

IFP DEMOCRATISATION AND TRANSITIONAL JUSTICE CLUSTER  
COUNTRY CASE STUDY: GEORGIA

SOCIAL RELATIONS AND  
GOVERNANCE IN JAVAKHETI,  
GEORGIA

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## ACRONYMS

<b>AP</b>	Action Plan
<b>CFE</b>	Treaty on Conventional Armed Forces in Europe
<b>CSOs</b>	Civil society organisations
<b>CSP</b>	Country Strategy Paper
<b>CUG</b>	Citizens' Union of Georgia
<b>DfID</b>	UK Department for International Development
<b>ECMI</b>	European Center for Minority Issues
<b>ECRML</b>	European Charter for Regional or Minority Languages
<b>EIDHR</b>	European Instrument for Democracy and Human Rights
<b>ENP</b>	European Neighbourhood Policy
<b>ENPI</b>	European Neighbourhood and Partnership Instrument
<b>FDI</b>	Foreign Direct Investment
<b>GDP</b>	Gross Domestic Product
<b>IDPs</b>	Internally displaced persons
<b>JCF</b>	Javakheti Citizen's Forum
<b>JEMM</b>	Javakheti Youth Sport Union
<b>MCG</b>	Millennium Challenge Georgia
<b>NGOs</b>	Non-governmental organisations
<b>OSCE</b>	Organisation for Security and Cooperation in Europe
<b>OSGF</b>	Open Society Georgian Foundation
<b>SDC</b>	Swiss Agency for Development and Cooperation
<b>SMRI</b>	State Ministry for Reintegration Issues
<b>SSAF</b>	State-Society Analytical Framework
<b>TACIS</b>	Technical Aid to the Commonwealth of Independent States
<b>UNDP</b>	UN Development Programme
<b>UNM</b>	United National Movement

## EXECUTIVE SUMMARY

Georgia's majority ethnic-Armenian region of Javakheti is regarded by some as a potential flashpoint for conflict. While this may overstate the case, the region's problems make it a legitimate concern for Georgia and the international community. Javakheti suffers from a legacy of geographic, political and social isolation from the rest of the country; this reality has had a profound impact upon systems of governance and accountability within the region and in relation to the centre. The following analysis pinpoints challenges to good governance within the formal and informal structures and relations in place in Javakheti.

Georgia has undergone dramatic reforms in governance and the economy since the 2003 Rose Revolution. The constitution and recently-enacted legislation provide for civil liberties, minority and women's rights, and universal suffrage. Formal parliamentary and electoral mechanisms are consistent with those of advanced liberal democracies.

In practice, however, the exercise of rights and liberties does not live up to legal guarantees. The conduct of elections, consolidation of power in the executive, backsliding on rule of law, and diminished media independence since the Rose Revolution have harmed Georgia's democratic credentials, and reflect a limited degree of civil society participation in governing processes. It is also not altogether surprising. Many international observers hailed the Rose Revolution as the advent of a newly democratic philosophy and approach to governance. In reality, President Mikheil Saakashvili and his associates had zeal for reform, but not for democracy as such. They were not reflexively *anti*-democratic; to the extent that actual democratisation (or public appeals to such) furthered their reform agenda – combating corruption, spurring economic growth, restoring territorial integrity, and advancing European and Euro-Atlantic integration – at the same time they had no reason to oppose it. But, more often, procedural democracy has been perceived by government officials as sand in the gears of reform. Accommodating the divergent interests and views of different segments of society and political factions slows the adoption and implementation of reforms, as does a strict adherence to the separation of powers, as does a free media.

Yet it is through such an arduous process – accommodating political pluralism, enabling and encouraging inclusive public participation, institutionalising a system of institutional checks and balances – that a democratic culture emerges, based upon accountable and transparent governance. Shortcuts along this path lessen incentives for good governance and decrease both opportunities for, and belief in the value of, participatory democracy. “Incomplete” democratisation processes can contribute to a weakening of state-society relations and the potential eruption of social conflict.

The State-Society Analytical Framework (SSAF) methodology, on which this study is based, was developed in order to identify the particular characteristics of governance processes in conflict-affected or at-risk countries, and how these characteristics may inadvertently or explicitly contribute to state fragility and/or violent conflict. It addresses both formal and informal structures and relations of power between state and society, and in particular, how the formal and informal relate to one another. In this way, the SSAF reveals more clearly the existing systems of accountability that serve to complement, replace or compete with formal accountability structures established at the central level. It also allows us to identify the challenges to effective governance, as well as the entry points for improving governance while working within the existing formal and informal frameworks in place.

In the mid-1990s, the local population in Javakheti, economically, politically and linguistically isolated from the rest of Georgia, developed governance systems on the basis of family and friendship networks on which ethnic identities were based. Local power brokers became basic providers of goods, increased their importance

and at the same time legitimised themselves through merging with the state. The consolidation of the central government's control was achieved through its mastery of patron-client relations. Instead of establishing rule of law and carrying out national integration policies, control over the region was achieved by legitimising local influential power holders and incorporating them into the formal state structures by granting them high positions in the local administration or parliamentary mandates.

The centre was able to maintain stability in the region by balancing local authorities over one another. This consolidated the power of the central government, without requiring the centre to invest in the economy and infrastructure, or more formal democratic governance processes needed to develop a democratic culture. These governance patterns based on arrangements between the centre and loyal local authorities are still partially in practice, which, due to socio-economic dependence of the local population on these same local power structures and limited engagement by the central government, leaves little space for the creation of a vibrant civil society. Access to public and administrative information is scarce, educational opportunities are focused on acquiring Georgian language skills rather than civic participation more generally, and there is a noted lack of faith in institutions (executive, legislative and judicial, particularly law-enforcement agencies). Thus, the very factors and dynamics that help maintain stability in the province – i.e. the governance structures and centre-regional arrangements by which a few influential individuals are involved in providing economic benefits to the local population – also constrain the region's opportunities for democratisation.

This report provides an overview of the formal and informal dimensions of governance in Javakheti and Georgia in order to provide external actors with a snapshot of both the challenges to and opportunities for improved governance based on the realities of existing power dynamics. In parallel with a more general process focusing on democratisation in Georgia, external actors should target specific assistance to the Javakheti region to overcome the gap existing in relation to the rest of the country. To support democratic progress and the maturation of a democratic political culture, alternative employment opportunities and means of development should be provided to reduce the population's current dependence on only a few power brokers. In particular, more attention needs to be paid to improving knowledge of democracy and good governance systems, through civic education programmes, strengthening access to public information in both Georgian and, particularly, in minority languages, and enhancing the variety of media sources available.

**Keywords:** Georgia, Javakheti, governance.

## BACKGROUND

Javakheti consists of two districts (Ninotsminda and Akhalkalaki) of the six in the Georgian administrative region of Samtskhe-Javakheti. The population of Javakheti is overwhelmingly ethnic Armenian; the district of Akhaltsikhe, which contains the region's administrative capital, is approximately one-half Armenian.<sup>1</sup> Armenians account for approximately six percent of the population of Georgia, with about 150,000 living in Samtskhe-Javakheti.

Javakheti lies along Georgia's border with the Republic of Armenia, in mountainous terrain. Its geographic isolation has been compounded by poor infrastructure linking it with the rest of Georgia, stronger cultural ties with Armenia than with the Georgian state, and a legacy of neglect by the national government in Tbilisi. Javakheti's economy is primarily agricultural; the principal cash employer of recent years was a Russian military base that was recently handed over to Georgia, and the jobs have not remained. Few Armenians speak Georgian well, and as political documents and legislation are written in Georgian only, this limits their opportunities for full participation in the state. In recent years, Tbilisi has sought to redress this isolation to a certain extent and to promote integration of Javakheti through investment in infrastructure, education, and social services; legislation guaranteeing rights to national minorities; and other efforts to promote the multi-ethnic character of the Georgian state. Despite these efforts, the government has yet to adopt a fully conflict-sensitive approach in its relations with minority regions, which is critical to understand the *impact* of its actions as well as how its actions are *perceived* by local populations.

Javakheti has not experienced serious conflict or major human rights abuses, but minor skirmishes, ongoing tensions and resentments, external agitation, and more serious conflicts elsewhere in the South Caucasus create the *potential* for conflict in the district.<sup>2</sup> The Georgian government and international donors have taken an interest in defusing this potential and integrating Javakheti with Georgia economically, socially as well as politically, while respecting the rights of its residents of all ethnicities. This in particular requires more attention to be paid to providing opportunities for economic and social integration as will be recommended in this paper.

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<sup>1</sup> For ease of reading, "Armenian" will refer to Georgian citizens who are ethnic Armenians, unless otherwise specified.

<sup>2</sup> We stress *potential*, as we do not regard conflict as at all likely, even in the absence of active conflict-prevention measures. An influential recent report that suggested that the risk of conflict is high is not taken seriously by local experts, who argue that inflammatory assessments hinder real efforts at progress.

## FOUNDATIONAL FACTORS

This section outlines the geographic, economic and social features that have shaped the political landscape and systems of governance in place in Georgia. These are based both on geographic characteristics as well as historical processes of state formation and nation building. “Foundational factors” are integral to understanding current geopolitical developments as well as continuing challenges to effective governance.

### GEOPOLITICAL POSITION

Georgia’s geopolitical position has always been precarious. Over its long history as a nation, Georgia was caught between the much larger Russian, Turkish and Persian nations, and frequently subject to invasion and domination. Two centuries ago, it sought the protection of the Russian Empire, which led to allegiance to Moscow until independence.

Today, Georgia faces several cross-border concerns. Two regions of Georgia, South Ossetia and Abkhazia, sought to secede in the early 1990s, and have been out of Georgia’s control since. South Ossetia has a mixed population of ethnic Ossetes<sup>3</sup> (kin to the inhabitants of North Ossetia-Alania in the Russian Federation) and Abkhazia has a mix of ethnic Abkhaz,<sup>4</sup> Georgians and Armenians. The status of these regions remains unsettled and they are often referred to as “frozen conflicts”, an oft-debated term. They are also often characterised as ethnic conflicts, which is a gross oversimplification.

In August 2008, the ongoing low-level conflict in South Ossetia erupted into a brief but intense war between Georgia and Russia, which yielded a formal Russian recognition of the independence of South Ossetia and Abkhazia, and the almost-total removal of ethnic Georgians from South Ossetia. Russia now exercises essentially complete control over the two regions, and their future is unclear; the international community still recognises Georgian sovereignty.

The principal strategic resource at stake is Georgia’s location, which makes it the only attractive alternative to Russia as a transit route for Caspian Basin hydrocarbons to reach the European market. Two recently constructed pipelines from Azerbaijan to Turkey cross Georgia, and the competition for future export routes is intense. Russia also has strategic partnerships with Armenia and Iran, and seeks a secure north-south transit route through Georgia.

On Georgia’s southern border are Turkey, Armenia and Azerbaijan. A large population of speakers of a Georgian-family language lives in northeastern Turkey; they do not pose an irredentist threat, and there are no territorial disputes between Georgia and Turkey. Approximately six percent of the population of Georgia is ethnic Armenian, most of whom live in the Akhalkalaki and Ninotsminda districts of the Samtskhe-Javakheti region, along the Turkish and Armenian borders.<sup>5</sup> Despite some inflammatory reports to the contrary, there is little of an irredentist threat, and official Armenian policy does not seek to weaken Georgia through its Armenian minority. Approximately seven percent of the Georgian population is ethnic Azeri, most of whom live in the Kvemo Kartli region along the Azerbaijan border; a small number of ethnic Georgians live near the border, in Azerbaijan. There

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3 Large numbers of Ossetes live within Georgia proper, as well.

4 There is no other compact settlement of Abkhaz, but the Abkhaz diaspora in Turkey is large, and the Abkhaz are related to some other ethnic groups in the North Caucasus.

5 Throughout this report, “Georgian” may refer to ethnic Georgians or to citizens of Georgia, depending on the context; if there is any ambiguity, the distinction will be made clear. Unless otherwise specified, “Armenian” and “Azeri” will refer to Georgian citizens of the respective ethnicities.

is no irredentist threat from either. Most Armenians and Azeris are compactly settled and segregated from one another, but there is some degree of trade between the communities.

