goal of non-recognition of breakaway territories by the EU and its member states. For instance, Georgia insists on referring to Abkhazia and the Tskhinvali region as »occupied territories« and uses the phrase »occupation line« instead of »administrative border.« In addition, the Georgian delegation vigorously objects to the inclusion of the Russian Federation in the EaP process as a partner country. For Georgia's government the EaP is a space in which it can veto Russian participation, unlike the European Neighbourhood, where Russia is a full member. This can be seen as revenge in relation to the large EU member countries that are playing their own game with Moscow, directly affecting Georgian interests. Examples of this include the French deals to sell Mistral ships to Russia, which provoked fears in Tbilisi that the ships might be used against Georgia.

The Georgian Government's Engagement in EaP Activities

By decision of Georgia's government, the overall coordination of the EU's Eastern Partnership is implemented by the Office of the State Minister for European and Euro-Atlantic Integration. Individual ministries are responsible for the relevant thematic platforms.

On the level of *bilateral cooperation* with the EU, the government of Georgia set the following priorities: 1. signing an Association Agreement with a Deep and Comprehensive Free Trade Area (DCFTA) incorporated in it; 2. gradual visa liberalization; and 3. social-economic reforms that support bringing Georgia in line with the EU economic space.

1. Signing the Association Agreement and DCFTA: During the meeting of the EU-Georgia Subcommittee on Trade, Economic, and Related Matters, held on May 27–28, 2010, the European Commission made it clear that a separate DCFTA agreement is no longer considered feasible. Rather, a DCFTA might become part of the possible Association Agreement between Georgia and the EU. Depending on the progress with regard to key properties, the mandate for the Association Agreement might contain either provisions on a DCFTA or just a reference to the prospect of a DCFTA in the future.

According to information provided by the Georgian government, during 2009 it continued its preparatory work for eventual negotiations on a DCFTA with the EU. In response to the EC assessment report on Georgia's preparedness for a DCFTA with the EU, the Georgian government created an Interagency Working Group for the Preparation of a DCFTA. In addition, two specialized Task Forces on technical regulation and food safety issues were established. The DCFTA's preparatory process focused on a set of administrative measures, legal and institutional reforms in the area of technical barriers to trade (TBT), food safety, intellectual property rights, competition policy and strengthening the administrative capacity of institutions and officials to be involved in the eventual negotiations.

However, the feasibility studies carried out for the European Commission on Armenia and Georgia concluded that these states were »not yet ready for such a far-reaching liberalization, and even less to implement and sustain the commitments that it would require.«⁴ The diplomatic translation of this assessment is reflected in the Progress Report for Georgia: »by deploying additional efforts, particularly in order to properly complete, adopt and make progress in implementing agreed legislative and administrative capacity-building plans, Georgia would become ready to start DCFTA negotiations.«

2. *Gradual visa liberalization:* The negotiations on visa facilitation and readmission agreements were technically concluded in November 2009 and a visa facilitation agreement was signed on June 17, 2010. However, the agreement is limited in scope. It facilitates visa access only to some categories of citizens, reduces the fee for processing visa applications from 60 to 35 euros and excludes Denmark, the UK, Northern Ireland, and Ireland. High expectations of visa-free travel some time in the near future have been created among the public, without giving much detail on what steps are expected in order to achieve a full visa-free regime with the European Union.

3. *Social-economic reforms that support bringing Georgia into line with the EU economic space:* The European Commission has identified poverty reduction and employment and social policies as the major future challenges for Georgia. The absence of a concrete employment strategy

4. For the full report see the European Commission's »Trade: South Caucasus (bilateral relations)«; <http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/regions/south-caucasus> (accessed on May 5, 2010).

and employment implementing agency in Georgia has been heavily criticized by the European Commission. The EC has directly indicated to the government that there is a need to »thoroughly address the mismatch between skills and labour market needs.« So far, the government has also failed to review the provisions of the Labour Code that were not in line with the International Labour Organization's (ILO) conventions on core labor standards. To date, the government of Georgia has shown little inclination to widen support for labor rights or to introduce allowances or any kind of social assistance for unemployed persons.

On the multilateral track, the government of Georgia is actively engaged in the work of all four thematic platforms. In the framework of Thematic Platform 1 »Democracy, Good Governance and Stability,« the government has expressed the desire to host an international conference to share best practices in good governance and in the fight against corruption. In April, the agreement establishing the South Caucasus Integrated Border Management System (IBM) was signed. The concept was developed under an EU–UNDP Project, which assists all three South Caucasian countries in implementing IBM inside their states and with neighbouring countries. Under Thematic Platform 2 »Economic Integration and Convergence with EU policies« Georgia plans to participate in two Flagship Initiatives – namely, on customs cooperation and trade facilitation and on environmental governance for SMES. Preparatory work for DCFTA negotiations is under way in such areas as food safety, competition, and technical barriers to trade.

