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# GEORGIA'S YEAR OF TURMOIL

*Miriam Lanskoy and Giorgi Areshidze*

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Even before its military conflict with Russia erupted in early August 2008, Georgia had been enduring a degree of internal turmoil that it had not witnessed since the Rose Revolution brought Mikheil Saakashvili to the presidency in January 2004. Beginning in the fall of 2007, Georgia experienced massive opposition demonstrations, forceful action by police to disperse the protestors, the proclamation of a state of emergency and the shutting down of independent media, early elections whose results were disputed, more huge demonstrations, and a boycott of the new Parliament by the opposition. None of these clashes, however, revolved around the breakaway regions of South Ossetia and Abkhazia, the source of the conflict with Russia. All major Georgian political forces are united in supporting Georgia's territorial integrity, and no significant groups are openly pro-Russian.

Russia has been exerting pressure on Georgia by manipulating the conflicts in South Ossetia and Abkhazia since the early 1990s. As part of its strategy, Russia has dispensed passports to Georgian citizens living in Abkhazia and South Ossetia, precisely so that it might have an excuse for intervention on their behalf. The immediate triggers of the present conflict were multiple incidents beginning in May 2008 in Abkhazia and South Ossetia—unexplained bombings and the Russian downing of a Georgian drone, for example—that heightened tensions, ultimately provoking Saakashvili's reckless 8 August 2008 attack on the South Ossetian capital of Tskhinvali. This supplied Russia with a pretext for invading Georgia, and at the time of this writing Russian troops continue to occupy not just Abkhazia and South Ossetia but other areas of Georgia as well, in violation of the ceasefire brokered by French president Nicolas Sarkozy.

It in no way excuses Russia's brutal response to note that Saakashvili's ill-conceived decision to use military force illustrates the lack of checks on executive authority that have characterized Georgian politics in recent years and the dangers of political dominance by a single leader. Although the Rose Revolution brought many benefits to Georgia, the country's democratic transition has stalled. The young reformers elected in the wake of the Rose Revolution, eager to implement their initiatives, sought to concentrate political power in a centralized executive. Along the way, they alienated many interest groups and constituencies and brought institutions that could have impeded their progress—the media, the business community, the judiciary, and the electoral commissions—under greater government control. While the Russian invasion has led to a temporary union of all the major political parties behind the goal of preserving Georgian statehood, once the country is again secure, the demands for democratic reform will resurface. Opposition leaders have already announced their intention to call for new elections and to hold Saakashvili responsible for his actions when the crisis has passed.

According to public-opinion polling, Georgians overwhelmingly believe that democracy is necessary for the development of their country but are unsatisfied with the way in which it has been implemented and are losing confidence in the political process.<sup>1</sup> Thus there have been renewed calls for a thorough revision of the constitution to restore balance among the branches of government and to protect the electoral system from political manipulation. Since independence in 1991, there has not been a constitutional transfer of power. The first two post-Soviet presidents—Zviad Gamsakhurdia (1991–92) and Eduard Shevardnadze (1992–2003)—were forced to relinquish power before completing their terms in office. To ensure that the next handover proceeds constitutionally, the confidence of the public in political institutions and processes must be restored.

## The Seeds of Conflict

During the Soviet period, Georgia's national-independence movement was among the most active in all the Soviet republics, agitating for basic rights and liberties, competitive elections, and national sovereignty. In October 1990, some of the movement's goals were realized with elections that brought about the first peaceful and legal transfer of power from communists to noncommunists in the crumbling Soviet Union. The new republic had little time to enjoy its success, however, before becoming embroiled in a war with South Ossetia and then a civil war in Tbilisi. The newly elected president, Zviad Gamsakhurdia—a strident Georgian nationalist—sought to quell the Ossetians' aspirations for greater sovereignty, first annulling the autonomy of the region and then using force against it. The fighting in South Ossetia flared sporadically throughout 1991 and 1992, leading to the expulsion of most of the

ethnic-Georgian population from the region, and ended with a mid-1992 ceasefire authorizing the installment of Russian peacekeepers. Gamsakhurdia was deposed after the outbreak of civil war in January 1992, and Eduard Shevardnadze—the former Soviet foreign minister who had influenced Gorbachev's policy to ease Cold War tensions—was invited to govern and subsequently elected head of state in October 1992 and president in November 1995.