Georgia has cordial relations with all of its southern neighbours, generally better with Turkey and Azerbaijan than with Armenia. These relations are, however, in flux, and all parties must take into concern their relations with Russia. Georgian-Russian relations are of particular concern to Armenia, as many Armenians work and live in Russia, and the closing of the Georgia-Russia border hit them hard. Armenia is landlocked, and its borders with Turkey and Azerbaijan are closed,<sup>6</sup> so transit and trade routes through Georgia are crucial for Armenia's access to Russia and Europe.

Further abroad, there is a small Georgian diaspora in Iran, with which Georgia has good relations. The only other minority community in Georgia that influences its foreign relations is the Pontic Greek minority, most of whom live among Armenians in a predominantly Azeri region.

## GEOGRAPHY AND CLIMATE

Georgia has a diverse geography and climate, with a major mountain range to the north, a lesser range across the south and a central plain where most of the population lives. The Black Sea coast is subtropical, the southeast is arid, and the south is a high plain. Georgia has good soil and abundant rainfall, except in the southeast, and is not densely populated,<sup>7</sup> so competition for scarce resources is not a particular, inherent source of conflict. Mountain regions are subject to landslides, which have left many villages uninhabitable. Government policy, in Soviet times and since independence, has often been to transfer the affected populations to a different region of the country. In particular, ecological refugees from Ajara (Muslim Georgians) have been relocated to Samtskhe-Javakheti (Adigeni and Aspindza districts), where they have had trouble adjusting and are isolated from neighbouring villages.

The Georgian state's lack of control over all of its territory owes little to geography; Abkhazia is separated from the rest of Georgia by a river, which is crossed by many bridges, and the administrative border with South Ossetia runs through the central plain and mountain valleys. The most isolated region of the country has been Javakheti, which occupies a high plain. Roads connecting the region to the rest of the country have been poorly maintained and, until recently, the state had very little presence there. Close cultural, familial, and infrastructural ties with Armenia further compounded this isolation. Despite high levels of literacy and agricultural-production potential, this isolation has left Javakheti as one of the poorest regions of Georgia.

## POLITICAL HISTORICAL BACKDROP

The most powerful forces shaping the sense of political community in Georgia today are the legacies of two centuries of Czarist and Soviet rule. Russian rule in the 19th century imposed the Russian language and subordinated the Georgian Orthodox Church, kindling a kind of Georgian romanticism among the intelligentsia, which consolidated a Georgian national identity – principally as against the Russian identity, rather than to the exclusion of indigenous minorities.<sup>8</sup>

Georgia's brief period of independence, in 1918–1921, saw a burst of progressive legislation and reforms, including laws on citizenship, the political-administrative arrangement of ethnic enclaves, and national policy on languages in education. There were also incipient ethnic-territorial conflicts, symptomatic of all breakups of empires, but put down by the imposition of Soviet rule.<sup>9</sup>

While the Soviet Union abolished the sovereignty of the Georgian state, it allowed for a degree of local control over the Republic's institutions, and some promotion of national culture, perhaps more so than the titular nationalities

<sup>6</sup> There are recent, promising signs of a thaw in Armenian-Turkish relations, but the Nagorno-Karabakh situation is as threatening as ever.

<sup>7</sup> The current population is about 4.6 million – about 800,000 less than before independence.

<sup>8</sup> See: R.G. Suny (1998). *The making of the Georgian nation*. Indianapolis, US: Indiana University Press.

<sup>9</sup> See: S.F. Jones (2005). *Socialism in Georgian colors: The European road to social democracy 1883-1917*. Cambridge, US: Harvard University Press.

were allowed in republics other than Russia. Alienation from the state contributed to both a consolidation of ethnic identity and what one writer calls a '(neo-) patrimonial society: nepotism, regionalism (tribalism), clannish attitudes and, regional and national-level clientelism'.<sup>10</sup>

Georgia's campaign for independence from the Soviet Union was led by the dissident Zviad Gamsakhurdia, a firebrand Georgian nationalist, whose slogan was 'Georgia for the Georgians'.<sup>11</sup> In the 1990s, the combination of a weak and troubled Georgian state and the simultaneous establishment of other independent states of minorities' titular ethnicities led to mass emigration, so that ethnic Georgians accounted for an increasing share of the population. The reemergence of the Georgian Orthodox Church, after nearly a century of suppression, also fed Georgian nationalism. This erupted in 1999 over the draft Law on Civil Acts, which would remove ethnicity from the new Georgian passports, which had until then continued the Soviet tradition. Opponents insisted that the measure would lead to a loss of Georgian national (as against civic) identity.<sup>12</sup>

Gamsakhurdia was deposed after only a year as president, which ushered in the Shevardnadze era, lasting from 1995 until his resignation in the wake of the Rose Revolution in November 2003. President Saakashvili has presented something of a mixed picture. He drew on wellsprings of Georgian pride and resentment, changed the Georgian flag to a medieval crusaders' flag, and was inaugurated at the cathedral tomb of a king from the era of Georgia's greatest power. At the same time, he speaks often and forcefully of Georgia's diverse character and heritage, with specific appeals to all ethnic and confessional groups.

Relations between the Georgian and Armenian nations – and between Georgians and Armenians – have been complicated. They share much in their histories: both have been Christian since the 4th century, later to be surrounded by Muslim peoples; and each has an ancient language with a unique alphabet. Until the early 20th century, Armenians were the largest ethnic group in Tbilisi. In Javakheti today, there is plenty of discontent with, on the one hand, Tbilisi's longstanding neglect of the region and, on the other hand, its newly proactive policies to integrate the region through an aggressive language policy. This does not seem, however, to have translated into hostility towards Georgians – neither those in the region nor the collective. Despite Georgia's obvious cultural and religious affinities with Armenia, relations between Georgia and Muslim Azerbaijan generally have been closer than those with Christian Armenia.

## SOCIAL SYSTEM AND ITS FOUNDATIONAL IMPACTS ON POLITICS AND THE ECONOMY

Georgia is now approximately 84 percent ethnic Georgian, seven percent Azeri and six percent Armenian, with other indigenous and Soviet-republic minorities accounting for about four percent.

Georgia has no tradition of a caste system, nor formal hierarchy of ethnic groups.<sup>13</sup> Traditionally, ethnic Georgians were agrarian, and the merchant classes in the cities were largely Armenian and, to a lesser extent, Jewish and other minorities. Under the Russian Empire and Soviet Union, Russians were a small part of the population, and occupied positions of political authority and control, but did not economically subjugate the Georgian majority or patronise other minorities. Today, political control in minority regions is exercised by members of the local community. These local power brokers typically have ties with patrons in Tbilisi, but this is the case with local politicians in Georgian communities as well. At the national level, there are very few minorities in positions of power.

Today, there is no rigid social stratification, but there is significant segregation, due principally to language and culture. In Soviet times, the *lingua franca* was Russian, which all educated people spoke well, and most labourers and rural people spoke adequately, regardless of ethnicity. Today, Georgian is the official language, and opportunities for political and economic participation are limited among those who do not speak Georgian well.

10 S. Mekhuzla (2008). *Citizenship and nation-building in Georgia and Ukraine: How different models of citizenship were positioned within the political vision of ruling elites in the process of nation building*. MA thesis, Tbilisi State University. p.22.

11 For an account of the transition from Soviet rule to independence, see: J. Wheatley (2005). *Georgia from national awakening to Rose Revolution: Delayed transition in the former Soviet Union*. London, UK: Ashgate.

12 A. Matveeva (2002). *The South Caucasus: Nationalism, conflict and minorities*. London, UK: Minority Rights Group International.

13 The very small population of Roma are, as elsewhere, almost universally scorned and disenfranchised.

In the compactly settled Armenian and Azeri regions, few minorities speak Georgian, owing both to neglect from the centre and resistance in the regions. Higher education is unavailable to those who do not speak Georgian.

Georgia has a long history of elite corruption and patronage, organised crime cartels, and rent-seeking abetted by foreign assistance, all of which contributed to conflicts.<sup>14</sup> While it cannot be said that these traditions have been entirely erased, the post-Rose Revolution government mostly eliminated the notorious “thieves-in-law” that surrounded President Shevardnadze and, essentially, controlled Georgia’s economy.<sup>15</sup> These criminal networks reflected all sectors of Georgian society, with Armenian and Azeri cartels operating in their respective regions, all in cahoots with authorities in Tbilisi. Rent-seeking behaviour by public officials remains a problem in Georgia.

Existing social relations define gender roles, which remain largely traditional throughout Georgia and especially in rural areas: men as supporters of the family, and women as responsible for the household. But these have started to change due to economic hardships, especially in urban areas, where women have adjusted to new realities and in many cases have become the sole supporter of the family – which has not, however, reduced their duties at home. Men generally enjoy more power both at home and in the public realm, supported by the tradition that family property is inherited by sons, while daughters should marry and move out. Few women hold influential posts within the government<sup>16</sup> or in business, and there are few on the party lists as well.<sup>17</sup> The situation is worse at the regional level. The traditional division of labour and functions as well as power tilts in support of men, so almost none of the influential posts within the region are held by women.

## SOURCES OF REVENUE

Until recently, the government of Georgia collected very little revenue from any source. Tax collection rates were low, on an already small economy, and most revenue officials were corrupt, so many payments did not reach the Treasury. Since the Rose Revolution, the economy has grown rapidly,<sup>18</sup> taxes and tariffs have been simplified which thereby reduces opportunities for corruption, so revenues have increased from 1.3 billion lari<sup>19</sup> in 2003 to more than 5 billion in 2007.<sup>20</sup> Tax revenues account for nearly three-quarters of this, 85 percent of which is VAT and personal and corporate income taxes. However, the distribution of tax revenues favours the middle and elite classes disproportionately. The urban and rural poor have not benefited equally from the economic growth, and the social welfare system allocations have not kept pace with increasing rates of inflation, which could lead to social unrest if not addressed adequately.

Extractive and commodities industries account for a small share of the Georgian economy, which is now based on construction, finance, and telecommunications. Employment was and remains predominantly agricultural, but the share of agriculture in Gross Domestic Product (GDP) has plummeted to only 11 percent. Total industrial production, including energy production, mining and forestry is 14 percent, and declining.<sup>21</sup> Foreign direct investment has increased sharply in recent years, amounting to US\$1.7 billion in 2007. Foreign aid has been a declining share of the economy, but still amounted to some US\$300 million in 2005.<sup>22</sup> Throughout the 1990s, much of the foreign aid was siphoned off by government officials, but oversight is much better today.

14 For example, see: A. Kukhianidze (2003). *Organized crime and smuggling through Abkhazia and its impact on Georgian-Abkhaz conflict resolution*. Tbilisi, Georgia: Transnational Crime and Corruption Centre.

15 For example, see: S. Closson (2006). ‘Political-economic stakeholder’s networks in 1990s Georgia’, Central Eurasian Studies Society (CESS) 6th Annual Conference, Harvard University, 1st October 2006; G. Slade (2007). ‘Georgia and Thieves-in-Law’, *Global Crime*, Vol. 8, No. 3. pp.271-276.

16 Although the former Speaker of the Parliament is a woman and is widely viewed as the most likely person to succeed President Saakashvili.

17 Only six of 150 MPs are women, the lowest percentage in Council of Europe member states. Source: Women in National Parliaments website, ‘World Classification’. Available at <http://www.ipu.org/wmn-e/classif.htm>.

18 2007 GDP of approximately \$10 billion (\$20 billion purchasing power parity, or PPP).

19 The current exchange rate is about 1.65 Georgian Lari (GEL) to the dollar.

20 Except where noted, all macroeconomic data in this section are from: Georgian-European Policy and Legal Advice Centre (GEPLAC) (2008). *Georgian economic trends*: May 2008. Tbilisi, Georgia. Available at <http://www.geplac.org/newfiles/GeorgianEconomicTrends/2008/May%202008%20engl.pdf>.

21 Until recently, scrap metal was the largest industrial export.

22 The recent war with Russia has dealt a blow to foreign direct investment (FDI) and spiked foreign assistance, at least in the near term. Donors have pledged more than US\$4 billion, much of which is for direct budgetary support; the allocation and potential for abuse is not yet clear. See: Transparency International Georgia (2008). *Aid to Georgia: Transparency, accountability and the JNA*. Tbilisi, Georgia. Available at [http://www.transparency.ge/files/215\\_447\\_426697\\_Aid%20to%20Georgia%20ENG.pdf](http://www.transparency.ge/files/215_447_426697_Aid%20to%20Georgia%20ENG.pdf).

