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Country Report

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Georgia between *Shutdown* und *political Startup*

Domestic political developments before the parliamentary elections in autumn

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Georgia's domestic political developments in the election year are to be assessed from various angles. After a turbulent year in 2019, the government was strengthened by the sovereign management in the Corona crisis, seemingly making up ground in the past few months. The opposition also sees their status strengthened after they have successfully negotiated demands connected with a new electoral system. According to the public perception, however, there is an increasing and questionable tendency to no longer make important political decisions in the parliament, but outside of it and, if possible, with international mediation. Recent developments also reveal that judicial independence is still fragile. The hope for the upcoming parliamentary election remains that it can be assessed as fair by all sides. The compromise regarding the electoral system created a good foundation for this.

Georgia – successful in fighting the pandemic

So far, Georgia has come through the Corona crisis well. Compared to other countries in the region and worldwide, Georgia was spared from exorbitant numbers of infections. Of the total of 738 corona cases (as of May 28), 573 have already recovered, and no more than 12 people have died from the virus so far. This is undoubtedly a success of the consistent measures taken by the government and all the authorities involved. In Georgia, too, the crisis has so far been the “hour of the executive.” According to public perception, the prime minister *Giorgi Gakharia* serves as a sovereign crisis manager. With a few exceptions, the opposition also respected government restrictions and, more generally, government actions. There were hardly any significant political discussions that would have suggested that the corona crisis was being instrumentalized. The opposition acted in a state-supportive manner and did not try to exploit the situation

politically. The Prime Minister recently announced timely and extensive “easing” of public life restrictions connected with the Corona crisis. *Giorgi Gakharia* is currently the politician of the hour in Georgia!

This is even more noteworthy because exactly *Gakharia* has been one of the most criticized politicians in the country since the weeks of unrest and demonstrations in the capital Tbilisi in the summer of 2019. At that time, as the minister of Internal Affairs, he was responsible for the brutal and, according to international observers, overly harsh action by the security forces against the demonstrators. Therefore, the opposition unanimously called for the resignation of the interior minister. Instead, *Gakharia* rose to become the prime minister, thus, becoming one of the most critical players in Georgian politics.

The return of politics

It can be assumed that easing the pandemic response will also speed up domestic disputes. This should be taken as an opportunity to analyze the main areas of conflict in these disputes, because gradually but surely the

focus shifts to the autumn of the current year. In Georgia, parliamentary elections are believed to be held in October. This timeline has not been rejected so far. Speculations that the government led by the Georgian Dream party (hereinafter referred to as 'GD') could take advantage of the Corona crisis and is trying to postpone the elections until next year in order to clear the air with the opposition have not yet been confirmed. If this remains unchanged, a hot summer can be expected in Georgia in terms of the election campaign.

After the violent clashes since summer 2019, these elections are particularly important when considered that Georgia, until a few years ago, was regarded as exemplary in terms of the development of democracy within the framework of the Eastern Partnership countries. On the other hand, this positive assessment has been severely constricted since the beginning of the second legislative term of GD that started in 2016. According to many international observers, the development of democracy has been stagnating in Georgia for some time. There are strong doubts about the independence of the judiciary system, and the question of what role parliament is playing, which is more a matter of *De facto* and not so much a question of *De jure*. The *De facto* role is predominantly related to the well-known Georgian oligarch *Bidzina Ivanishvili*. The opposition is certain that Ivanishvili has a firm grip on the parliament, in which 115 of its 150 members belong to his party (GD). According to their perception, the parliament has in fact been acting as an extended arm of the oligarch or as a kind of a democratic fig leaf for a long time. The opposition is suspicious of what is going on in parliament and has not accepted it as the center of political debates for a long time.

Georgia's democracy between parliamentary paralysis and extra-parliamentary activism

This was clearly demonstrated in the efforts of the two main opposition parties, United National Movement (hereinafter referred to as 'UNM') and European Georgia - Movement for Liberty (hereinafter referred to as 'UG'), in the wake of protests against the government since June 2019, to hold extra-parliamentary talks with the government and to allow a new electoral law to enter into force for the upcoming parliamentary elections in autumn 2020.

For a long time now, the focus has been almost exclusively on *Ivanishvili* and not on the parliament, not only among the two major opposition parties but also according to the broader society perception. This became especially clear in autumn 2019. Shortly before, the oligarch, who is not a member of parliament, but "only" the chairman of the ruling party GD, had announced or "promised" (sic!) in response to the mass demonstrations in summer 2019 and the opposition's demand to enforce a new electoral law for the upcoming parliamentary election in autumn 2020. It is astonishing how little was discussed about the legitimacy with which *Ivanishvili* could "promise" anything in this context. According to the Georgian constitution, a new electoral law can only be passed by a two-thirds majority in parliament. Originally, an amendment to the electoral law was only planned for the legislative period starting from 2024.

In principle, the required changes to the electoral law are to replace the currently applicable so-called "mixed" system with a purely proportional one. The larger part of the parliamentary mandate has so far been obtained via the majority principle and the rest via a proportional one. This system benefits the ruling party excessively. Thus, the opposition demanded an immediate transition to a purely proportional system.