That same year, a second separatist conflict broke out in Abkhazia, a larger and more strategically significant region on the Black Sea coast; as an autonomous republic within the Georgian Union Republic, it had more institutions of local government than the South Ossetia autonomous region. Whereas the Ossetians want to unite with their ethnic kin in North Ossetia (a region within Russia) by joining the Russian Federation, the Abkhaz have consistently sought independence. Nonetheless, ample evidence suggests that the Russian army and air force took part in the fighting against Georgia during the Abkhaz rebellion.<sup>2</sup> A ceasefire was arranged in Abkhazia in the fall of 1993 after Shevardnadze made a number of major concessions to Russia.

Despite the armed conflicts, important reform took place during the early years of Shevardnadze's tenure (1992–98). The new president had inherited a failed and impoverished state, where militias ravaged the population, the capital was regularly without electricity, and the central government could not enforce the rule of law. Shevardnadze brought to these domestic challenges extensive political experience, as well as personal acquaintances with powerful Western politicians who took greater interest in the fledgling state because of their respect for its new president. During his first four years in office, Shevardnadze defeated powerful paramilitary groups and warlords and built the rudiments of a stable state. Under his leadership, Georgia was admitted to the Council of Europe, began the process of seeking NATO membership, and helped to determine the route of the Baku–Tbilisi–Ceyhan oil pipeline.

Between 1998 and 2003, however, the regime became increasingly ineffective, undermining the achievements of the earlier period. The country was mired in corruption, and was plagued by classic problems typical of a weak state: The government failed to fund certain ministries; the army was small, demoralized, and underequipped; the police force was corrupt and failed to enforce the law; and the state was unable and unwilling fulfill its obligations, neglecting to pay salaries and pensions and to supply water, power, and natural gas. Meanwhile, Parliament produced more than nine-hundred complicated, contradictory, and ultimately unenforceable pieces of legislation (even if international experts praised them as progressive achievements). The Shevardnadze regime fell short both in establishing strong governmental institutions and in stimulating significant economic development.

During Shevardnadze's presidency, Georgia possessed certain char-

acteristics conducive to democracy that subsequently were reversed or diluted. The 1995 Constitution provided for a legislature that functioned as a real check on executive power and a Supreme Court that met democratic standards. Georgia had a pluralistic, diversified, and independent business community. Although Georgian businessmen were corrupt to some degree (many did not pay taxes, for example), it is important to note that these entrepreneurs did not derive their property primarily from government subsidies or from the purchase of cheap, recently privatized property. As a result, the business community owed little to Shevardnadze's regime and was free to actively support opposition political forces. This support was instrumental in the 2001 collapse of Shevardnadze's ruling party, the Citizens Union of Georgia (CUG), which included the future leaders of the Rose Revolution—Zurab Zhvania and Nino Burdjanadze, both former Parliament speakers, and Saakashvili, a former minister of justice. By 2003, Georgia had a number of political parties with competing visions, and there was an emerging ideological debate between the left and the right akin to that found in most democratic states.

In addition, the media in Georgia were largely independent and pluralistic. The weak state allowed the private media—including three private television channels with national reach—a great deal of space, exerting control only over the state television network. The private channels often expressed the views of their owners, and because several prominent networks were aligned with different political groups, real debate was possible. Similarly, there was an influential civil society. Although Western analysts assumed that the NGO community was the most developed component of Georgia's civil society, it was only one among many well-developed Georgian institutions, including the business community, the media, and a strong church.

Georgia in 2003 clearly had real potential to become a democracy. Precisely because Shevardnadze's government permitted political parties, business, and the media to thrive, these institutions were able effectively to challenge the government's attempt to manipulate the outcome of the elections and to bring about the Rose Revolution in November 2003. To acknowledge the achievements of Shevardnadze's regime, however, is not to overlook the huge problems of stagnation that plagued the country. By the end of his tenure, movement toward democracy occurred not because of but rather in spite of the president, who failed to take advantage of opportunities to push through real reforms.