## RULES OF THE GAME

### FORMAL FRAMEWORK

Here we consider the formal framework of laws and regulations that govern state-society relationships. Except where noted, the same principles of governance apply throughout Georgia. We also note general departures in practice from this framework. There are no statutes or other regimes that are specific to Samtskhe-Javakheti; differences in implementation and outcomes in that region will be addressed in the section entitled 'Assessing the Reality'.

### THE CONSTITUTION

The constitution of August 1995 states that the 'form of political order of Georgia is a democratic republic';<sup>23</sup> and while the constitution has been amended frequently, this foundational principle remains unchanged. The most significant amendments were enacted after the post-Rose Revolution government took office, in February 2004.<sup>24</sup> The aim of the amendments, which also introduced the positions of the Prime Minister and the Cabinet of Ministers, was to replace the presidential system of the 1995 constitution with a semi-presidential system on the French model.<sup>25</sup> Despite this apparent broadening of power, the ensuing years – under a breakneck programme of reforms – saw a consolidation of power in the executive and a marginalisation of parliament. There is widespread dissatisfaction with this consolidation of power, which has weakened the representative voice of the legislature and opportunities for greater public participation in, and awareness of, political processes. This dissatisfaction may yield a return to more diffuse governance, although this is not yet the case and will depend upon political developments.

The 1995 constitution provides for fundamental rights and freedoms of Georgian citizens, including equal opportunities. With regard to minorities, 'Citizens of Georgia shall be equal in social, economic, cultural and political life irrespective of their national, ethnic, religious or linguistic belonging. In accordance with universally recognised principles and rules of international law, they shall have the right to develop freely, without any discrimination and interference, their culture, to use their mother tongue in private and in public'.<sup>26</sup> The constitution of Georgia also provides for freedom of religion.<sup>27</sup> The government and the Georgian Orthodox Church signed a constitutional agreement (Concordat) in 2002, which recognises the special role of the Church in Georgia's history, and devolves authority over all internal religious matters to it.

### POLITICAL COMMUNITY

The 1990 Law on Citizenship granted citizenship to all those who were "permanent residents" on the territory of Georgia with a legal source of support by the time of the dissolution of the Soviet Union. Even so, building a Georgian civic identity and political community has remained a challenge, as the Soviet legacy of identifying the nation with the ethnos endures. This problem was evident in the discourse preceding the removal of ethnicity from state-issued identity documents.<sup>28</sup> During the Shevardnadze era, the government largely ignored issues of identity

<sup>23</sup> Constitution of Georgia, Article 1.

<sup>24</sup> Some analysts contend that the amendments were tailored to suit the revolutionary troika of Mikheil Saakashvili, Zurab Zhvania and Nino Burjanadze. For example, see: M. Muskhelishvili (2005). 'Constitutional changes in Georgia' in International Institute for Democracy and Electoral Assistance (International IDEA) and Caucasus Institute for Peace, Democracy and Development (CIPDD). *Constitutional/political reform process in Georgia, in Armenia and Azerbaijan: Political elite and voices of the people*. Tbilisi, Georgia: CIPDD.

<sup>25</sup> European Commission for Democracy Through Law (Venice Commission) (2004). *Draft Opinion on the Draft Amendments to the Constitution of Georgia, Opinion No. 281/2004*. Strasbourg, France, 6th February 2004.

<sup>26</sup> Constitution of Georgia, Article 38.

<sup>27</sup> Constitution of Georgia, Article 9.

<sup>28</sup> G. Nodia (2005). 'Georgia: Dimensions of insecurity' in B. Coppieters and R. Legvold (Eds.). *Statehood and security: Georgia after the Rose Revolution*. Cambridge, US: MIT Press.

and minority status. The new government has a more inclusive rhetoric, and has made efforts to reach out to citizens of Georgia, but has been criticised as reviving some of the hyper-nationalism of the Gamsakhurdia era.<sup>29</sup>

Language has been one of the most serious impediments to forming a unified political community.<sup>30</sup> According to the Administrative Code of Georgia (1999), administrative proceedings must be in Georgian, while the Law on Public Service (1998) requires that all public-sector employees speak Georgian. The law has proved impossible to enforce and has been enforced only spottily. Municipalities in Javakheti have made an effort to hire people proficient in Armenian and Georgian, but with little success.<sup>31</sup>

Georgia acceded to the Council of Europe in 1999 and took on obligations for a legal framework in line with international human- and minority-rights standards. Georgia ratified the Framework Convention for National Minorities in 2006 and submitted its first progress report in April 2007.<sup>32</sup> It has yet to sign and ratify the European Charter for Regional or Minority Languages (ECRML). The Charter is controversial in Georgia; some argue that recognition of minority languages might impede their integration; that the Charter is intended for countries where minority languages face disappearance; and that it might apply to the Georgian-family languages Svan and Mingrelian, thereby impeding those regions' integration.<sup>33</sup> However, observers find that recognition of minority languages need not prevent integration; in fact, it might facilitate it.

Minority communities are more inclined to study Georgian, but as almost all locals in Javakheti told us, Georgian-language programmes alone are of little value, without professional-skills training to improve the opportunities for employment. Further, these projects have not been accompanied by more comprehensive civic education programmes which explain how the political system functions, what rights citizens have to participate politically, and how increased political participation can be achieved in practice.

In 2008, the State Ministry for Reintegration Issues (SMRI) was assigned responsibility for social integration and minority issues, after a separate state ministry for civic integration was abolished. The SMRI is working closely with the Council on National Integration and Tolerance, chaired by the Presidential Advisor on National Integration, to elaborate a draft Strategy and Action Plan, which will be submitted to Parliament by the end of April 2009. The SMRI has opened regional representations in Akhalkalaki, headed by a local community representative (Armenian) and plans to open representations in other minority-dominant regions headed by local community representatives, including Tsalka (Greek) and Marneuli (Azeri).<sup>34</sup> The strategy covers education, state languages,<sup>35</sup> media and information accessibility, political integration and civic participation, social and regional integration, and cultural aspects of minority integration. According to Tamar Kintzurashvili, Advisor of the President on National Integration, after the Strategy and Action Plan is adopted, the government will have a clear commitment and guidelines to pursue minority integration; instead of a new law on minorities, existing legal acts will be amended to reflect the strategy.<sup>36</sup>

## INSTITUTIONAL POLITICAL FRAMEWORK

Constitutionally, the president is not the chief executive; rather, he 'exercises the domestic and foreign policy of the state' (Article 69), while 'the government guarantees the exercise of the executive power and the implementation of the domestic and foreign policies of the state. The government is responsible to the parliament and the president of Georgia' (Article 78). The prime minister is the head of the Cabinet. His main duty is to supervise the execution of major tasks assigned to the government by the president. Legislative initiative rests with parliamentary factions, committees, and individual MPs.

29 For example, see: R. English (2008). 'Georgia: The ignored history', *The New York Review of Books*, Vol. 55, No. 17.

30 Since 2003, significant steps have been taken to increase knowledge of Georgian within minority communities. The Organisation for Security and Cooperation in Europe (OSCE) and other international organisations have supported a range of programmes, from kindergarten to adult education. The state-sponsored Zurab Zhvania School of Public Administration in Kutaisi was established to train minorities in the Georgian language and public administration, to increase their numbers in the public service. The Ministry of Education and Science has developed a textbook to teach Georgian as a second language, and has begun to elaborate a strategy for bilingual education for minority schools.

31 Interview with Gamgebeli of Akhalkalaki, October 2008.

32 BTKK - Policy Research Group (2008). *Policy analysis of civil integration of ethnic minorities in Georgia*. Tbilisi, Georgia. Available at [http://www.btkk.ge/files/files/DFID\\_Policy\\_Paper\\_Eng.pdf](http://www.btkk.ge/files/files/DFID_Policy_Paper_Eng.pdf).

33 J. Popjanovski (2006). *Minorities and the state in the South Caucasus: Assessing the protection of national minorities in Georgia and Azerbaijan*. Uppsala, Sweden: Silk Road Studies Program.

34 Interview with State Minister for Reintegration, Temuri Yakobashvili, 24th November 2008.

35 Georgian is the official state language, with Abkhazian an official language in the *de jure* Autonomous Republic of Abkhazia.

36 Interview with Tamar Kintzurashvili, 6th October 2008.

The separation of powers is not entirely clear.<sup>37</sup> The president appoints the prime minister and consents to the prime minister's appointments to the Cabinet of Ministers. The president is authorised to call and chair a governmental meeting, and to abrogate acts of government that are in conflict with the constitution, international agreements or accords, or laws and normative acts that have been issued. The president also has the right to pass decrees that will have the same power as the laws on the tax and budget issues (if the parliament is dismissed), or approve the state budget by decree if the parliament fails to meet the deadline.<sup>38</sup>

The statutory definition of the political system and the *de facto* distribution of powers remain controversial. Accusations of executive overreach and marginalisation of parliament were among the grievances that led to the opposition mobilisation of November 2007 (with some calling for the abolition of the presidency and the reinstatement of a monarchy) and discontent remains high. There are signs that the president may be willing to cede some authority back to parliament, but no formal measures have been taken.

The **budget** process is regulated by the Law on Budget Systems, adopted in 2003.<sup>39</sup> The preparation of the budget, its enforcement and accountability is the responsibility of the executive government (at state, autonomous republic, and local self-government levels). The Poverty Reduction Strategy Paper was replaced by the Basic Data and Directions document in 2006.<sup>40</sup> All line ministries are responsible for implementation of the document, coordinated by the Ministry of Finance.<sup>41</sup>

State-owned enterprises, in most cases limited-liability or joint-stock companies, are governed by the Law on Entrepreneurs. They are controlled and monitored by the Enterprise Management Agency, under the Ministry of Economic Development. There are approximately 1,400 state-owned enterprises, but all except for a few that are critical to national security are slated for privatisation.<sup>42</sup>

Due to the variety of **security** threats Georgia faces (e.g. conflict zones, tensions with Russia and organised crime), it is difficult if not impossible to separate Georgia's security and law enforcement sector from each other.<sup>43</sup> Hence, the Georgian security sector encompasses the Ministry of Defense, the Ministry of Internal Affairs, a penitentiary system subordinated to the Ministry of Justice, the Prosecutor General's Office, the Special Service of Foreign Intelligence, and the Revenues Service of the Ministry of Finance.

The functions and responsibilities of the different security agencies and the coordination between their activities are defined in the Security Concept Strategy adopted in 2005. This document reflects a broad understanding of security, including human and cooperative security, as well as open dialogue with civil society about security sector issues. The 2007 Strategic Defense Review describes inter-agency cooperation, specifically between the Ministry of Defense and Ministry of Internal Affairs.

Post-Rose Revolution reforms have affected the security sector perhaps more than any other. The 2004 Law on Defense and 2007 amendments consolidated the military forces, reducing the number of separate bodies from seven to three.<sup>44</sup> The Interior Ministry interior troops were incorporated into the Defense Ministry armed forces, while the formerly independent Border Police were joined to the Ministry of the Interior. (The Border Police are subordinated to the military during wartime.) The Ministry of Defense is led by a civilian, while the Chief of Joint Staff is a uniformed officer.

37 This problem has been much commented on since the creation of the office of Prime Minister, and it is no closer to being resolved today. For example, see: M. Vashakmadze (2006). 'The legal framework of security sector governance in Georgia' in P.H. Fluri and D. Darchiashvili (Eds.). *After Shevardnadze: Georgian security sector governance after the Rose Revolution*. Geneva, Switzerland: The Geneva Centre for the Democratic Control of Armed Forces (DCAF).

38 International IDEA and CIPDD (2005). Op. cit.

39 Interview with Tsunami Sabadze, Ministry of Economic Development, October 2008.

40 Available at <http://siteresources.worldbank.org/INTECAPUBEXPMAN/Resources/BasicDataandDirections20072010.pdf>.

41 Interview with Ministry of Economic Development official, November 2008.

42 ESKO, Georgian Air Navigation Service, Georgian Railway, United Energy System and Georgian State Electric System. Source: Ministry of Economic Development, State Enterprise Management Agency. For more information, see: [http://www.ema.ge/index.php?lang\\_id=ENG&sec\\_id=16](http://www.ema.ge/index.php?lang_id=ENG&sec_id=16).

