

The First One Hundred Days of the Georgian Dream: Opportunities Seized, Opportunities Lost

By Julie A. George, New York

Abstract

The victory of the opposition in Georgia's fall 2012 parliamentary elections created an uncomfortable power-sharing arrangement between the President and Prime Minister. The result has been political battles over the right to appoint ministers, the president's ability to dismiss parliament and other executive powers. These conflicts have shifted the focus away from resolving Georgia's pressing economic and social problems, even as the new government has sketched out a set of reforms that could be effective if implemented.

Competition After the Election

February 2, 2013 marked Bidzina Ivanishvili's 100th day as Georgian Prime Minister following the elections that unseated the legislative primacy of Mikhail Saakashvili's United National Movement (UNM) and ushered in the coalition opposition Georgian Dream-Democratic Georgia (GDDG). Saakashvili's concession of that election marked the first such event in Georgian politics since independence. While many analysts hailed Saakashvili's democratic impulse, some observers also voiced some skepticism regarding future Georgian political stability. These bearish predictions focused on the difficulties of transforming the punitive security structures of the old system, refashioning relationships with Russia, and navigating the obstacles associated with divided government and executive cohabitation.

Indeed, executive competition dominates the political conversation in current-day Georgia, expressed in squabbling over the rightful position of the President (who is currently more powerful formally than he is in reality), the status of the constitution, and the zeal of the Georgian prosecutors to address UNM's penchant for overstepping its authority in the previous era. These factors, while important, distract from the deep structural economic and political problems that continue to limit the standard of living for average Georgians.

Constitutional Shifts and Uneasy Cohabitation

Constitutional ambiguity has provided an opportunity for Ivanishvili and Saakashvili to engage in zero-sum politics, although Saakashvili is clearly the weaker player in terms of practical legitimacy. The current constitutional arrangement grants both executive authority, due to reforms undertaken in 2010 that established a superior parliament and a weaker president. These measures, passed at a time when UNM felt confident that it would control parliament, are set to take effect upon the expiration of the President's term, in October 2013. Until then, Saakashvili technically is the chief executive, with the

power to select and fire government ministers, dissolve parliament under certain conditions, and veto legislation. However, to conduct the business of the parliamentary system, as Prime Minister, Ivanishvili dominates the policy program of the state. Currently, in order to nominate personnel, the prime minister must request that the president nominate his (that is, Ivanishvili's) choices for main offices. So far, there has not been formal resistance to any particular choice, but the procedure must chafe Ivanishvili, who has made little secret of his wish that Saakashvili be impeached. (Ivanishvili, in what was apparently intended as conciliatory language, remarked in a press conference that "we respect our culture, our society and the state, so we will treat our opponents as our state and culture deserve and not as our opponents deserve....the issue of impeachment will not be raised by me and by our party" although later he predicted impeachment could happen anyway, and "no one should be surprised if this process arrives."¹)

Saakashvili has scant legitimacy to dissolve the parliament or fire the government, despite his formal authority. Last month, Parliament refused him entrance into the legislative chamber for his constitutionally-mandated Parliamentary address (he opted for the National Library, was spurned by an angry mob, and wound up delivering his address at the Presidential palace). This discrepancy between formal and informal authority is not unusual in Georgian politics, although this is a notable time where an executive with considerable formal authority lacks the practical legitimacy to wield it.

In order to combat these ambiguities, Ivanishvili proposes accelerating the implementation of the most important executive power changes, namely the primary executive authority of the president, his ability to select personnel, and his authority for parliamentary dissolution. Such an action would require a constitutional

¹ Civil.ge, Ivanishvili says to seek cutting Saakashvili's Powers, November 22, 2012, via <http://www.civil.ge/eng/article.php?id=25471&search=>

amendment to adapt the timing of the implementation of the 2010 amendments (clearly passed at a time when UNM expected political dominance). The constitutional debate also swirls around the current constitutional requirement that the Parliament should be located in Georgia's second city, Kutaisi, instead of Tbilisi. The GDDG advocates returning the parliament to Tbilisi. There is also some disagreement as to whether the constitution should mandate a Western trajectory in Georgian foreign policy, for which the UNM has signaled its desire. The current government proclaims that it also intends to uphold a westward policy (perhaps disingenuously, or maybe not), but does not favor a constitutional mandate.

These constitutional issues, the dual executive authority and proposed amendments, have dominated Georgian political debate since the October 2012 election, in part because they are linked with the current balance of power in the parliament. Constitutional amendments require a two-thirds majority, 100 votes in a 150-member chamber. The Georgian Dream holds 90 seats, while the UNM clings to its 54 seat block. Six members have defected from UNM to establish a faction of independents, some of who can be counted onto vote with the GDDG faction. In this current configuration, the Georgian Dream's desired constitutional amendment requires at least some UNM support. This numerical circumstance has created a small space for negotiation between the two parties, given the uncertainty of UNM's parliamentary future and the Georgian Dream's constitutional ambitions.