Georgia is pursuing its national interest in keeping the transit status of the country alive under Thematic Platform 3 on »Energy Security.« According to information provided in March 2010 by Nana Pirtskheliani, representative of the Ministry of Energy, preparatory work is under way on the realization of the objectives of Thematic Platform 3 working plan for 2009–2011. The main directions are energy efficiency programs, development of hydro-electric power generation, and diversification of energy sources. The government of Georgia is paying particular attention to regional projects on energy security, including the development of new electricity transfer lines with neighbouring countries. Georgia plans to be actively involved in the Flagship Initiative on Regional Energy Markets and Energy Efficiency.

Under Thematic Platform 4 – »Contacts between People« – the government of Georgia has expressed its desire to host a meeting of Cultural Contact Points in Tbilisi.

Civil Society's Response to the EaP

Since the launch of the Eastern Partnership initiative, the general opinion among NGO actors is that civil society groups should be involved in the EaP in every possible way: not only during the final stage of monitoring the implementation of commitments undertaken by the state, but from the very start in the designing of programs, agreements and obligations for partner countries, whether on a bilateral or a multilateral level.

The involvement of Georgian civil society in the EaP process might build on the experience gained from the joint activities carried out to monitor the implementation of the ENP's Action Plan. Various groups representing Georgian civil society had been actively involved in the development of the Action Plan for Georgia back in 2005 and monitoring the ENP process from the beginning. Points from »shadow reports« by the NGOs submitted to the European Commission are usually incorporated in the EC's ENP Progress Report for the country.

The EC Progress Reports pointing to a country's shortcomings with regard to the rule of law are generally used as a tool by civil society groups to put pressure on the government and advocate further reforms. However, there is a general consensus among such groups that, due to the absence of strong conditionality and reluctance to use strong leverage in relation to Georgia, the ENP Action Plan has not been successful enough in promoting democratic reforms.

Since its launch there has been an expectation that the EaP might prove more effective in terms of pushing democratic reforms forward in Georgia than the ENP, for one very specific reason: the incentives for Georgia are clearer. The inherent conditionality in the Joint Declaration from the Eastern Partnership's Prague Summit refers to the need for progress in the promotion of democratic reforms before negotiations are opened on an Association Agreement or free trade. Against this background, many civil society groups will take the position that any decision to open negotiations on an Association Agreement between the EU and Georgia should be based on concrete progress made by the Georgian government in implementing political reform commitments under the ENP Action Plan. Thus, it is very important that the EU consult with domestic civil society groups while they measure the concrete achievements of the government of Georgia.

The expectations of civil society with regard to the EaP process are that the EU will make full use of its political and financial leverage in relation

to Georgia. The political leadership of Georgia sees no alternative to integration into Western structures. The fact that EU integration is high on Georgia's foreign policy agenda should be used to demand significant progress with regard to the separation of powers, judicial reform, upholding the independence of the media, elimination of legal impunity for law enforcement agencies, and so on.

At this stage, the involvement of civil society in shaping EaP policy in Georgia is poorly organized and sporadic. Although this is to some degree compensated by the permanent interaction of certain civil society groups with the government on democratization issues such as elections, media, and transparency, more coherent and joint efforts are necessary if tangible change is to be brought about.

Conclusion

It is still too early to dismiss the Eastern Partnership as a »powerless response« to democracy, security, and economic development in the region. There is still enough time to justify hopes that the EaP can be further strengthened.

Even if work at the multilateral level proves ineffective, a bilateral track for relations between Georgia and the EU could be promising. This optimism is based on two interrelated arguments:

1. The medium-term prospects of the EaP, such as an Association Agreement and free trade, are clearer. Thus, there are better reasons to hope that Georgia will continue democratic reforms in order to restore its tarnished image as a »beacon of democracy«;
2. Georgia's political leadership sees no alternative to integration with the EU. All the more so since the August conflict, when NATO membership was postponed for the foreseeable future.

Therefore, the EU should insist on immediate changes in terms of democratic transition. This is why any decision to open negotiations on an Association Agreement between the European Union and Georgia should be based on concrete progress made by the Georgian government in implementing political reform commitments under the ENP Action Plan. In the process of measuring the government's concrete achievements the EU should consult civil society groups extensively.

At the same time, the EU should address Georgia's security fears. While it seems unrealistic that the EU will be able to set up a comprehensive

security policy in the Southern Caucasus, it should at least convince its large member states to stop playing dangerous games with Moscow that directly affect Georgia's security interests.

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