### **State-Building versus Democracy**

In November 2003, Saakashvili and his allies were able to galvanize public indignation over fraudulent parliamentary elections and to force Shevardnadze to step down a year before his term was set to end. Shevardnadze's resignation triggered a snap presidential election in Janu-

ary 2004 and parliamentary elections two months later. In the course of these events, Saakashvili gained such great popularity that no realistic challenge was possible, and he won the presidency with 96 percent of the vote. In March, Saakashvili's National Movement bloc merged with the parties of Zhvania and Burjanadze to form the Unified National Movement (UNM). In parliamentary elections that month, the UNM won the majority of seats contested through party lists. The Right Opposition bloc (composed of the Industrialists and New Rights parties)—the only opposition force to surpass the 7 percent threshold—was not strong enough with its 17 seats to affect the legislative process. With the support of the single-mandate members of parliament (MPs), who typically vote with the ruling party,<sup>3</sup> the UNM commanded enough votes not only to pass legislation without having to compromise with minority opinions but also to alter the constitution, for which a two-thirds vote of Parliament is sufficient.

Saakashvili and his team interpreted their overwhelming electoral victory as a mandate for rapid and thorough reform aimed at building the capacity of the state to provide security and other public goods. In the spring of 2004, Saakashvili forced out Aslan Abashidze, the authoritarian ruler of the Ajaria autonomous region, paving the way for the central government to extend its control over this strategic region on the Black Sea. At the same time, he accelerated his predecessor's course toward integration into the European Union (EU) and NATO. Saakashvili made it a top priority to bring Georgia closer to European institutions, and in 2005 he raised Georgia's international profile by securing the first-ever visit by a U.S. president to the country. Moreover, the new government was able to persuade Russia to honor its treaty obligations (undertaken in 2000) to withdraw its military bases from Georgian territory.

Saakashvili sees himself as a founding father and great reformer in the vein of authoritarian state builders such as Mustafa Kemal Atatürk.<sup>4</sup> He has portrayed himself as a pivotal figure in Georgian history, comparable to David the Builder, the twelfth-century king who is celebrated for uniting Georgian territories and driving out foreign invaders while improving the administration of the state. Part of Saakashvili's popular appeal rested on his electoral promises to reunify Georgia by restoring the authority of the central government over Abkhazia and South Ossetia. He pursued this goal vigorously by a variety of means, including the instigation of skirmishes in the South Ossetian capital in 2004, but also by offering peace plans, bolstering Abkhaz and Osset governments in exile, sponsoring television and radio broadcasts to the regions, raising the level of international attention to the conflicts, and improving Georgia's military capability.

Domestically, Saakashvili's government dramatically improved access to public goods—providing a stable supply of electricity, erecting

new buildings, repaving roads, and establishing new communication networks and other infrastructure projects that delivered immediately

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visible benefits to the population. The government reformed the health-care system to provide services to the indigent, reformed the educational system to make university admissions more transparent and competitive, and campaigned against crime and corruption. The military received a larger budgetary allocation, allowing it to modernize its equipment and provide better training for a greater number of recruits.

Georgia's most impressive performance was in the sphere of economic reform. The country signed a \$295.3 million compact in 2005 with the U.S. Millennium Challenge Corporation, which awards assistance to a select few developing countries that meet certain criteria of good governance and fundamental liberties. The World Bank recently named Georgia "the world's leading economic reformer," and now rates it the eighteenth-easiest country in the world in which to do business.<sup>5</sup> The government has not only paid current wages and pensions but has also met obligations of the previous government and even raised salaries for civil servants. The budget has increased fourteen-fold, and tax collection has more than doubled, largely thanks to regulatory reform and tax-code modifications.

The state has frequently encroached on the private sector, however, coercing contributions in a variety of ways. Soon after the Rose Revolution, former government officials and businessmen were forced to make undisclosed payments into off-budget accounts in order to avoid criminal responsibility for corruption under Shevardnadze. Although the government claimed to be setting right the mistakes and shady deals of preliminary privatization, in the process it violated the rights of property owners, intimidated and arrested businessmen, and created numerous large accounts that were nontransparent and unconstitutional.<sup>6</sup>

