

## Challenges and Opportunities in the Wake of Georgia's Presidential Elections

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### Abstract

The election of Giorgi Margvelashvili as Georgia's next president in free and fair elections marked a key milestone in Georgia's political evolution. Over the past year, the parliament has become a stronger institutional player, the courts have exerted greater independence, and the media and civil society remain pluralistic. But challenges remain in the year ahead as Georgia prepares for local elections. Chief among these is the future roles of Georgia's current out-sized leaders, Mikheil Saakashvili and Bidzina Ivanishvili.

### A Pivotal Year

The October 27 presidential election marked the end of a pivotal year for Georgia's political development. In this year, the reins of government were transferred to new leaders through peaceful elections first for parliament, then president. However the transition is still incomplete. Next year, Georgia adjusts to the departure of the two personalities who have dominated politics for the last decade. Mikheil Saakashvili—the sitting president and a towering figure in Georgian politics since he and the United National Movement (UNM) came to power during the 2003 Rose Revolution—was prevented by term limits from seeking reelection. Bidzina Ivanishvili—the current Prime Minister who came to power during last year's parliamentary elections thanks to the victory of the Georgian Dream (GD) coalition he orchestrated and financed—has announced his intention to stand aside in favor of sitting Minister of Internal Affairs and personal ally, Irakli Garibashvili. Without these two defining personalities, and with local elections scheduled for the spring, Georgian politics is certain to evolve over the next year in ways that will shape the development of the political system in the future.

Overall, the changes of the last year have enhanced democracy in Georgia. The system's commitment to democratic principles is stronger now than it was before last October's elections, and there are opportunities for continued consolidation in the coming year. However, the past year has also seen several important failures, and many structural weaknesses remain. Looking back now at the past year's successes and failures will help illuminate the opportunities and obstacles for further democratic consolidation in the year to come.

### Looking Back: Lessons from the Last Year

In the year between the 2012 parliamentary and the 2013 presidential elections, Georgian voters took government out of the hands of practiced, technocratic leaders who worked within a disciplined party, and passed it to a coalition that had not yet consolidated itself or its rul-

ing vision and which—although still in large part run by experienced and capable politicians—was led by an inexperienced (and often brusque) businessman. This process has opened up considerable political space in the country, but simultaneously has helped clarify existing weaknesses, such as opaque state institutions and processes; weak political parties; and a winner-take-all understanding of state power. However, there have been many positive developments, and the basic improvements remain undeniable.

The most significant of these successes has been the advances in parliament, which has already become a much more important institution, even prior to constitutional amendments that will increase its power once President-Elect Giorgi Margvelashvili is inaugurated in November. Whereas UNM enjoyed a comfortable constitutional majority in the previous parliament, GD took only 85 of the 150 seats—short of the necessary 100 for constitutional amendments—with UNM retaining 65 seats, a significant minority. This parliament has proven its ability to work in a multiparty fashion, and has passed some significant legislation: reform of the High Council of Judges, increasing the transparency with which new judges are appointed, and improving its independence;<sup>1</sup> removal of the prosecutor's office from the Ministry of Justice and separating it from political office-holders; improvements to the election code;<sup>2</sup> improvements to the media law, including reform of the composition of the Georgian Public Broadcaster board;<sup>3</sup> and a greatly improved labor code.<sup>4</sup> It even managed to overcome a difficult fight over proposed constitutional amendments, and was able to attract the participation of UNM members.<sup>5</sup>

The judiciary is more independent. Most of the sitting judges were named during Saakashvili's tenure,

1 <<http://civil.ge/eng/article.php?id=26012>>

2 <<http://civil.ge/eng/article.php?id=26299>>

3 <<http://civil.ge/eng/article.php?id=26136>>

4 <<http://civil.ge/eng/article.php?id=25974>>

5 <<http://civil.ge/eng/article.php?id=25887>>

whereas the prosecutor's office is now staffed with Georgian Dream appointees. These different political affiliations have already led to a marked "decrease in concordance between the opinions of the prosecutors and judges, and more and more citizens win cases against the state," according to a report by Thomas Hammarberg, the EU special advisor on human rights in Georgia.<sup>6</sup> That's not an ideal basis for judicial impartiality, but it is an improvement, and hopefully one that allows for further growth.