43 D. Darchiashvili (2008). *Security Sector Reform in Georgia 2004-2007*. Tbilisi, Georgia: CIPDD.

44 H. Lohm (2006a). *'It's not all roses': Georgian defence reforms since the Rose Revolution*. MA thesis, Lund University.

The Ministry of Internal Affairs is responsible for organised crime, transnational crime, security in the conflict zones, organised anti-constitutional activities and plans, and vulnerability of ordinary citizens. Before 2004, these functions were divided between the Ministry of Interior and the Ministry of Security, which were then merged. Critics contend that the distinction between police and non-police functions needs to be made more visible and clear.<sup>45</sup>

Civilians have been in charge of the Ministries of Defense and Interior since 2003, extending civil control over the security sector. According to the constitution, the president has a special role in managing and controlling the security sector. He is the commander-in-chief and can order military forces during a state of emergency without parliament's consent (2004 amendments), although parliament should then approve the use of force within 48 hours. Also, the president has exclusive right with regard to the Ministers of Interior and Defense; the amended Article 73 of the constitution emphasises the president's right to dismiss them on his own initiative. The president presides over the National Security Council and appoints and dismisses the Chief of the Joint Staff.

Parliament also oversees the security sector. According to the Law on Defense, parliament adopts the Military Doctrine and the blueprint for the development of the armed forces, determines the number of servicemen, ratifies and revokes international military treaties and agreements, approves the defence budget, and exercises control over the fulfillment of laws. Mechanisms for parliamentary control over the security sphere are additionally set out in the Rules of Procedure and the Law on the Group of Trust (1998, amended 2004), which forms a group within the Committee on Defense and Security that exercises budgetary control over the government's special programmes and secret activities. The Group of Trust is the only body exercising control over the Special Service of Foreign Intelligence, which is itself subordinated to the president. From October 2008, a representative of the parliamentary minority will be part of the Group of Trust as well.<sup>46</sup>

The Human Rights Ombudsman's office is also directly involved in controlling the security sector. It was established by law in 1996 and is responsible for overseeing protection of human rights and freedoms. The ombudsman is appointed by parliament after nomination either by the president, a parliamentary faction, or a group of at least 10 MPs. The ombudsman is beholden to only the constitution and the relevant laws, and interference with his/her activities, by any party, is illegal. From December 2008, the Human Rights Ombudsman's office will open a regional representation in Samtskhe-Javakheti, with the head office in Akhalkalaki.<sup>47</sup>

Legislation provides for democratic oversight of the military and security services. External observers find that there has been considerable improvement in the transparency of the budget of the security services, and that power-wielding ministers appear at hearings before the parliament, but Georgia still falls short of best practices in the security sector.<sup>48</sup> The most pressing problems are the close ties between members of the executive and legislative branches, which limits checks and balances and reduces accountability; and excessive force by police and prison officials. The post-revolutionary government has yielded informal teams that inhibit internal opposition to authoritarian tendencies within the security agencies.<sup>49</sup>

Under the constitution, the *judicial branch* enjoys considerable independence. The nine-judge Constitutional Court, established in 1996, is a judicial body of constitutional review. It decides whether normative acts are constitutional, and mediates disputes between government bodies over their competencies and the constitutionality of referenda and elections. The decision of the court is final and a normative act deemed unconstitutional by the court loses legal force. All three branches of government participate in the formation of the court: three members are appointed by the president, three by parliament, and three by the Supreme Court, for 10-year terms.<sup>50</sup> The judiciary has three tiers. District and city courts (courts of first instances), Court of Appeals, and Supreme Court (Court of Cassation).<sup>51</sup> The 19 judges of the Supreme Court are nominated by the president and appointed by parliament for 10-year terms. The Supreme Council of Justice is responsible

45 For example, see: European Commission (2006). *European Neighbourhood Policy Action Plan - Georgia*. Available at [http://ec.europa.eu/world/enp/documents\\_en.htm#2](http://ec.europa.eu/world/enp/documents_en.htm#2).

46 'Parliament approves MPs to Justice Council, Group of Confidence', *Civil Georgia*, 10th October 2008.

47 Interview with Koba Chopliani, Chair of the Council on Minority Integration, at the Ombudsman's office, 17th October 2008.

48 Freedom House (2007). *Nations in transit - Georgia (2007)*. New York, US.

49 D. Darchiashvili (2008). *Op. cit.*

50 Constitutional Court of Georgia website, 'Brief History'. Available at [http://www.constcourt.ge/index.php?lang\\_id=ENG&sec\\_id=13](http://www.constcourt.ge/index.php?lang_id=ENG&sec_id=13).

51 Supreme Court of Georgia (2007). *Guide book in the case proceeding*. (Georgian) Tbilisi, Georgia.

for judicial reforms and the qualification, appointment, and dismissal of lower-court judges. 2006 amendments made the council an independent body,<sup>52</sup> with judges a majority and the Supreme Court chairman presiding.

## LOCAL GOVERNANCE

The new Law on Local Self-Government was introduced in 2005,<sup>53</sup> and local elections were held in October 2006. The legislation introduced a new system of five self-governed cities and 65 municipalities. The elected municipal councils<sup>54</sup> are intended to function independently from the state and should create their budgets based on local tax revenue and centrally redistributed funds, take care of properties, and undertake small-scale infrastructural projects. Local governance units are also expected to develop strategic development plans on local issues, including environment, healthcare, culture, etc. The law restructured the old three-layer system of village-, community- and regional-level authorities.<sup>55</sup>

Public understanding of, and expectations from, local self-governance remain limited. In particular, there is little support for the system whereby the Sakrebulo elects the Gamgebeli, and direct election is preferred.<sup>56</sup>

Establishing control over budgetary matters is considered to be the most significant achievement of the new legislation, although it came at the expense of the lowest, community-level tier of self-governance (*temi*). Critics of the new law say that these bodies' budgets are still very limited and the Tax Code of 2005 restricts local income sources to property taxes, gambling taxes and local charges, and that local governments therefore have little *de facto* influence over local finances.<sup>57</sup>

The **private sector** in Georgia is only minimally controlled by the state. The post-Rose Revolution government implemented a broad-based reforms programme to eliminate regulations, reduce taxes and tariffs, privatise state-owned enterprises and properties, and otherwise promote the ease of doing business. It has succeeded in all these efforts, as recognised by the World Bank.<sup>58</sup> The principal lacuna in this programme has been the seizure by the state of property that it alleges was illegally privatised during the Shevardnadze era, which inhibits private investment.<sup>59</sup> Objections to property seizure, and more widespread popular discontent with the attention paid to business reforms rather than to social services, contributed to the support for the political opposition that led to the November 2007 civil unrest.<sup>60</sup>

## MEDIA

The constitution and the Law on Freedom of Speech and Expression (2004) guarantee press freedom and a liberal environment for the development of independent media. However, the level of professionalism is low,<sup>61</sup> and press freedoms and independence have declined since the Rose Revolution; '[w]eak editorial independence, using media outlets to promote the political interests of owners, and low professional standards constitute major concerns'.<sup>62</sup> This was true for both the pro-government Rustavi 2 and the oppositional Kavkasia television stations. Rustavi 2, which supported the opposition to Shevardnadze's government, has changed ownership a couple of times, allegedly following changes within the current government, but has always remained in pro-government

52 Previously it was the president's consultative body, with judges holding a minority of seats.

53 See: Civitas Georgica (2006). *The organic law of Georgia on local self-government* (PowerPoint). Available at [http://geiiwebsite.web-prs.com/Portals/\\_GEII/Documents/The%20Organic%20Law%20of%20Georgia%20on%20Local%20Self%20Government\\_English.pdf](http://geiiwebsite.web-prs.com/Portals/_GEII/Documents/The%20Organic%20Law%20of%20Georgia%20on%20Local%20Self%20Government_English.pdf).

54 The representative body of the local self government is the Sakrebulo, which appoints the executive body, the Gamgeoba (headed by the Gamgebeli).

55 For example, see: U. Springorum and D. Khantadze (2002). *Comparative review of the local self-government in Germany and Georgia*. Tbilisi, Georgia: GEPLAC. Available at <http://www.geplac.org/eng/glawreview.php?id=3>.

56 Transparency International Georgia (2006). *Results from the public input sessions on the upcoming elections and issues of local governance*. Tbilisi, Georgia. The Sakrebulo is an elective body, which after it is formed elects Gamgebeli from its own pool, thus there are no direct elections for the Gamgebeli.

57 J. Popjanevski (2006). Op. cit.

58 S. Djankov. 'Top reformer wins election in Georgia', *Doing Business* (blog), 7th January 2008. Available at <http://blog.doingbusiness.org/2008/01/top-reformer-wi.html>.

59 For example, see: S. Subari. 'Concerning unlawful eviction of "Sony Centre Tbilisi" Ltd and "Lazeri-2 Tbilisi"', *Public Defender of Georgia*, 11th September 2007. Available at <http://www.ombudsman.ge/index.php?m=8&newsid=768>.

60 For example, see: S. Theil. 'Protesting the CEO of Georgia; One reason Saakashvili is in trouble is his hyper-capitalist reform agenda', *Newsweek International*, 19th November 2007.

61 'Journalists exercise self-censorship and a commonly accepted and adhered ethics code is missing'. Source: International Research and Exchanges Board (IREX) (2008). *Media Sustainability Index (MSI) - Europe and Eurasia 2008: Georgia*. Tbilisi, Georgia. Available at [http://www.irex.org/programs/msi\\_eur/2008/georgia.asp](http://www.irex.org/programs/msi_eur/2008/georgia.asp).

62 For example, see: Freedom House (2007). Op. cit.

hands.<sup>63</sup> The pro-opposition Imedi television station, owned by the oligarch and opposition-movement financier Badri Patarkatsishvili, was seized by the government on 7th November 2007. It was reopened in September 2008, with a pro-government orientation.<sup>64</sup>

Today, there is little political debate on Georgian television.<sup>65</sup> Kavkasia, broadcasting only in Tbilisi, airs a daily public-affairs talk show, but the programme cannot be considered a debate as no government officials ever appear. Opposition parties and civil-society critics maintain that government pressure has stifled debate. On 2nd October 2008, while meeting with Georgian TV journalists, President Saakashvili emphasised the need for political debate, as they 'will serve as a litmus paper of objectivity'.<sup>66</sup> This 'new wave of democratic reforms' had an immediate follow-up in parliament, which on 10th October adopted an amendment obligating the Georgian public broadcaster to hold political debates from 1st December 2008.<sup>67</sup>

Maestro TV, which had broadcasted talk shows in Tbilisi, Telavi and Gori had to suspend programming due to delicensure in March 2008, which was widely viewed as an official effort to silence it.<sup>68</sup> In October of 2008, the Georgian National Communications Commission granted a new license after the Speaker of the Parliament intervened.<sup>69</sup>

Radio stations and print media present a diverse range of views and have not been subject to as much interference from the state as television has. Radio stations such as Utsnobi, Green Wave, Public Radio, and Imedi programme open public debate and are gaining more influence. Newspapers and magazines have very limited circulation and influence.

## ORGANISED CIVIL SOCIETY

Legislation regulating the activities of non-governmental organisations (NGOs) is quite liberal. Non-profit organisations are proliferating and can operate freely. Registration is required and the procedure is routine. (In 2006 this was moved from the Ministry of Justice to the Offices of Taxes and Revenues.)

Civil-society groups were instrumental in pushing forward the Rose Revolution, and there is some perception that their role has diminished since then.<sup>70</sup> Many former NGO leaders have gone into the government, and existing NGOs often cooperate with the government, with some having a strong influence on official decisions.<sup>71</sup>

NGOs are involved in many spheres, including human rights, advocacy, women's and minority issues, training and consultancy, public-policy development, and the environment. However, they are almost entirely external donor-supported, as local philanthropy is mainly concentrated on humanitarian, social and cultural projects. Consequently, most are donor-agenda driven – especially in the regions – and their social base is rather narrow. There are few membership-based organisations other than professional groups.<sup>72</sup>

The 1999 Administrative Code includes a provision that makes all public information accessible. In practice, however, some public agencies create more difficulties in disclosing information than others. Half of the journalists

63 Rustavi 2's licensing papers from December 2007 state that the channel's current majority owner is Geomedia Group, registered in the Marshall Islands, whose controlling director is not publicly known. The minority shareholder is the Georgian Industrial Group, controlled by the brothers David and Gela Bezhushvili, respectively a majoritarian MP and the head of the Foreign Intelligence Service. For more information, see: D. Bilefsky and M. Schwartz. 'News media feel limits to Georgia's democracy', *New York Times*, 6th October 2008.