On November 14, 2019, the parliament spoke out against an amendment to the electoral law with the majority of the GD's deputies. It thus ensured that the "promise" of the oligarch was null and void. As a result, the domestic political crisis culminated again and led to further mass demonstrations. The accusation against the oligarchs was that he had not kept his "promise"... In fact, the opposition then refused to work in parliament and called for extra-parliamentary negotiations with the help of international mediation. Essentially, this had created a highly problematic situation. A decision that was formally brought about democratically in parliament, namely not to change the electoral law, was not accepted by the opposition. The opposition now called for such an important decision as to change the electoral law to be debated outside the parliament.

The opposition's mistrust of the situation in parliament went so far as to refuse to conduct such negotiations through international diplomats in the Parliament building. The negotiations took place through the mediation of important international diplomats in the premises of a small opposition party, the "Labor Par-

ty." The embassies of the USA, Great Britain, France, and the EU mediated significantly between the government and the opposition. In addition, the Federal Republic of Germany's ambassador enjoyed great trust as a mediator from both sides.

The aggravation of the domestic political crisis has stopped for the time being

It is, of course, to be welcomed that a compromise was finally reached on March 8, 2020, after long and tough negotiations. Regarding the electoral system, this compromise means that with the upcoming parliamentary election in October 2020, the vast majority of the seats, namely 120, will be elected via the proportional system and the "remaining" 30 via majority principle. According to the leading opposition politicians, a compromise that was satisfactory for them had been reached. There are some other innovations, for example, that a party can enter the parliament with only one percent of the vote. It remains to be seen what effects this drastic lowering of the barrier will have on the party landscape. There have already been expressed some fears regarding the risk that a large number of small and micro parties will establish themselves and find their way into parliament and such small parties are much easier to "lure" into fragile coalitions which poses a realistic menace.

An important innovation in the electoral system agreed on March 8th, is that a party with less than 40 percent of the total votes is no longer able to obtain a sole parliamentary majority.

Despite these concerns, it can be said that as a result of the new system, the chances for the opposition parties have increased significantly. In electoral circles, in which candidates stayed just slightly behind the absolute winner, to a large extent, there were some "lost" votes. The opposition parties' candidates can now also enter elections in electoral districts in which the ruling party representative is in front, using the proportional system. In this perspective, it is worthwhile to choose candidates from the supposedly weaker opposition parties, even under difficult majority conditions. This could very well be one of the most important messages in the upcoming election campaign.

With these regulations, the ruling party, GD, which came under heavy pressure due to the mass protests in the second half of 2019 and had to record numerous party withdrawals by

politicians, some of whom were prominent, seems to have taken a big step towards the opposition. The elections in October are likely to be exciting, particularly because of the larger proportion of candidates who have a chance to get a parliamentary mandate through the proportional counts without any incumbency bonus.

„Political Prisoners“ and „Judicial Independence“

At the beginning of the negotiations on a new electoral system, there was initially no mention of discussing other issues that were important for the opposition. But the representatives of the opposition saw the opportunity that talks were being mediated or "supervised" by international diplomats, and raised the issue of "political prisoners". It should be noted at this point that the interpretation of the term "political prisoners" is very complex. With this expression, the author of this report would like to make it clear that the people in question have been formally and officially convicted of a crime, which is why the government rejects the term "political". Nevertheless, there can be little doubt that the timing of the detentions and convictions may well have been politically motivated.

Firstly, the matter concerns the former mayor of Tbilisi *Gigi Ugulava*, who was officially sentenced to three years in prison for misappropriating public funds amounting to 48 million GEL (approx. 15 million EUR). A second case is the former Defense Minister *Irakli Okruashvili*, who was sentenced to five years in prison for his actions during the protests in summer 2019. Thirdly, it concerns *Giorgi Rurua*, the founder of the opposition-friendly TV channel "*Mtavari Arkhi*", who was accused of unauthorized use of a firearm.

Even though the negotiations were originally only scheduled for establishing a new electoral system the representatives of the opposition now considered them as a package. They asked for the release of the above-mentioned three "political prisoners." Although the international mediators of these talks and other representatives from abroad also welcomed the negotiations on this problem, this is also extremely problematic, because only the judicial organs or the president should decide on a release or amnesty. Government officials seemed to be aware of this problem. Internal information sources state that the president wanted to stay

out of these negotiations. In the end, she pardoned Ugulava and Okruashvili, an act that she, as a president is formally and solely entitled to. Can we call this a "royal road"?

Rurua remains in custody despite the opposition's demand for his unconditional release. There were no further explanations provided by the government. It can only be speculated whether this might be caused by the fact that *Rurua* is an influential, pro-opposition media professional, and he would be a particular danger to the ruling party for the upcoming election campaign.

The aggravation of the domestic political crisis, ultimately triggered by the events in summer 2019, has been averted for the time being. In this sense, the compromises reached on March

8, 2020 could be a good omen for a correct election process in the fall. Regarding the development of democracy in Georgia, however, many concerns remain, especially when it comes to how these compromises came about. It is to be hoped that the tendency to make important political decisions only outside the parliament will not persist.

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