The election environment has improved, as demonstrated by both the parliamentary and presidential elections. In the latter case, the progress may be thanks at least in part to the less-charismatic (and provocative) personalities of the candidates, helping to calm what can be a melodramatic political culture. OSCE/ODIHR's interim assessment noted widespread improvements, stating that the elections were "efficiently administered, transparent and took place in an amicable and constructive environment."<sup>7</sup> Within the general improvements, there were negatives: the State Audit Agency lacked capacity to fully investigate campaign finances and there was isolated violence against UNM members participating in primaries in Zugdidi and Batumi, with only mild sanctions against the perpetrators. Nevertheless, with two elections in a row that were broadly accepted as free and fair, the habit of electoral democracy will be more difficult to shake in the future.

Outside of government, media and civil society have taken advantage of the political opening and consolidated their positions. The media remains pluralistic, and Georgians have greater access to a variety of opinions, giving voters the information they need to make decisions. Civil society remains active and engaged, advocating for serious reforms while maintaining its watchdog role over the procedures.

Most of the failures of the past year have been missed opportunities and failures to act, rather than active missteps by the new government. However, failure to act now may in some cases make it more difficult to act in the future. Although many in the government argue that their reform efforts will be easier after Margvelashvili is inaugurated and one party controls the most important political offices, the inertia established over the past year could prove a stubborn obstacle.

The most prominent issue is that of transitional justice. This is a highly contentious issue, with complaints on both sides: either, that the new government hasn't

done enough to address the citizens' complaints against former government officials; or, that the process is purely political. So far the task has been taken up piecemeal, largely focused on the high-profile cases against former UNM officials. There has not yet been a systematic effort to deal with the tens of thousands of complaints filed after the change in government by citizens seeking redress for miscarriages of justice during the previous government's tenure. Meanwhile, those piecemeal high-profile cases are dragging slowly along, with many officials in pre-trial detention for dubious reasons. It is unclear yet to what degree the cases will be able to meet the high standards of the many international observers closely following them, although so far no serious procedural issues have been flagged by these groups. Beyond these individual trials, the government has yet to come up with a coherent solution to the dilemma of how to move the country forward while ensuring justice and ending impunity.

Perhaps the biggest issue in light of upcoming local government elections is the "spontaneous" change in party affiliation for local governments throughout the country immediately after the parliamentary elections. According to NGO reports, more than 50 mayors and 25 city council chairs resigned from their posts after the parliamentary elections, and more than 1,800 civil servants have left their positions.<sup>8</sup> In some cases, there were protests from voters demanding the resignations. Nevertheless, allowing this sort of extra-electoral change in elected positions is inappropriate, and a sign that Georgia's political culture remains mired in a winner-take-all mentality. These developments ensure that in many places Georgian Dream candidates will enjoy an incumbency advantage going into the local government elections that they would not otherwise have.

The past year has seen increasing mobilization among conservative, intolerant segments of society. This trend is exemplified by the events of May 17, wherein a small number of advocates promoting the International Day Against Homophobia were met by a large and violent counter-protest from Orthodox believers, including some priests. Over the summer, there were also several protests that prevented Muslim groups from conducting services, and in these cases, government response has been mixed. Ivanishvili spoke out very clearly against such tendencies, but legal sanctions against perpetrators have been mild or nonexistent. The government has made early steps towards addressing these issues by creating a new oversight body, but needs to take a much more comprehensive approach in ensuring that Geor-

6 <[http://eeas.europa.eu/delegations/georgia/documents/virtual\\_library/cooperation\\_sectors/georgia\\_in\\_transition-hammarberg.pdf](http://eeas.europa.eu/delegations/georgia/documents/virtual_library/cooperation_sectors/georgia_in_transition-hammarberg.pdf)>

7 <<http://www.osce.org/odihr/elections/107509>>

8 <<http://www.isfed.ge/main/155/eng/>>

gia's national and religious minorities are fully empowered to participate in the democratic system.