64 The original ownership of Imedi remains unclear, as does its new ownership, which is contested by Patarkatsishvili's widow. For details, see for example: V. Socor. 'More unanswered questions about Imedi Television', *Eurasia Daily Monitor*, 30th November 2007.

65 For example, see: N. Suvariani. 'Loss of freedom of speech for Georgian media', *Human Rights Information and Documentation Center (HRIDC)*, 29th May 2008.

66 President Saakashvili has said that he supports more, and more open, political debates on television. 'President Mikheil Saakashvili had talks with Chairperson of Georgian Parliament over "as more debates in media as possible in order to have more transparency"', *Media.ge*, 2nd October 2008.

67 'Parliament adopted the legislative amendment obligating public broadcaster to hold political debates at the first hearing', *Media.ge*, 10th October 2008.

68 'TV station denied license for political programming', *Civil Georgia*, 8th April 2008.

69 'Maestro TV to resume political programs in November', *Civil Georgia*, 13th October 2008.

70 For example, see: G. Khutsishvili (2007) (Ed.). *Civil society and the Rose Revolution in Georgia*. Tbilisi, Georgia: International Centre on Conflict and Negotiation.

71 Freedom House (2007). Op. cit. It cites NGOs in cooperation with the government as the Liberty Institute, GFSIS and UNA. Liberty Institute was involved in developing legislation on the labour code, amendments to the electoral code, and the Laws on Licensing and Notary. The Georgian Young Lawyers Association and the Liberty Institute were involved in drafting the new criminal-procedures code.

72 Ibid.

polled in one survey say that the law enforcement agencies are the worst in this regard, while the Ministries of Culture and Sport, Health and Social Welfare, and Finance are the most responsive.<sup>73</sup>

Georgia is party to every significant international agreement on gender equality,<sup>74</sup> and the Georgian constitution provides equal status for men and women, but no law specifically prohibits discrimination against women on the basis of gender or marital status. The National Action Plan for improving the conditions of women was first approved in 1998 and then revised several times (2002, 2004 and 2007). It highlights seven priority areas, including institutional mechanisms, women's participation in decision-making, economic policies, poverty, armed conflict, and health, but the document lacks mechanisms for implementation.<sup>75</sup> There is no permanent state body with a mandate to promote and monitor gender equality.<sup>76</sup> Furthermore, several articles of the 2006 Labour Code conflict with international standards, including restrictions on the rights of employees and length of maternity leave (which was reduced from the previous code).

## ASSESSING THE REALITY

Here we consider political competition, the distribution of power, and state-society relations in Javakheti.

### POLITICAL COMPETITION

Since the mid-1990s, the centre exercised almost no control over Javakheti, which was run by a local group, the Javakh. President Shevardnadze, with his mastery of a personal network of patron-client relations, managed to establish control over the region by balancing local power holders against one another and offering them lucrative governmental positions within the region or parliamentary mandates in Tbilisi. The local authorities, mostly ethnic Armenians, were turned into political and economic elites who provided their extensive family networks and friends with social and economic benefits.<sup>77</sup> While Javakh is now weakened and Tbilisi has more authority, national authorities must still take local power structures and their interests into consideration.

The Law on Political Associations (Article 6) bans parties organised along territorial or regional principles. Due to this restriction, minority organisations willing to register as political parties (such as Virk) have been denied registration. Even when able to register, ethnic parties could not pass the seven percent threshold for parliamentary elections.<sup>78</sup> This issue has lost importance as other political groups in Javakheti have managed to build alliances with nationwide parties. For example, one of the first mergers of a local party organised along an ethnic principle with a nationwide one was the union of United Javakh with Industry Will Save Georgia for the 2006 local elections. As a result, Akhalkalaki was the only region in the country where an opposition party received a plurality of votes.<sup>79</sup>

In nationwide elections, ethnic Armenians from Javakheti have always been included in the ruling-party list. MPs from the 1999–2004 parliament belonging to Shevardnadze's Citizens' Union of Georgia (CUG) made a swift transition after the Rose Revolution to the National Movement list and were seated in the 2004–2008 Parliament.<sup>80</sup> Minority MPs keep a low profile in parliament, and do not represent their constituencies by participating in debates or delivering speeches. This is partially explained by their poor knowledge of the Georgian language.

The ethnic-minority regions, Javakheti among them, have always voted strongly for the party in power; the almost unanimous support for Shevardnadze and the CUG has been followed by similar support for Saakashvili and the

<sup>73</sup> Ibid.

<sup>74</sup> Including the Convention on the Elimination on All Forms of Discrimination against Women (CEDAW) which Georgia ratified in 1994. In 2006 Georgia adopted the Law on Combating Human Trade, Law on the Elimination of Domestic Violence, Protection and Support to its Victims.

<sup>75</sup> International Fund for Agricultural Development website, 'Georgia Gender Profile'. Available at <http://www.ifad.org/english/gender/cen/profiles/geo.htm>.

<sup>76</sup> N. Sumbadze and G. Tarkhan-Mouravi (2004). *Gender & society in Samtskhe-Javakheti*. Tbilisi, Georgia: Institute for Policy Studies.

<sup>77</sup> See: H. Lohm (2006b). *Dukhobors in Georgia: A study of the issue of land ownership and inter-ethnic relations in Ninotsminda Rayon (Samtskhe-Javakheti)*. ECMI Working Paper No. 35. Flensburg, Germany: European Center for Minority Issues (ECMI).

<sup>78</sup> The threshold was reduced to five percent for the May 2008 parliamentary elections.

<sup>79</sup> For more information, see: H. Lohm (2007). *Javakheti after the Rose Revolution: Progress and regress in the pursuit of national unity in Georgia*. ECMI Working Paper No. 38. Flensburg, Germany: ECMI.

<sup>80</sup> There are three ethnic Armenians in the 2008–2012 parliament: Baindurian Armenak, United National Movement party list; Mkoian Enzel, majoritarian from Ninotsminda; and Hovanesian Harutun, majoritarian from Akhalkalaki.

United National Movement (UNM). Many of the same people who were previously active within the CUG are now active UNM supporters.

Accordingly, political parties barely campaign in Javakheti. In the May 2008 parliamentary elections, only the UNM ran a candidate for the Ninotsminda majoritarian district or opened a campaign office.<sup>81</sup> In Akhalkalaki, 12 political parties registered with the Central Election Committee, but only two – Labour and the Christian-Democratic Movement – operated offices, although neither had any special appeals to ethnic minorities in their agendas, or any ethnic minorities on their lists.<sup>82</sup> Local residents attribute this nugatory campaign activity to the expectation of blind support for the ruling party, which minorities regard as an expression of loyalty to the state.<sup>83</sup> This speaks to a need for much more work to be done to increase the political awareness of both minority politicians and the public.

## DISTRIBUTION AND EXERCISE OF POWER

Local power structures in Javakheti, as in many parts of Georgia, have been and remain organised around influential individuals, such as MPs, Gamgebeli, Sakrebulo chairmen, and chiefs of police. They are the main providers of jobs, resources, and social-economic security to their relatives and friends. In a province as poor as Javakheti, it is relatively easy to earn loyalty by providing basic goods or minor employment opportunities. More recently, local power brokers have started to invest in road infrastructure and gasification projects, as well as in philanthropic activities, thereby extending benefits outside their close network to wider circles of society. This reflects an ongoing merging of formal and informal actors in Javakheti.

## SECURITY APPARATUS

Reform of law-enforcement agencies was the first major undertaking of the post-Rose Revolution government. The state declared a fight against corruption, abolished the former traffic police, cracked down on customs officials and closed commercial enterprises accused of tax evasion. The reform of the traffic police put an end to demands for bribes on the country's motorways and was very well received.<sup>84</sup> Some other measures were less welcome in local communities; the closure of Kvemo Kartli's Red Bridge and Sadakhlo markets, which were important but, in most cases, illegal sources of income for local Azeri, Georgian and Armenian populations, occasioned protests.

Protests also broke out as a result of replacing Armenian staff at the Customs Office at the Georgian-Armenian border post in Ninotsminda, and the closure of small enterprises accused of tax evasion in Akhalkalaki in December 2005.<sup>85</sup> The attempts by the government to impose order and establish the rule of law were misinterpreted by locals as a policy to subjugate and control ethnic Armenians. More than 400 people gathered to protest these measures, and a melee ensued after Interior Ministry troops tried to disperse the rally. Their commander later publicly apologised for their excessive use of force. These conflicts or misunderstandings are commonplace; it speaks to the need for a much broader programme of capacity-building of the rule-of-law sector, and awareness campaigns informing citizens both of their rights as well as the duties and responsibilities of public security actors. There remains a poor understanding of the rule of law, among officials as well as the general population, and a lack of trust in the state authorities.

81 The Georgian Parliament uses both proportional (party list) and majoritarian (first-past-the-post) voting. In the most recent elections, there were 75 seats of each type.

82 Number of ethnic-minority representatives in the proportional lists of the parties registered for May 2008 parliamentary elections:

1. National Movement	5 out of 100
2. Republican Party	2 out of 50
3. Unified Opposition	0 out of 50
4. Christian-Democratic Party	0 out of 50
5. Traditionalists-Our Georgia-Party of Women	2 out of 50
6. Christian-Democratic Alliance	3 out of 50
7. Georgian Politics	1 out of 50
8. Our Country	0 out of 50
9. Labour Party	1 out of 50
10. National Party of Radical Democrats	3 out of 50
11. Union of Georgian Sportsmen	1 out of 50
12. Right Alliance-Topadze-Entrepreneur	1 out of 50

Source: *Civil Georgia*.

83 BTKK - Policy Research Group (2008). Op. cit.

84 C.J. Chivers. 'Mtskheta Journal; The traffic officer with his hand out has it whacked', *New York Times*, 24th August 2004. p.3.

85 For more information, see: International Crisis Group (2006). *Georgia's Armenian and Azeri minorities*. Europe Report No. 178. Tbilisi, Georgia. Available at <http://www.crisisgroup.org/home/index.cfm?l=1&id=4517>.

## OTHER LEVELS OF GOVERNMENT

Local governance in the region is carried out by representative (Sakrebulo) and executive (Gamgeoba) bodies.<sup>86</sup> Sakrebulos, the representative bodies, appoint Gamgebeli, executives.<sup>87</sup> The authority and role of the governor, the appointed presidential representative, and his relationship with the municipality and the state is unclear; the governor's office is often referred to as a "post office" in Javakheti, implying that he is only an intermediary for delivering official documents from the centre to the region.<sup>88</sup> In practice, the visibility of the governor depends on the personality and influence of the officeholder. If Gigla Baramidze, presidential representative during the Shevardnadze era, was extremely influential, the current governor visits the region only on the occasion of presidential visits.<sup>89</sup> This disengagement is not entirely unwelcome, as it leaves more room for independent decision-making at the regional level; local officials report almost no contact with the presidential advisor. The Gamgebeli has efficient and fruitful cooperation with the Ministry of Internal Affairs; many local people report that the security forces are the only representatives of the national government with any presence in the region.

As for the relationship between the Gamgebeli and head of the Sakrebulo, there is also some confusion on the division of responsibilities between these two, which is not spelled out by statute or regulation. Due to this ambiguity, the roles depend on the personal characteristics of the officeholders. The major donor and investor organisations with whom we spoke said that they communicate directly with the Gamgebelis on matters of local concern, with no interference or direction from the national government. In general, they find the Gamgebelis to be responsive, capable, and not corrupt (this latter point not being taken for granted).

## PRIVATE BUSINESS AND THE FINANCIAL SECTOR

Javakheti's remote location sealed its economic isolation from the rest of the country for many years. That, coupled with the corrupt traffic police and poor road infrastructure, made it nearly impossible for local residents to transport their agricultural products to the main markets, thus making the Russian military base the sole large consumer of agricultural production. Despite better integration with Armenia than with the rest of Georgia, there was only minimal cross-border trade, due to high tariffs and corrupt border officials.<sup>90</sup>

The situation has changed in recent years with road rehabilitation, railroad construction,<sup>91</sup> and other regional projects. The closure of the Russian military base also requires a re-assessment of economic strategy at the local level; it became both necessary and possible to look for markets outside the region. Overall, with the opening of branch offices of Georgian commercial banks,<sup>92</sup> as well as credit-giving organisations, economic activity and integration with the rest of the country are both increasing rapidly.