Saakashvili also believed that a cultural revolution of sorts was necessary for real reform—that is, that the Georgian way of life had to change in order for the nation to become integrated into Europe.<sup>7</sup> The question of whether Georgian identity must be sacrificed for the sake of reform has become the source of a deep cleft between the ruling party and the opposition, and the tensions inherent in a program of cultural transformation crop up in many different settings. Education reform was praised for introducing standardized testing to reduce the corruption associated with university admissions, but the same legislation also removed religious instruction from the curriculum and reduced the educational role of the Orthodox Church—a pillar of Georgian identity. In addition, in

its quest to make Georgians more “modern,” the government began imposing draconian penalties for petty crimes, which in one case in 2006 led to strikes in Tbilisi high schools after a teenager was sentenced to ten years in prison for fighting with a classmate. Severe punishment was meted out for a variety of misdemeanors, more than doubling the prison population during Saakashvili’s first term. By actively promoting secularism and so-called modern values at the expense of traditional ones, the new regime stoked resentment among the people.

## **Constitutional Maneuvering**

Despite its strides in state-building, Saakashvili’s government moved away from democracy. Beginning in February 2004, just weeks after his inauguration, the president pushed through a series of constitutional amendments that vastly expanded presidential power at the expense of Parliament, arguably creating a “superpresidential” system.<sup>8</sup> The most significant change was that the president gained the power to dissolve Parliament, while Parliament was not compensated with any new means of asserting itself against expanded presidential authority.

The amendments created the new position of prime minister but made it subordinate to the president. Under the new system, if Parliament rejects a nominee for prime minister three times, the president can dissolve the government and appoint a prime minister by decree. If Parliament passes a vote of “no confidence” in the prime minister, the president can either appoint a new one or dissolve Parliament and keep the previous premier in place for up to six months. Likewise, the president must approve all candidates for cabinet positions and directly appoints the ministers of defense and internal affairs. The president was also given greater powers over the judiciary and the budgetary process. Under the new arrangement, the prime minister develops the budget, and the president approves it and submits it to Parliament. If Parliament rejects the budget, the president may resubmit it without changes. If it is rejected three times, the president may dissolve Parliament, call new elections, and approve the budget by decree.

Saakashvili claimed that these changes were needed to improve efficiency, but the result is that one of Parliament’s basic powers, control over the country’s finances, was substantially weakened. Indeed, Parliament has largely become an implementer of executive initiatives. This is a negative development from the perspective of fostering political pluralism and developing a multiparty system, but positive in terms of making rapid reforms.

The constitution was amended in 2004 to reduce the number of MPs from 235 to 150, with 100 elected from party lists (down from 150) and 50 from single-mandate constituencies (down from 85). The following year saw a number of controversial changes to the electoral framework. These reforms bear directly on a fundamental issue of democracy—en-



sureing the peaceful transfer of power through competitive elections. There were three points of contention in these changes: 1) the mode of election—majoritarian (first-past-the-post) or proportional representation; 2) the composition of electoral commissions; and 3) the threshold for political parties to enter Parliament through the proportional system.<sup>9</sup>

In 2005, the UNM proposed a system for electing the non-party-list MPs in the next Parliament in which voters would cast a ballot for a slate of candidates in a multimember district, and the seats would then be apportioned on a winner-take-all basis, so that the slate that received a plurality of votes would obtain all the seats in the district.<sup>10</sup> This system, which magnifies the dominance of the leading party, was put into practice at the local level, and was criticized for being unrepresentative during the Tbilisi City Council elections. The UNM, however, argued that this system would promote the development of strong political parties by encouraging small parties to band together.

In March 2008, however, after the opposition had united into a nine-party coalition and had made a strong showing in the snap presidential election, the system was again modified. Parliament passed a constitutional amendment that increased the number of majoritarian MPs who would be elected in single-mandate constituencies from 50 to 75 and reduced the number of MPs elected through the proportional system from 100 to 75. This signaled that the UNM was losing confidence in its performance in the proportional party-list vote but felt that it could lure local power brokers into standing in single-mandate constituencies under the UNM party banner. (In every Georgian Parliament, the single-mandate members—who are local bosses, not party members—have supported the progovernment faction.) In all, Parliament changed the electoral laws six times between 2004 and 2008, without broad public debate or consensus among the main political players.