Finally, there are many longstanding challenges that as yet remain unaddressed. Major reform is still needed in the judiciary, the criminal justice system, penitentiaries, oversight of the police, minority rights, labor law implementation, and education. What's more, many of the most important issues for Georgian citizens are different from the question of their government's democratic credentials. By failing to address the most pressing bread-and-butter concerns for Georgia's struggling population, the government faces the threat of losing popular support, and eroding public faith in the democratic process.

The final assessment of the successes and failures of the past year shows us a much more open political society, dealing with very difficult baggage and doing so with mixed success. Some of the failures described are understandable, because of the enormous challenges, but others can be ascribed to failures of leadership and to the distraction caused by the tense political atmosphere reigning during the cohabitation. Therefore, it is reasonable to assume the Georgian government's ability to capitalize on the progress made and address the challenges before it will depend in large part on leadership and politics.

### Looking Forward

What comes next? Both Ivanishvili and Saakashvili will continue to influence their respective parties in informal capacities. Hopefully, this influence will wane over time as the parties form their own identities and Ivanishvili and Saakashvili define their own roles more concretely, promoting the emergence of new leaders. But it is also possible that they will continue to maintain significant authority over both of their blocs, greatly affecting the opportunity for real political party development, which is essential for the long-term health of democracy in Georgian. UNM candidate Davit Bakradze's 21.9% showing was poorer than his party might have hoped, but a better figure than they could have feared. The party still has a constituency, and strong fundamentals to build on, but they will need to do some serious soul-searching to win back the trust of Georgian citizens. This will be more difficult for them to do if Saakashvili remains the public face of the party. Likewise, the Georgian Dream coalition will face the difficult

task of defining itself in the absence of both Ivanishvili, its leader, and Saakashvili, its nemesis. The coalition is otherwise loosely held together, and remaining united will depend on skillful politics—and the mutual benefit of maintaining the still-popular “Georgian Dream” identity. Garibashvili had an even less prominent public persona before entering politics with Ivanishvili in 2011, than did Margvelashvili, and his record at the MIA provides little insight as to what sort of leader he will be. If Ivanishvili continues to exert undue influence behind the scenes, it will have a detrimental effect on government accountability, and the ability of Georgian Dream to develop as an independent entity.

There are several political scenarios that could negatively affect the opportunity for further democratic consolidation. In the most likely of these, the departure of Ivanishvili will prompt a continued political upheaval within Georgian Dream, as various factions within the coalition vie for influence with the new government. This process will likely intensify during the local government elections to be held next spring. This sort of continued political factiousness will slow down the pace of reform and provide a continued distraction from the business of governing. And it is vital that the business of governing continue and be successful, so that Georgian citizens can see positive results from their election of a new government. Less likely, but still possible, is that the coalition's weaknesses are less salient than the mere fact of its possession of both executive and parliamentary authority, allowing the current government to indulge in the sort of state overreach that ultimately undermined UNM's democratic pretensions.

The dynamism of the past year has greatly expanded the opportunities for Georgian democratic development. Georgians established the practice of peaceful, free and fair elections that can result in significant changes. It's difficult to imagine Georgian citizens accepting anything less in the future. A great deal of difficult work remains to be done, and there are many obstacles to further progress. However, despite these difficulties, and despite the nasty nature of much of Georgian politics, the past year has seen positive developments and much of what has been gained would be very difficult to reverse. If over the next year the current top leaders play a lesser role, and the government and its citizens maintain the slow but steady pace of reform, Georgia's democracy will continue to consolidate.

#### *About the Author*

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