Javakheti was an important dairy and agricultural centre, with nation-wide importance during the Soviet era. However, political and economic realities have changed, requiring economic diversification from large-scale enterprises. As a result, many Armenians have engaged in entrepreneurial initiatives, and have adjusted to current realities and exploited the region's good soil for small-scale agriculture and farming. Most of them are engaged in potato cultivation, livestock breeding, dairy production, and fisheries operation. Outdated equipment and lack of feed and fertilisers is a major impediment. The market for those products is predominantly Tbilisi.

Most of the income-generating businesses, such as fuel supply, restaurants, hotels and hydropower stations, are in the hands of influential local businessmen. The same people have invested in the main infrastructure developments in the region, such as roads and gasification. This latter is of great importance for the region, as winters are harsh and fuel has been in short supply. Akhalkalaki has already been supplied with gas and

86 Government of Georgia (2007). *Samtskhe-Javakheti land*. (Georgian) Tbilisi, Georgia. Available at <http://www.government.gov.ge/docs/regions/samckhe-javakheti.pdf>.

87 J.A. George (2008). 'Minority political inclusion in Mikheil Saakashvili's Georgia', *Europe-Asia Studies*, Vol. 60, No. 7. pp.1151-1175.

88 Authors' interviews in Javakheti, October 2008.

89 Authors' interviews in Javakheti, October 2008.

90 Caucasus Research Resource Center (2008). *Study of economic relations between Georgia and Armenia: The Development of regional trade related growth in Samtskhe-Javakheti*. Tbilisi, Georgia: UN Development Programme (UNDP).

91 The newly constructed link from the Turkish border to Akhalkalaki is part of a larger project to link Kars to Baku. For example, see: T. Ziyadov (2006). 'The Kars-Akhalkalaki railroad: A missing link between Europe and Asia', *Central Asia-Caucasus Institute (CACI) Analyst*, Vol. 8, No. 8. pp.5-6.

92 Specifically, TaoBank, People's Bank and VTB Bank.

Ninotsminda will be included in the system in 2009. Even so, there is a shortage of trained plumbers, so many buildings remain cold even as a gas line runs past them. The first large industrial enterprise in Javakheti was visited by President Saakashvili on 10th November 2008.<sup>93</sup>

### CLASS, CASTE AND GENDER GROUPS

Gender roles and functions in Javakheti largely remain traditional. Women are engaged in household tasks and men work outside the home to support the family. Overall, ethnic Armenians in Javakheti have retained more traditional gender roles than ethnic Georgians in Samtskhe-Javakheti. This is evident in the relative rates of university education, knowledge of languages, freedom of movement after work hours, and girls' opportunities for professional development.<sup>94</sup> Men enjoy more power both in public and at home. This is supported by customary laws regarding the inheritance of houses and land, which is given to men rather than women. It is expected that daughters should marry and leave the house, while sons should stay – the pressure on women to get married is huge. Divorce is strongly frowned upon and ruins a woman's reputation. It is also believed that family business should stay within the family, so cases of domestic violence are rarely reported.<sup>95</sup>

All important positions in government and business in Javakheti are held by men, and few women challenge the *status quo*. There are also traditional jobs for women, in healthcare and education, but even in those realms, managerial positions are held by men. The different roles bring different social positions, which over time increase men's resources and power within the family. Gender-related projects and NGOs, which are a priority of many donor organisations, are considered by some as outside impositions, and so are not taken seriously and are not sustainable. However, many women attend trainings and other gender-related activities, which suggests that there are entry points for increasing women's participation and promoting greater gender sensitivity in the region.

### MASS MEDIA

All of the ethnic-minority regions, and Javakheti especially, suffer from an information vacuum. There is a limited transmission of information to the region from the centre, and ethnic-minority regions and their issues are poorly covered by the nation-wide media. What reporting exists is plagued by lack of knowledge of the local situation and stereotyping, in both the Armenian and Georgian press that cover regional issues from the national capitals. The most prominent source of information on Javakheti is available through the Russian news agency Regnum, and it is both unreliable and strongly biased against the Georgian government.<sup>96</sup> Unprofessional media coverage of Javakheti has contributed to misinformed attitudes both among Georgians and within the international community. News on Javakheti typically is aired after rallies or protests in the region, and so is necessarily connected with unpleasant developments. None of the nation-wide television companies has a representative in Javakheti.<sup>97</sup>

Two local TV companies operate in Javakheti, and six TV companies from Armenia (Public Broadcasting and Armenia), Russia (ORT and REN), and Georgia (Public Broadcasting and Imedi) can be received.<sup>98</sup> The most popular are the Russian and Armenian channels. Imedi TV provides almost no non-Georgian language programming, and GPB broadcasts a 20-minute news programme, once a week, in Armenian, and of the 15-minute news programme in Russian – and neither is shown during prime time.<sup>99</sup> Moreover, GPB's coverage of region is spotty, so these programmes have very few viewers. The priority in the new strategy will be to solve the technical issues.<sup>100</sup> The government is also considering extending Alania, the state-sponsored Russian-language TV company, to cover Javakheti.

Since 2005, the Ninotsminda-based Parvana and Akhalkalaki-based ATV 12 have been airing daily news programmes, with the financial support of the Organisation for Security and Cooperation in Europe (OSCE). After completion of funding by the OSCE, Parvana TV managed to become more popular than ATV 12 and

93 'The President of Georgia Mikheil Saakashvili visited Akhalkalaki and Ninotsminda', *Communications Office of the President of Georgia*, 10th November 2008. Available at <http://www.president.gov.ge/?l=E&m=0&sm=1&id=2776>.

94 N. Sumbadze and G. Tarkhan-Mouravi (2004). Op. cit.

95 Ibid.

96 O. Vartanyan (2007). *CMI Javakheti, Gruzija*. Report No. 37. Centre for Journalism in Extreme Situations. Available at [http://www.cjes.ru/bulleting/?bulleting\\_id=2314](http://www.cjes.ru/bulleting/?bulleting_id=2314).

97 Ibid.

98 Ibid.

99 Georgian Public Broadcasting shows news in Armenian at 16:00 on Wednesdays, and in Russian daily at 16:30 daily.

100 Interview with Tamar Kintzurashvili, 6th October 2008.

has been covering the Akhalkalaki region as well. Parvana TV continues broadcasting GPB's prime-time news programme Moambe, dubbed in Armenian.

The only newspapers which make it to the region from Tbilisi are the state-funded Armenian-language *Vrstan* and Russian-language *Svobodnaia Gruzia*. Both newspapers present only official views. The Institute for War and Peace Research and European Commission (EC) supported *South Gate* in an attempt to create an independent newspaper.<sup>101</sup> The weekly newspaper was published for three years, in Georgian and Armenian, but it could not continue publishing after the funding ended. The radio station Youth Radio, supported by the Javakheti Youth Sport Union (JEMM), stopped broadcasting after the arrest of JEMM leaders in summer 2008. Two other stations, Green Wave and Imedi, are broadcasting in Georgian, and so are only listened to for music programming.

Journalists report that it is difficult to work in Javakheti, as the closed society – with everyone being connected with each other – can lead to alienation of members of the community, or dissatisfaction by some members with what is written.<sup>102</sup> On the other hand, a local TV station director commented that journalists in Javakheti do not make mountains out of molehills, implying that they do not exaggerate as much as nation-wide TV companies, which run after breaking news constantly.<sup>103</sup>

The consequences of this information vacuum in Javakheti were evident during the August 2008 war, when the only news reaching the region came from the Russian media. Some commentators considered that this constant refrain of anti-Georgian messages heightened tensions in the region. The population did not know what was happening and the perspective of the Georgian government was completely unknown to them. This episode underscored the urgency of improving media coverage of, and availability in, Javakheti.

## CIVIL SOCIETY ORGANISATIONS

There are about 90 registered civil society organisations (CSOs) in Javakheti, but not many of them are active or exercise any influence on internal regional developments. Most have been set up by different donor-supported projects and, as their agenda is donor driven, are not sustainable.

The important players in the region in the early 1990s were Javakh and Virk, which have been joined more recently by United Javakh and the JEMM. While Javakh was extremely influential in the past, it has lost importance. Virk is better regarded as a one-person organisation. Its leader, David Rastakyan, became known due to the refusal of the Ministry of Justice to register Virk as a political party. Both JEMM and United Javakh are known for their more radical stance and nationalistic agenda. United Javakh, which was established in protest against the withdrawal of the Russian military base from Akhalkalaki, unifies several organisations including, most recently, JEMM. Most of the radical members of JEMM were arrested in summer 2008, after the murder of two ethnic-Armenian policemen in Akhalkalaki.<sup>104</sup>

Despite different manners of expression, most civil society groups advocate for the cultural autonomy of Javakheti. These organisations have successfully mobilised the masses to protest the withdrawal of the Russian military base, to little avail. The population in Javakheti, as in the rest of the country, is extremely politicised and easily motivated to attend meetings and rallies. Since the withdrawal of the Russian military base, however, rallies and radical demands have significantly reduced.<sup>105</sup>

One noteworthy organisation is the Javakheti Citizen's Forum (JCF), established and so far sustained by the European Center for Minority Issues (ECMI), which brings together more than a dozen local NGOs. ECMI itself has become an important player in the region, with its extensive network of associates now taking up important governmental posts. In Akhalkalaki, for example, both the Gamgebeli and Chief of Police are former JCF members.

101 O. Vartanyan (2007). Op. cit.

102 Interviews with journalists from Javakheti, October 2008.

103 Interview with Konstantin Vartanyan, Ninotsminda, 22nd October 2008.

104 'Georgian Ombudsman to leave for Javakheti to study the situation', *PanArmenian.net*, 1st August 2008. Available at <http://www.panarmenian.net/news/eng/?nid=26776>.

105 Interviews in Javakheti, November 2008.

## EXTERNAL ACTORS

Authorities in Armenia have been reserved and careful in their approach towards Javakheti and have not made any irredentist claims towards the region even in the turbulent early 1990s. The Armenian government has frequently been criticised by Armenian organisations for its inactivity and ignoring issues of concern to ethnic Armenians in Javakheti. Public opinion, and especially that of Javakheti émigrés, is sensitive towards the developments in Javakheti. Emigration from Javakheti to Armenia began in earnest after World War II, as the closed military zone (due to the border with NATO-member Turkey) limited opportunities. More recent migrants to Armenia number around 100,000, and they have formed social organisations as well as the political party Mighty Homeland (Zor Airenik).<sup>106</sup> Those organisations and its representatives are extremely sensitive toward developments in Javakheti and carry out activities aimed at maintaining and promoting Armenian identity within the region.

The Armenian government funds humanitarian assistance, renovation of schools, donation of teaching materials, and fellowships for continuing studies in Armenia.<sup>107</sup> The Armenian diaspora also funds programmes to support and maintain Armenian identity in the region; the ARC/Javakh Relief Program Committee has donated over US\$250,000 in humanitarian aid to Samtskhe-Javakheti since 2001.<sup>108</sup> Another important diaspora organisation in the region is Union of Armenian Aid.<sup>109</sup>

Public opinion in Armenia is sensitive towards developments in Javakheti. The statements made by Armenian organisations, or articles by Armenian political scientists often inflame Georgian public opinion,<sup>110</sup> and are mistakenly perceived as being initiated from Javakheti. In most cases, the perspective from Armenia on the issues is more extreme than it is in Javakheti itself. Armenia's foreign policy priorities – especially its strategic partnership with Russia – also influences the attitudes of Javakheti Armenians towards Georgia's Euro-Atlantic aspirations and its deteriorated relations with Russia. During the August 2008 war, however, Armenia did not get involved and while all of Georgia experienced tensions, there were no significant incidences of conflict in Javakheti.<sup>111</sup>

The Russian # 62 military base in Akhalkalaki shaped affairs in Javakheti until the final withdrawal of Russian troops in 2007. It was the principal source of paid labour in the region, and contributed to close economic ties with Russia and ensured dependency of the local ethnic Armenian population, as workers at the base were given Russian citizenship. The base was one of the major factors impeding the government's effort to integrate Javakheti into Georgia, and it was used as a means of political pressure in support of radical elements active in Javakheti in their separatist demands.<sup>112</sup> The possible withdrawal of the base (which Russia was obligated to complete by the Treaty on Conventional Armed Forces in Europe, or CFE)<sup>113</sup> was also used as a means to mobilise protest rallies in Akhalkalaki.