The political animosity over these institutional debates occupies a great deal of space in the Georgian news coverage. What is interesting is that these specific issues are temporary. Whether the sides agree on a constitutional amendment will be irrelevant in October 2013, when the new constitution is set to take hold if left alone. Rather, the attention and urgency of these events are proxies for a larger concern: the role of political pluralism in Georgia and the existence of strong opposition parties.

The demise of the Georgian Dream is much anticipated, most often by its own leadership. Ivanishvili has indicated his expectation that the party would collapse into its constituent units, several parties that joined together to create the winning coalition. Currently, the Republicans and Free Democrats maintain their own factions inside the parliament, in addition to the generic Georgian Dream faction. Despite these centrifugal predictions, however, the party has stayed together. Moreover, while the individual parties continue to exist in their own right, Ivanishvili has been active recently in ensuring party cohesion and message

consistency. For example, Ivanishvili publically reprimanded and demoted his Defense Minister and (then) First Deputy Prime Minister, Irakli Alasania, for internal discussions inside the Free Democrats party on his possible candidacy for presidency, without sanction by the Georgian Dream.

The future of the United National Movement is also unsettled. Unlike Gamsakhurdia's Round Table-Free Georgia bloc, Shevardnadze's parties, Citizens Union of Georgia and For a New Georgia, the United National Movement has not ceased to exist upon its removal from power. The strength of the UNM's ideological program has always been murky, mixed up in Saakashvili's charismatic and populist politics. Many scholars assert that the standard post-Soviet party is an ephemeral one, attached to a personality and disintegrating upon political loss. This assessment has general traction in Georgian politics, although several small opposition parties have persisted over decades and, while associated with powerful personalities, nonetheless have developed some ideological reputations. The United National Movement, which won sixty-five seats in the Parliament during the 2012 election, has faced a mini-exodus as some of its members have joined either joined Georgian Dream-Democratic Georgia or formed a group of independent lawmakers. These departures have occurred so swiftly that the defecting parliamentarians are still listed as UNM on the Parliament's website. Notably, UNM caused a similar exodus after the Rose Revolution in Georgia, when several majoritarian parliamentarians abandoned Shevardnadze's immediately defunct For a New Georgia in favor of the United National Movement or other opposition parties.

UNM's continued lasting power will be tested by Saakashvili's coming resignation. For the Georgian political arena to stabilize into predictable and democratic politics, it needs a powerful opposition party with a programmatic message that appeals to a clear constituency. Georgian Dream-Democratic Georgia became that foil to the ruling UNM, thanks in large part to Ivanishvili's ability to financially overwhelm the ruling party's access to favorable media coverage and state funds for political campaigns, as well as his recruitment of some tested political talent. With Ivanishvili's stated intention of leaving politics, his own predictions of an eventual disintegration of GDDG, and the potential dismantling of the UNM, party development in Georgia remains threatened. Without stable political parties, the politics of accountability, constituencies, and valuable opposition will not develop. Without constituency concerns, the political leadership can continue to ignore the real matters that should dominate the Georgian political landscape: pernicious unemployment, lower salaries,

poor work environment, and the overwhelming poverty, particularly in rural and suburban areas.

Crime and Punishment

The Georgian Dream-Democratic Georgia united opposition mounted a successful electoral campaign against the ruling United National Movement substantively by attacking a key UNM weakness, the dominant role played by the police and security actors and the perception among the population that abuse of power by ruling party elite was common. GDDG surged higher in public opinion polls upon the release of a video documenting abuse against alleged political prisoners on an opposition television channel. Following the transfer of power, the prosecutor's office began implementing campaign promises, announcing an amnesty of prisoners (releasing over half of the Georgian prison population) and investigating and arresting officials of the former UNM government, mostly for charges of abuse of power and embezzlement. The tide of arrests, reminiscent of the post-Rose Revolution anti-corruption purge and UNM zero-tolerance judicial policy, has drawn howls from the UNM, claiming illegal retribution, and admonitions from European actors that the ruling party should avoid any semblance of a witch hunt.

The subsequent political dialogue has pitted UNM desires for amnesty against the politics of constitutional reform. This dialogue is more about the interests and livelihoods of political elites and less about the very real concerns of human security faced in Georgian society. There are caveats, of course. Political imprisonment should not occur in democratic or rights-based societies. Political officials should be subject to an objectively written and implemented rule of law. One complication of Georgian politics, however, has been how political losses coincide with imprisonment, scandal, interrogation and exile. At the time of writing, the Georgian prosecutor has alleged charges and issued an indictment of embezzlement and money laundering against Gigi Ugulava, the elected Mayor of Tbilisi and possible UNM presidential candidate in the upcoming contest. The court has blocked prosecutorial demands for Ugulava to step down from his post in advance of a trial, provoking the prosecutors to opine about a UNM bias in the courts.