The second point of contention concerned the composition of electoral commissions. The newly amended (2005) election code abolished the previous system of party representation on the electoral commissions, replacing party representatives with professional election administrators appointed by the president and Parliament. This reform effectively overturned a 2003 compromise recommended by U.S. special envoy and former secretary of state James Baker that was implemented in response to concerns about the integrity of the electoral process.

The UNM proposed to maintain the 7 percent threshold for parties to enter Parliament by party lists, despite international recommendations to reduce the requirement to 4 or 5 percent. At the height of UNM popularity in 2004, only one other party passed the threshold, though it was argued that small parties would combine to clear it in the next parliamentary elections. In the event, after the formation of the UNC and the unity it demonstrated in the winter of 2007–2008, the threshold was reduced to 5 percent, thereby encouraging small parties to compete

independently of the opposition alliance and alleviating the threat to the ruling party.

The 2006 municipal elections were conducted under the new system of electoral administration. Election day was set earlier than anticipated, leaving little time for campaigning. The governing party, meanwhile, had state resources at its disposal for campaign purposes. Mayors were elected by the municipal councils even though 89 percent of the population favored the direct election of mayors, according to a 2005 opinion poll.<sup>11</sup> Election observers noted the virtual merger of the UNM with the electoral commissions at the local level as one of the shortcomings of the process, but overall deemed the contest free and fair.

During their first three years in office, the UNM's arbitrary and shortsighted amendments to the electoral system had created a situation in which there was no consensus between the government and the opposition about the rules of political competition. The UNM created a system that hampers the emergence of strong political parties and perpetuates the ruling party's virtual monopoly over Georgian government at all levels.

## **The President versus the Opposition**

The latent tensions that had built up between the government and the opposition over the previous three years erupted into a full-blown crisis in November 2007. The immediate catalyst was a scandal revealed by Irakly Okruashvili, former defense minister and interior minister and a once-close associate of Saakashvili. On 25 September 2007, Okruashvili announced that he was forming a new opposition party, For a United Georgia, and publicly accused Saakashvili of a variety of crimes: ordering the release of the president's uncle (who had been arrested for racketeering); ordering the assassination of the billionaire owner of Imedi TV, Arkady "Badri" Patarkatsishvili; and covering up the true story of Zhvania's mysterious death in February 2005. Okruashvili and several associates were arrested two days later on charges of racketeering, sparking a mass rally on September 28 to protest the arrests. This conflict between the president and his former minister highlighted a multitude of related grievances: Georgians were angry that the anticorruption campaign was selective and politically motivated; that while petty corruption among ordinary civil servants was severely punished, the political elite could commit crimes with impunity; that basic freedoms, such as freedom of expression, were being curtailed; and that the rules of political competition were unfair.

That fall, nine parties came together to form the United National Council (UNC) opposition bloc. These parties varied in constituency, ideology, and history. Some had been aligned with the UNM during the Rose Revolution and were headed by former ministers in Saakashvili's

government. The leadership of these parties believed that the UNM was failing to fulfill the promises of the Rose Revolution. Other parties in the coalition, such as New Rights (which joined in 2008) and Labor, had opposed as unconstitutional the methods of Saakashvili and his supporters during the Rose Revolution.

These diverse parties were nonetheless united around a program of reversing the decline of democratic values and independent institutions. The opposition's manifesto called for restoring constitutional checks and balances, strengthening the judiciary, curbing arbitrary police power, ending pressure against the media, and establishing the direct election of mayors and governors.<sup>12</sup> The UNC had some additional immediate demands: the release of all political prisoners, altering the conditions under which the parliamentary elections would be contested, holding the elections in the spring of 2008, representing all the political parties on electoral commissions, and electing all MPs via party lists.

The UNC came together to coordinate protests, and on 17 October 2007 called for early parliamentary elections to be held in April 2008. Beginning on November 2, crowds of up to fifty-thousand people peacefully assembled in Tbilisi. The demonstrations were put down suddenly and violently five days later, injuring more than five-hundred people. Saakashvili declared a fifteen-day state of emergency and banned private television stations from reporting the news. Although some of the speakers began calling for the president's resignation, the government's claims that a pro-Russian coup was planned have not been substantiated.