After the withdrawal, Russia's role in the region has weakened, although it has not disappeared. Many locals are seasonal migrant workers in the Russian Federation. Travel to Russia has become more difficult due to the closure of the Russia-Georgia border and visa issues. It is difficult to estimate how much money is transferred from Russia, since it is not always done via bank transfers, but the decline in labour migration and the concomitant remittances has hit Javakheti hard.

A number of inter-governmental and international non-governmental organisations operate in Javakheti. Probably the best recognised are the projects carried out by the OSCE High Commissioner on National Minorities, involving legal assistance, language training and translation of Georgian-language news on local TV channels. The Georgian Language Houses that OSCE had supported in 2008 were taken under the Ministry of Education and Science.

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106 H. Lohm (2007). *Op. cit.* p.13.

107 *Ibid.*

108 International Crisis Group (2006). *Op. cit.*

109 H. Lohm (2007). *Op. cit.* p.16.

110 International Federation for Human Rights (FIDH) (2005). *International fact-finding mission: Ethnic minorities in Georgia*. No. 412/2. Paris, France. Available at <http://www.fidh.org/Ethnic-Minorities-in-Georgia>.

111 This despite the fact that the local population received most of their information about the war from the Russian media.

112 FIDH (2005). *Op. cit.* p.14.

113 V. Socor. 'Georgian flag raised over Akhalkalaki', *Eurasia Daily Monitor*, 2nd July 2007.

Though the UN Development Programme (UNDP) Samtskhe-Javakheti Integrated Development Programme has been active in the region for several years, few Javakheti residents are aware of its achievements, except for renovation of the pediatric department of the hospital in Akhalkalaki. The Women's Centre in Akhaltsikhe offered gender-issue trainings, including small-business development, to women from throughout the Samtskhe-Javakheti region. Although interest was high, the centre did not become self-sustainable and had to close. The Open Society Georgian Foundation (OSGF) has also been active in the region, supporting the Akhalkalaki business-development and women's centres, Sunday schools, and community-development programmes.<sup>114</sup>

The Urban Institute, Eurasia Foundation, World Vision, Care and Mercy Corps have concentrated on community-mobilisation initiatives, credit-giving institutions, youth integration, and local governance. Locals have divergent perspectives on the work carried out by these organisations. Local government officials tend to say that they are satisfied with the community-development work and practical outcomes of the programmes, such as irrigation rehabilitation, while civil society representatives tend to complain about ready-made projects imposed by NGOs or donor organisations, without consultation with local communities.

The Swiss NGO Cimera, with funding from OSCE, has been engaged in media and multilingual education projects in Samtskhe-Javakheti, including textbook development for multilingual education. Partially due to Cimera's successful piloting in several schools, the Ministry of Education and Science has begun to develop a bilingual-education strategy paper.<sup>115</sup> The UK Department for International Development (DfID), under its Sustainable Livelihoods and Regional Planning project, facilitated development of plans for social and economic benefits in the region with local participation and ownership. The Swiss Agency for Development and Cooperation (SDC), in its new 2008–2011 strategy for the South Caucasus, has identified a geographical focus in selected rural areas, among them economic development and employment in Samtskhe-Javakheti.<sup>116</sup>

The Millennium Challenge Corporation Samtskhe-Javakheti Road Rehabilitation project is funded at US\$123.6 million, with the aim to rehabilitate over 170 km of roads in Samtskhe-Javakheti and the adjacent Kvemo Kartli region, which will promote communication and trade between Tbilisi and the region, and thereby serve the interests of business development and national integration. Local civic and government leaders express frustration that the contractors are not hiring local workers or buying materials from local companies. They have been told that the locals do not have the skills to operate the modern construction equipment, but ask why no training has been provided to bring them up to modern standards. Millennium Challenge Georgia (MCG)<sup>117</sup> maintains that the construction project provides local employment in the service industries that cater to the construction crews, and that they buy food and other supplies from local merchants.

The EC has funded a variety of projects either dedicated to, or with a significant component, in Samtskhe-Javakheti. Under Technical Aid to the Commonwealth of Independent States (TACIS), the Integrated Poverty Reduction project entails agricultural assistance, both technical training and provision of potato seeds, implemented by Mercy Corps. It also supports projects under the Instrument for Stability and the European Instrument for Democracy and Human Rights (EIDHR).

## STATE-SOCIETY RELATIONS

Though the formal structures of democratic governance have been instituted in Georgia, they do not ensure the full participation of the citizenry in the governing process. The culture of public-private dialogue is not established yet and the public tends towards the reactive in discussions of important policy issues. The vibrant civil society and media responsible for the Rose Revolution relinquished their roles as watchdog, with many civil society activists joining the government. There is a practice of close cooperation between some influential NGOs and the government, but most NGOs are highly politicised and do not attempt to maintain neutrality. The same can

114 Interview with Mikheil Mirziashvili, OSGF, 19th November 2008.

115 Interview with Giorgi Amariani, Ministry of Education and Science, 24th November 2008.

116 Swiss Agency for Development and Cooperation (SDC) (2008). *Cooperation Strategy South Caucasus 2008-2011*. Bern, Switzerland. Available at [http://www.deza.admin.ch/ressources/resource\\_en\\_171020.pdf](http://www.deza.admin.ch/ressources/resource_en_171020.pdf).

117 The objective of the Millennium Challenge Georgia is to reduce poverty through economic growth. The programme was developed by the US government to provide assistance to countries in transition and is administered by the Millennium Challenge Corporation. For more information, see: <http://www.mcg.ge/?l=1&i=1&i2=0>.

be said about the electronic media, which lacks independence and is also clearly biased, despite whatever pro-government or pro-opposition viewpoints it may present.

It is clear from issues discussed above that, notwithstanding good intentions, there is a lack of conflict sensitivity integrated into national government programmes and structures in regard to its relations with minority regions such as Javakheti. Perceptions are integral to understanding the roots of (potential) conflict. Where local perceptions are ignored, or are dismissed as based on ignorance or bad faith, governance relations are bound to sour. The government in Tbilisi must better understand how its actions are perceived in local communities and adopt a more conflict-sensitive approach in its political, social and economic activities.

Several national and local elections have been held, and no sector of society has been disenfranchised, although there have been few minority representatives on party lists and most parties – while acknowledging the principles of universal human rights and the civic state – do not include minority-specific issues in their platforms. The constitution prohibits territorial- or regional-based parties, so there are no ethnic-minority parties – but even if there were, minority parties would not be able to pass the five percent threshold for sitting in parliament. Without fail, minority votes go overwhelmingly to the party in power, as mentioned previously, which is seen as an expression of loyalty to the state – a civic duty. Though MPs from Javakheti do not necessarily advocate for their community's needs, they are, along with other influential local people, basic providers of employment and goods, and so are not challenged.

Despite Georgia's accession to the main international mechanisms ensuring gender equality and a gender-sensitive legal framework, there is no separate body responsible for achieving gender equality in practice and specific actions are not supported by budget lines, and the main guiding documents do not target gender issues specifically. Also, the new labour code, which eliminates almost all employees' rights, has a more direct impact on women as it discourages childbearing.

Thus, although a gender-sensitive approach is acknowledged officially, nothing is done in practice to overcome gender inequality in the public or private realms. What is even worse, gender inequality is widely regarded as an expression of Georgian culture. Since the 1990s, women have taken on more public roles, and more work outside the home, as they are more flexible than men in adjusting to new economic realities. Women have taken a few prominent positions within the government and business, but they are the notable exceptions. In general, women have limited opportunities and are not equally represented within the executive branch or parliament. Moreover, gender imbalances are more pronounced in ethnic-minority communities. There have been no women ethnic Azeri or Armenian politicians in recent history. Women from ethnic-minority communities are not represented in local government either.

## IDENTIFYING KEY TRENDS

This is a time of tremendous change in governance and security in Georgia, and to a much lesser extent, in societal norms and practices (with very little differential effect on men and women). The Rose Revolution was a shock to the system, and the new administration initially governed as if they were still revolutionaries. In the aftermath of the November 2007 civil unrest and the August 2008 war, the government and society are consolidating, but the mid-term remains very uncertain. Nonetheless, based on the formal and informal structures and relations identified in the previous sections, it is possible to highlight challenges which continue to undermine processes of good governance in Javakheti and in Georgia, more broadly. These challenges also point to entry points – what opportunities exist to incentivise better governance processes within Javakheti and between Javakheti and the centre? The following section looks at the key trends that impact upon governance in Georgia today.

### Security

The war of August 2008 has increased perceptions of insecurity across the whole of Georgia, even in those areas not directly involved in the conflict. Russia's military action and unilateral recognition of South Ossetian and Abkhazian independence, which incited a new wave of displacement and instability, demonstrated its influence in the region and the limits of Western influence. Russia has the potential ability to incite unrest in other ethnic-minority regions of Georgia, and specifically in Javakheti, where it has been governing in different manners for two centuries. In this context, the lack of access to a variety of different information sources, media and otherwise, is of concern.

### **Government performance**

Domestic political trends are definitely affecting the rules of the game. All of the components of the political framework have been in flux since the Rose Revolution, some improving and others declining. The trend directions for the near term are not entirely clear. The government faces strong pressure from within and without to improve “democratisation”, which is variously interpreted by different parties. The chief concerns and, according to the government, its top priorities, are judicial reform and rule of law, freedom of the press, and political pluralism. The recent war, however, leads some to argue that security concerns are paramount and that democratisation must take a backseat. In counterpoint, others argue that the only path to real security is further European and Euro-Atlantic integration, and greater acceptance by Western organs requires democratic progress. But realisation of the latter is more problematic in view of Russia’s geo-strategic position and interests.

Georgia has had two presidential, two parliamentary, and one round of local elections since the Rose Revolution. International observers have judged these, in the main, to be mostly free and fair. But structural problems of the political system tend to favour the ruling party, and opposition parties tend to be weak, independent of these structural barriers. Elections in the minority regions in particular, Javakheti included, are less well conducted than in the cities; outright fraud is more prevalent, but even without that, minority communities vote overwhelmingly as their local government leaders suggest and, as these leaders derive their authority from the ruling party, the minority votes go to the ruling party, whichever it may be. It is not evident that even unimpeachable elections and removal of structural barriers to opposition party representation would do much to change these ingrained habits, but reduced isolation and greater participation in national-level political, social and economic processes might.

### **Rule of law**

Though reform of law-enforcement agencies (especially elimination of the despised Soviet-holdover traffic police and establishment of the new patrol police) has earned security actors some trust from the public, old attitudes toward the rule of law remain entrenched. This is especially so in rural areas including Javakheti, where anticorruption measures are often seen as efforts to weaken local – Armenian – power structures. Changing these attitudes and establishing respect for the rule of law will further democratise efforts and contribute to stability in the region. But the government, for its part, has done great harm to its efforts to establish respect for the rule of law by consolidating power in the executive and stifling dissent, whether from the judiciary, the media, or the political opposition. This is despite the emphasis that the EU and NATO place on the rule of law,<sup>118</sup> and the substantial donor assistance targeting it.<sup>119</sup> More can be done at national and local levels to clarify the mandates and responsibilities of law enforcement bodies, and to clearly delineate police and non-police functions of the security sector more generally.

### **Local power structures**

Local power structures in Javakheti are embodied in the MPs, Gamgebeli, Sakrebulo chairs and chiefs of police. They acquired influence through merging formal and informal sources of power, thereby legitimising their actions. These actors are the main providers of economic benefits, large and small. More recently, local power holders have started to extend the benefits of governance outside their closed networks to wider circles, by investing in infrastructure and through other philanthropic efforts.