The unfolding Ugulava drama, as well as the arrests, investigations, and trials of UNM luminaries already in motion represent an as yet unrecognized political opportunity for GDDG, one whose temporal window is closing. It is possible to pursue justice in times of political turmoil, but each step must be taken carefully, with overt and transparent decision-making that cannot give the appearance of engaging in political retribution. Georgia has the means and capability to conduct such an

investigation. It would mean that the list of possible targets would probably need to be narrowed and the rules of evidence heightened to a point to be encumbering. However, a thorough and objective investigation would send a message to Georgian society that a real shift in the political game is taking place and that there is real space in the Georgian political arena for pursuing justice without political scorekeeping. This is a lesson that members of the Republican Party, part of the Georgian Dream coalition, know well, as they witnessed the UNM forego this same opportunity following Shevardnadze's ouster in 2003 and for this reason were among the first actors to abandon the UNM. Issues of crime and punishment, as well as concerns about abuse of power and extreme surveillance, helped unseat the UNM. The Georgian Dream has an opportunity to avoid a similar trap and, at the same time, help end the pattern of zero sum politics that has dogged Georgia since Gamsakhurdia's ouster in 1992.

Reform Programs

Despite the attention paid to the elite power politics, the current government has offered some hints of the programs it plans to pursue. Several of these reforms, namely a reorganization of the system of local and regional governance, universal healthcare, an end to military conscription, and renewed economic ties to Russia, have been recently publicized in Georgian news outlets. The details of each of these programs, as well as the mechanism of implementation, vary in their specificity. None of these programs is fully developed at the time of writing, at least with regard to what information is publicly available. This dearth of detail may be due to the Georgian government's preoccupation with law and order, may reflect a lack of urgency, or may simply be illustrative of the complexity and structural nature of such reforms. Nonetheless, several bear close attention.

The Ministry of Regional Development and Infrastructure has produced new policy on local and regional governance that promises to decentralize much of what the 2006 Law on Local Governance centralized. The proposed structure would create over 200 self-governing municipalities (69 currently exist) and also establish village level administration. The traditional power stronghold of the regional governors, positions of authority amidst ambiguous accountability, would become more transparent in nomination and selection. This reform, should it be implemented, would offer local governments real budgetary power and their own tax base through property taxes. Without central government intervention, this would in practice create budgetary inequality between very wealthy and very poor regions. The municipal leadership would be elected, potentially cre-

ating competitive and accountable politics at the local level and possibly limiting the extent to which central governing elites can coopt provincial leaders.

The government likewise has indicated its intention to construct a system of universal healthcare, although the preliminary information offered is more aspirational than practical. Currently, good Georgian medical care costs far more than the average Georgian can pay. Many of means seek second opinions and difficult treatments outside of the country. Not only will a healthcare reform need to construct adequate medical infrastructure throughout the country, both in terms of well-trained personnel and equipment, but the reform will need to address public health critical needs, such as the rise of reported HIV-AIDS infections and continued prevalence of hepatitis and tuberculosis.

Georgian Dream: Potential and Reality

When assessing American politics, pundits have used the first one hundred days of a new administration to take its measure and assess the merits of policy concep-

tion and implementation. In Georgia, the first one hundred days have seen more elite competition than real policy plans to address the deep structural problems of the country. But Georgia is not the United States, which, even in the days of the Great Depression, had clear institutional structures with defined powers.

Few observers of Georgian politics thought that Bidzina Ivanishvili and the Georgian Dream-Democratic Georgia coalition would have an easy time adapting to governance following the October 2012 election. The institutional framework of mandated cohabitation amidst a substantive executive power changeover meant that gridlock was likely and disagreement inevitable. Political haggling has exacerbated this structural condition, illustrated by the mutual animosity of Saakashvili and Ivanishvili. The elite-level exchanges, while sure to make locals sigh about “politics as usual” and frustrate observers eager for action, deserve attention. They betray, in part, a distrust of political competition and a rejection of the legitimacy of a powerful opposition, two factors critical for democratic development.

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Georgia—Another Painful Step Forward

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Abstract

The landmark parliamentary elections of October 1 2012 won praise as a great victory of Georgian democracy. Despite the fact that Georgia scores better in terms of democratic transition and reforms than its post-Soviet neighbors, it had not passed the test of transferring power from one government to its opposition. Contrary to what many skeptics predicted, the country achieved this milestone on October 1. However the subsequent developments make clear that democratic transition in Georgia is far from complete.

The Background

The skeptics who questioned Georgia’s ability to carry out a peaceful, constitutional transfer of power pointed to the fact that the Saakashvili government made too many people unhappy and therefore feared leaving office. In this context, it would use all possible means to stay in power. The President proved these skeptics wrong by immediately admitting the defeat of his party (the United National Movement) in the elections. He also allowed Bidzina Ivanishvili’s victorious Georgian Dream coalition to form a new cabinet without any reservations.

But the skeptics turned out to be accurate about the masses of unhappy citizens that Saakashvili’s nine-year rule created. The Saakashvili era accomplished something other post-Soviet countries can still only dream about—eradicating corruption and introducing effective and transparent public services. But, despite these accomplishments, it failed to address such problems as poverty and mass unemployment; it violated private property rights; and abused power. Georgia’s streets became secure and free of crime, but the country’s prisons were overcrowded and prisoners (as revealed on the