According to domestic observers and Human Rights Watch, police used excessive force several times throughout the day, beating protesters and others—including the Human Rights Ombudsman (even after he had identified himself to the police) as well as opposition leader Koba Davitashvili.<sup>13</sup> Special Forces raided the office of Imedi, Georgia's most popular television station, and intimidated the staff, making them lie on the floor at gunpoint while troops smashed the station's equipment. Imedi was shut down temporarily during the state of emergency, along with all other private broadcasters. Whereas other stations were later allowed to resume programming, Imedi was up for only two weeks in December. Following Patarkatsishvili's death in February 2008, Imedi was transferred to new owners.

To resolve the crisis, Saakashvili called a snap presidential election to be held on January 5, along with a plebiscite on NATO membership and on the timing of the parliamentary elections. According to official results, Saakashvili received 53 percent of the vote (just enough to avoid a runoff), and UNC candidate Levan Gachechiladze received 26 percent. Five other opposition candidates ran in the first round of presidential elections. They reasoned that they had better prospects of stopping Saakashvili if they all ran and galvanized their respective supporters. The opposition agreed that, in the event of a run-off, the other candidates

would support Gachechiladze. According to official results, Patarkatsishvili won 7.1 percent, David Gamkrelidze of the New Rights Party won 4 percent, Shalva Natelashvili of the Georgian Labor Party won 6.5 percent, and the two other candidates won less than 1 percent each. The UNC's achievements were nonetheless substantial; it maintained a

coalition united behind a single candidate and, despite limited resources and limited access to the media, received just over a quarter of the vote.<sup>14</sup>

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There were widespread doubts in Georgia about whether Saakashvili's slim first-round majority was genuine. With Tbilisi lost, the president's support came disproportionately from remote ethnic-minority areas notorious for vote fraud and widespread use of administrative resources. The Organization for Security and Co-operation in Europe (OSCE) reported that in 24 percent of the precincts that it observed in

these areas, the vote-tally process was "bad" or "very bad." There were widespread reports of various types of electoral irregularities—ranging from intimidation, to inaccurate voter lists and vote tallies, to failure to adjudicate complaints. A parallel vote tabulation showed 50.8 percent for Saakashvili with a 2.2 percent margin of error.

With such a narrow victory, it is not surprising that international monitors concluded that there was "no mass fraud," while at the same time the opposition concluded that there was just enough fraud to affect the outcome. The opposition did not recognize the official results and called for a runoff election between Gachechiladze and Saakashvili. It also called for a recount and proposed using video of polling stations to check the veracity of the counts. When the government rejected these demands, the opposition held two massive rallies of more than 200,000 protesters in Tbilisi in late January.

To end the demonstrations, the international community and the opposition struck an implicit bargain: The former would bring pressure to bear on the government to improve the electoral framework in time for the May parliamentary elections, and the latter would participate constructively and refrain from further street action. Indeed, certain improvements were achieved. The threshold for entering Parliament was reduced to 5 percent, political-party representatives were included on the electoral commissions at all levels, and certain voting procedures were reformed. Negotiations broke down in March, however, when constitutional amendments were passed to increase the number of majoritarian seats from 50 to 75. Although the opposition charged that this

change unfairly benefited the ruling party, it had no means of effectively opposing the amendment. A seeming technicality, this was a grave issue that could have meant the difference between a simple majority and a constitutional majority for the UNM in the next Parliament. Opposition MPs, outraged and powerless, then made a tactical error by going on hunger strike. During the strike, Saakashvili visited Washington and had a meeting with President George W. Bush, who praised his Georgian counterpart effusively, bringing into sharp relief the contrast between the president's international success and the opposition's impotence.

In the May 21 parliamentary elections, the UNM retained a constitutional majority—119 out of 150 seats (including 71 of the 75 majoritarian seats)—and the opposition protested that the results had been falsified. The UNC won 17 seats, Labor won 6, and the new Christian Democrats also won 6. The two main domestic election-observation organizations, the International Society for Fair Elections and Democracy and the Georgian Young Lawyers' Association, noted in their joint preliminary report that they had witnessed coercion and intimidation during the parliamentary elections, and that election observers had even been thrown out of some polling stations. The Human Rights Center likewise documented harassment of local election-commission members, the use of administrative resources, the presence of police and security services at polling stations, and twelve separate incidents of masked assailants beating opposition activists. The OSCE issued a more guarded assessment than it had in January, forgoing any judgment as to whether the contest met international standards. It noted improvements since the presidential poll in electoral administration and the procedures for reviewing complaints but did not consider the impact of the harassment and intimidation cited by domestic observers.