Working within the framework of this reality, much can be done to strengthen accountability to local populations. The local office of the Ombudsman should be supported by national and international actors; much can be done to improve public awareness of this office’s role, how to access its services, and what role it plays in inducing better governance. Lastly, access to information is extremely limited. National authorities must be proactive in disseminating accessible information about political structures and responsibilities, administrative procedures, as well as citizens’ rights and how to access protective mechanisms. More can be done to incentivise local authorities to increase the political awareness of citizens in ways which are not perceived as direct threats to local authorities’ power or standing.

118 For example, see: Georgian NGO Coalition (2008). *Report on the implementation of Georgia’s European Neighbourhood Policy Action Plan*. Tbilisi, Georgia.

119 For example, see: The American Bar Association website, specifically ‘ABA Rule of Law Initiative Programs - Georgia’. Available at [http://www.abanet.org/rol/europe\\_and\\_eurasia/georgia\\_programs.html](http://www.abanet.org/rol/europe_and_eurasia/georgia_programs.html); OSCE website, ‘OSCE Mission to Georgia - Rule of Law’. Available at <http://www.osce.org/georgia/22953.html>.

### **Socio-economic dynamics**

External actors in particular play a key role in improving economic prospects and invigorating local economies. However, the impact of such interventions is unnecessarily limited and ultimately unsustainable unless local ownership is ensured. In particular, more emphasis needs to be placed on capacity-building and skills development of local populations to improve access to the labour market and professional positions, particularly in donor-funded projects. Revitalisation of local markets can be further stimulated by tapping into local agricultural and industrial markets for supplies and materials (being careful to focus on building sustainability and comparative advantage rather than catering solely to donor-driven initiatives).

Although relations between the Church and the Armenian Apostolic Church are cool, especially regarding control over disputed churches in Tbilisi, the Patriarch is not regarded as inflaming intercommunal tensions. At the national level, the Georgian Orthodox Church exercises considerable influence over public life. The leader is one of the most respected persons in society, and has been instrumental in reconciliation among domestic political actors, and in working with the Russian Orthodox Patriarchate to reduce tensions between Georgia and Russia.

### **Education and language**

Education interventions in Javakheti are mainly targeted at Georgian-language instruction. Although language is a key factor in enhancing integration, many feel the Georgian government has pursued this goal too aggressively, and at the expense of broader civic education programmes which inform citizens about good governance, how the political system functions, and what rights citizens enjoy.

### **Civil society and media**

Georgia's once vital civil society sector has been weakened since the Rose Revolution, due to an exodus of NGO leaders to the government and a decline in foreign assistance. The lack of consultation with local civil society actors by external donors contributes to a further isolation of the civil society sector, and further diminishes their potential influence. In Javakheti, there is evidence that women in particular embrace opportunities to attend trainings and capacity-building activities, but are constrained by gendered norms regarding their roles and capacities. To restore civil society's role in decision-making, we suggest a trilateral approach engaging NGOs, the government, and donor organisations. This will create greater capacity within, and cooperation between, the government and civil society than does the dual-bilateral approach.

Special assistance should be rendered to improve the media, nationally and specifically in Javakheti; capacity-building projects can promote unbiased, independent, and dispassionate reporting. More can and should be done to combat negative stereotypes of minorities and citizens in rural areas; coverage can take the form of information programmes on different regions such as Javakheti, rather than addressing peripheral regions only in the event of a crisis or negative situation.

### **Strengthening the EU link**

EC assistance, as indicated in the Country Strategy Paper (CSP) 2007–2013, will focus on assisting Georgia to meet its commitments under the European Neighbourhood Policy (ENP) Action Plan (AP), along the seven priority areas. The assistance will be implemented through the bilateral European Neighbourhood and Partnership Instrument (ENPI), as well as other EC external instruments. The CSP for 2007–2010 defines four strategic areas for assistance: democratic development, rule of law, and governance; economic development and ENP AP implementation; poverty reduction and social reforms; and peaceful settlement of internal conflicts.

The first three priority areas speak to key obstacles and challenges identified here. The focus on good governance and democratic reforms, economic development, and support for poverty reduction all address the needs of the country and Javakheti in particular. The first priority is especially relevant, as it focuses on strengthening democracy and good governance, the rule of law, human rights, and fundamental freedoms. In the context of Javakheti, a focus on good-governance assistance should engage civil society and the media in decision-making processes. Local ownership is important at all levels, which calls for a bottom-up, community-focused approach.

## CONCLUSION HERE AND NOW

### CONTEXT

Making even short-term predictions about governance in Georgia is a fool's errand. In the last five years, there has been a non-violent, popular overthrow of the government after fraudulent elections; sweeping reforms in governance and spectacular economic growth; civil insurrection followed by a security-forces crackdown, martial law, and snap elections; and a war in a separatist region leading to a Russian invasion and occupation.

Despite all this, the government's hold on power seems secure for the time being. The opposition forces that led the 2007 uprising are weak, fractured, and not widely popular; newly emerging parties may pose a more credible challenge. The president and government now enjoy more popular support than before the war, even as their handling of the events is not generally approved of. The ruling party enjoys an overwhelming majority of the seats in parliament, but loyalties are weak. Many former cabinet ministers, who were close associates of the president, have left the government to form or join opposition parties, as has the former Speaker of the Parliament – who was one of the Rose Revolution troika. Further splintering of the leadership of the ruling party (which has no particular political ideology) could bring down the government, as could external pressures to cede power back to parliament (which could then call for early elections). The stability of the state is not directly threatened by the instability of the government, except as the latter encourages Russia to take aggressive actions or spurs the government to crack down on civil liberties to keep order, which would then further distance Georgia from its Euro-Atlantic partners.

Foreign supporters of Georgia are now more cautious about their support for the current government, but none actively promote any challengers. The war and global economic forces have dealt a blow to the economy, which is heavily dependent on FDI and the real-estate market, but no financial institutions have collapsed and the currency has remained strong. The immediate response of the Europeans and the US was to support Georgia politically and economically; they are unlikely to turn Georgia aside, but many will temper their enthusiasm for the government and the state in light of the evident risks and concerns about relations with Russia.

The balance of power in government and business has, in recent years, undergone a substantial shift to a younger, post-Soviet generation, educated in the ways of – and, in many cases in – the West. Men and women are acquiring this education in roughly equal numbers, but men remain dominant even in the younger generations. An urban middle-class is emerging, which includes this generation, and a small number of businessmen and the traditional elites. The strongest electoral support for the political opposition is found in the most prosperous urban precincts, but this does not reflect their interest in a more solid framework for governance. Entry to the middle class, in the large cities, does not depend on ethnicity, all else being equal, but minorities in the minority regions may find opportunities limited due to language difficulties. Benefits of the rapid economic growth in recent years have accrued almost entirely to the middle and upper classes, with few direct benefits trickling down to the lower classes and social-welfare spending not keeping pace with the price rises of staple goods.

The most pressing migration-related problem is that of internally displaced persons (IDPs). Some hundreds of thousands of IDPs from the Abkhazian and South Ossetian wars of the early 1990s are in varying stages of integration, and tens of thousands remain housed in government-owned buildings. The recent war has created a new wave of long-term or permanent IDPs, for many of whom the government (with donor support) is building new villages on previously unoccupied land. In the longer term, the government's policy is to resettle many of the IDPs, refugees and repatriates in the minority regions, which is intended to promote civic integration but may fan

tensions, especially if the longer-term residents see their new neighbours as receiving favourable government services. None of these developments directly affect the domestic balance of power but, if mishandled, could weaken the ruling party.

The most powerful actors in Georgia remain the executive leadership of the government – the president and a small circle of confidantes. Parliament is weak by design, and the current parliament is a rubber-stamp body. The new prime minister is a political unknown, without any apparent ambitions to challenge the president. The previous prime minister was brought in after the civil unrest of 2007 to lead the government's new emphasis on social welfare, but the new one does not appear to have a mandate to speak for the dispossessed. As noted above, none of the established opposition leaders have any influence, and it is too soon to tell whether the new ones have the capacity to act.

## RECOMMENDATIONS

### FOR EU POLICY-MAKERS:

1. **Encourage Georgia to fulfill its obligations under the ENP AP, including all main directions.** Support the development of rule of law, democratic institutions, and respect for human rights and fundamental freedoms; improve the business and investment climate and continue the fight against corruption; encourage economic development and continue poverty-reduction efforts.
2. **Continue support to civil society and media, in particular in minority regions.** EU support has been instrumental to civil-society development in Georgia. The most critical interventions are capacity-building, provision of experts, and knowledge transfer. These efforts create horizontal networks that promote integration and strengthen civil society. Regional media require special attention to ensure unbiased, professional reporting; this can be achieved through capacity-building and study-exchange programmes. Encourage EU-Georgian civil society collaborations at the central and local levels, and promote information programming at the national level on peripheral and rural areas, including those with minorities, in order to increase civic knowledge of the different cultures living within Georgia.
3. **Assist Georgia to formulate its position towards the European Charter for Regional or Minority Languages through public debates and workshops involving both the government and civil society.**
4. **Assist the Georgian government in its minority-integration efforts.** The government has recalibrated its approach to minority issues, with new organs to address minority concerns. Provision of assistance on lessons learned in Europe would enable these efforts. Special emphasis should be placed on nation-building and international programmes.

### FOR GEORGIAN CENTRAL AND LOCAL AUTHORITIES:

1. **Produce guiding documents and coordinating bodies.** Finalise and adopt the National Civic Integration Strategy and Action Plan, to be the main guiding document for minority integration, with specific tasks for line ministries. The State Ministry for Reintegration should coordinate the efforts of donors and civil society.
2. **Promote minorities' representation.** Encourage ethnic-minority representation (especially women) at the central level, in the government and other spheres of public life. Create employment opportunities for minority graduates of the Zurab Zhvania School of Public Administration. This will increase the school's popularity and will create incentives for enrollment. Ensuring that support is provided to the local branch of the Ombudsman office is an important means of enhancing relations with the centre. The Ombudsman office should play a strong role in disseminating information about human rights, political participation and political accountability.
3. **Promote economic development.** Support small-business-development programmes in Javakheti. Make available small grants or low-interest credits. Design and deliver small-business-development programmes, with a focus on creating employment opportunities for women.
4. **Overcome the information vacuum.** Ensure nation-wide coverage of news broadcasts in minority languages (the Georgian perspective was not conveyed in August 2008). Provide technical equipment to Georgian Public Broadcasting to cover Javakheti, and expand the coverage area of Russian-language Alania TV to include minority areas, Javakheti among them. Encourage radio programmes broadcasting in minority languages to operate directly in minority enclaves.

- 5. Strengthen the state language, but also civic education programmes.** Further support Georgian-language programmes in minority enclaves, build on and develop achievements made by OSCE's language-support programme, and coordinate donor efforts. Provide local ethnic minorities incentives by offering professional training in concert with language training. This should be accompanied by broader civic education programmes to improve knowledge of the Georgian political system as well as how to participate in political processes.
- 6. Improve access to higher education.** Support supplementary courses to prepare for nation-wide exams. Since 2008, minorities are able to take nation-wide exams in their own language, but overall performance is not satisfactory due to the generally low level of education in rural areas.
- 7. Achieve gender justice.** Create a body for planning and implementing gender-related policies and programmes; encourage women (ethnic minorities in particular) to participate in elected and executive bodies; promote a change in the perception (especially among law enforcement) of domestic violence from a family issue to a criminal offense; and change the labour code to promote family-friendly work environments and pro-natalist policies.
- 8. Improve state services at the local level.** Ensure active support and engagement of *all* line ministries at the local level. Balance against the dominating presence of law-enforcement agencies in the regions.

#### FOR CIVIL SOCIETY:

- 1. Develop center-regional links.** National CSOs should seek partnership opportunities with local NGOs, to transfer capacity and knowledge available, and to develop projects tailored to local environments.
- 2. Develop partnerships with European NGOs.** European NGOs can help to widen the scope and expertise of Georgian CSOs, as well as transfer capacity already available in minority integration to be adapted to local realities.
- 3. Lobby the central government.** CSOs should more actively lobby the central government to effect policies for closer integration of Javakheti, and minority communities in general. This entails better representation at the central level, support for language-teaching programmes, full media coverage of the region, etc.
- 4. Promote sustainability.** CSOs should translate donor and local priorities of human security, gender equality, good governance, rule of law, and minority representation into tangible, sustainable projects. Focus on programmes that improve local policy capacity and understanding of nation-wide processes.

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## APPENDIX 1: INTERVIEWS

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