The opposition held another huge rally on May 26, Georgia's Independence Day, and announced that it would attempt to prevent Parliament from convening and that opposition MPs would boycott if it did meet. In the end, Parliament opened three days early, and the roughly 40 percent of the population who voted for Gachechiladze and other opposition candidates in January—all boycotting—now have no representation. The new Parliament is expected to be more dependent on the executive and more docile than at any time since Georgia regained independence. This situation is not conducive to dialogue between the ruling party and the opposition, and is more likely to breed new conflicts without addressing the fundamental issues of democracy and justice.

## Restoring Stability

Georgia's progress toward democracy has been complicated and fitful over its entire post-Soviet history. Since the Shevardnadze period, liberal democracy and fundamental human rights have been in retreat. The

1995 Constitution provided for checks and balances among the branches of government. The many constitutional amendments since 2004, however, have vested the preponderance of power in the executive alone. Thus the laudable achievements of Saakashvili's state-building program have come at the high price of a superpresidential political system. The government acts unilaterally according to the principle that "the ends justify the means," violating basic human rights and failing to achieve consent from other political forces or the nation as a whole.

With respect to Georgia's progress toward free and fair elections, there have been different appraisals. Although international observers assessed the 2008 presidential and parliamentary elections more positively than did much of the Georgian public and NGO community, this likely stems from their differing frames of reference. International observers, in comparing these elections with the blatant and massive electoral fraud of November 2003, saw improvements. Georgians, meanwhile, saw the manipulation of the system as a whole—the altering of the constitutional and legal framework, the use of state resources, and the control of the media by the ruling party—in addition to the documented electoral irregularities. These perceptions continue to sow doubt in the minds of the electorate.<sup>15</sup> As a result, the "Georgian public remains deeply polarized."<sup>16</sup> Even before the Russian invasion, there was a growing realization that "the Georgian government had grown disconnected from certain segments of society," and that the "political system . . . seemed to be structured to prevent the development of a vibrant opposition."<sup>17</sup>

The Russian invasion has temporarily united all political factions in Georgia around safeguarding the state and its citizens, and the leaders of the main opposition parties have called for a "moratorium" on confrontation with the government. Once the crisis abates, however, calls for constitutional reform and new parliamentary elections will ring anew. Moreover, the opposition is already demanding a detailed inquiry into how the decisions to use force were reached—both against demonstrators in November 2007 and in August against the South Ossetian capital of Tskhinvali.

For the foreseeable future, Georgia's national security, indeed its very survival as a state, will continue to be threatened by Russia's military, its aggressive foreign policy, and its economic and political might. Internal instability—a new revolution or an extraconstitutional transfer of power—would further imperil the country. Only stable and truly democratic political processes, as well as political moderation and compromise (all preconditions for North Atlantic and European integration), can keep Georgia from descending again into poverty, chaos, and violence.

UNM ideologues argued in 2004 that temporarily curtailing some aspects of the competitive political process was necessary to achieve the state-building goals of the Rose Revolution. Now that many of

these goals have been achieved, the constitutional balance between the branches of government should be restored. This means that the presidency should relinquish much of the power that it has acquired under Saakashvili and that a more appropriate division of power should be established between the central and local governments.

In addition, the fundamental rules of electoral competition must remain stable and predictable to avoid jeopardizing trust in the political system as a whole, and elections in Georgia must be free and fair. Some steps in that direction have already been made—for example, after the 2008 presidential election, the electoral commissions at all levels were reformed to include representatives of opposition political parties—but further measures are required. Free and fair elections would result in a more representative and pluralistic legislature and would help to foster an environment for constructive political opposition. A new Parliament could enact legislation that would restore media independence and provide oversight of the police, military, and security services. Such reforms could rebuild confidence in the political process, contribute to the rule of law, lead to greater public consent, and end the current confrontational and polarizing mode of politics. Then, finally, the destructive cycle of tradeoffs between democracy-building and state-building could come to a close.

—10 September 2008

## NOTES

1. Steve Crabtree and Neli Esipova, "Former Soviet Populations Value Democracy," 1 May 2008; available at [www.gallup.com/poll/106930/Former-Soviet-Populations-Value-Democracy.aspx](http://www.gallup.com/poll/106930/Former-Soviet-Populations-Value-Democracy.aspx).

2. Thomas Goltz, "Letter from Eurasia: The Hidden Russian Hand," *Foreign Policy*, 22 September 1993; Fiona Hill and Pamela Jewett, *Back in the USSR: Russian Intervention in the Republics of the Former Soviet Union* (Cambridge: Harvard University Press, 1994).

3. The results of the fraudulent parliamentary election of November 2003 were annulled only with respect to party lists, and the 85 members representing single-mandate constituencies ("majoritarians") who were elected in November 2003 remained in the new Parliament. Moreover, 20 UNM single-mandate MPs formed a separate faction (called "Majoritarians") so that the New Rights–Industrialists, with 17 members, would not have the rights of the largest minority faction.

4. Arkady Ostrovsky, "How to Be a Founding Father," *Financial Times*, 9 July 2004.

5. World Bank, *Doing Business 2007: How to Reform* (Washington, D.C.: World Bank, 2006).

6. Robert E. Christiansen, "Property Rights, Institutions and Growth: Will Georgia Make the Transition?" Presentation delivered at Cato Conference, Tbilisi, Georgia, 26 October 2006.

7. Saakashvili says that he is pursuing a project of cultural transformation, which is a far more sweeping program than merely free elections. See Gideon Rachman, "Lunch



with the FT: Mikheil Saakashvili," *Financial Times*, 25 April 2008. For more about the Georgian government's vision of itself as a vehicle for revolutionary social transformation, see Vicken Cheterian, "Georgia's Rose Revolution: Change or Repetition? Tension between State-Building and Modernization Projects," *Nationalities Papers* 36 (September 2008): 689–712.

8. There is a detailed analysis of the constitutional amendments and their implications in Irakly Areshidze, *Democracy and Autocracy in Eurasia: Georgia in Transition* (East Lansing: Michigan State University Press, 2007) 197–210.

9. Ghia Nodia and Alvaro Pinto Scholtbach, *The Political Landscape of Georgia—Political Parties: Achievements, Challenges, and Prospects* (Delft: Eburon, 2006), 50–59.

10. Nodia and Scholtbach, *Political Landscape of Georgia*.

11. ISFED/GORBI, "Results of the Public Opinion Poll on Self-Government Issues in Georgia," 19 December 2005; available at [www.isfed.ge/old/statement\\_eng.htm](http://www.isfed.ge/old/statement_eng.htm).

12. See "Manifesto of National Council of the General Public Movement," available at [www.civil.ge/eng/article.php?id=16044&search=](http://www.civil.ge/eng/article.php?id=16044&search=). Membership in the UNC fluctuated between the founding of the opposition alliance in October and the parliamentary election in May 2008 when the New Rights Party participated as part of the UNC while the Republican and Labor parties competed independently.

13. Human Rights Watch, "Crossing the Line: Georgia's Violent Dispersal of Protestors and Raid on Imedi Television," December 2007; available at <http://hrw.org/reports/2007/georgia1207>.

14. The united opposition spent about US\$465,000 on the campaign, whereas Saakashvili's campaign spent \$14.4 million. See "Gel 721,000 spent on Gachechiladze Election Campaign," *Civil Georgia*, 21 February 2008; available at [www.civil.ge/eng/article.php?id=17163&search=saakashvili percent20and percent20campaign percent20funds](http://www.civil.ge/eng/article.php?id=17163&search=saakashvili%20and%20campaign%20funds).

15. Statement of the NDI Pre-Election Delegation to Georgia's 2008 Parliamentary Election, 2 May 2008; ODIHR, "Statement of Preliminary Findings, Georgian Parliamentary Elections," 22 May 2008; available at [www.osce.org/documents/odihhr/2008/05/31268\\_en.pdf](http://www.osce.org/documents/odihhr/2008/05/31268_en.pdf). (No final report has been made.)

16. Daniel Fried, Assistant Secretary of State, Testimony before the House Foreign Affairs Committee, "The Caucasus: Frozen Conflicts and Closed Borders," 18 June 2008.

17. Fried, "The Caucasus."