

Georgia’s European Way

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1. Introduction

August 2008 changed Georgian reality. The tragedy of the five-day war changed not only the vector of Georgia's official foreign policy and the lives of the tens of thousands of internally displaced persons (IDPs) who lost their homes, livelihood, and sense of security: *it also changed Georgian society's perception of the outside world.*

“In the light of Russian aggression in August 2008 and the subsequent occupation of significant parts of Georgian territory, European integration has acquired particular importance for our country” – reads the paper distributed at the 6th International Conference *Georgia's European Way*¹, held in Tbilisi on February 11–13, 2010. The summary of the official expectations of the Georgian government towards the European Union can be found in the same paper – “Georgia's foreign policy is directed more than ever towards the EU, which is associated with progress, democracy, human rights protection, economic development, welfare and prospects for Georgia's unification.”

To what extent are these expectations realistic? Do they comport themselves to the new initiative of Eastern Partnership? Are the actions of the Georgian government consistent with the declared goals to achieve greater integration with the EU? Is the foreign policy of the Georgian government towards the EU shared by political actors inside the country and by the general public? Is the European Union ready to provide an adequate response to these expectations through Eastern Partnership?

These are the questions that the present study tries to answer. This paper does not set out to provide a comprehensive analysis of the complex geopolitical context that gave birth to the idea of the Eastern Partnership initiative (EaP). Nor does it aim to examine the existing and future challenges to the initiative due to Russian and Turkish factors. On the contrary, the scope of the study is rather limited and will cover only the EU-Georgia relationship in the framework of the EaP.

¹ The 6th International Conference on the Implementation of the European Neighbourhood Policy Action Plan by Georgia, held in Tbilisi, Georgia, February 11–13, 2010. The conference “Georgia's European Way” is held twice a year and draws participants from governmental agencies, the Council of the European Union, the European Commission, representatives of EU member states, international and domestic NGOs, and a range of experts.

The paper begins with an examination of the Georgian government's priority areas in relations with the EU. The relevant part of the survey is divided into two sections. The first part offers brief background information on the EU-Georgia relationship and describes the main state agencies responsible for relations with the EU, while the other measures the consistency of the Georgian government's actions with its declared aspirations regarding the process of democratization and establishing the rule of law. This part of the study is followed by an analysis of the opposition's approach towards the EU. This section is of particular importance as it reflects the ambivalent stance of some of the opposition parties, and how that stance has significantly changed over the past two years. Following presentation of the results of the survey conducted in four regions of Georgia (two of them directly adjacent to the conflict zone) I analyze the community perceptions of Georgia's foreign policy, particularly in relation to Europe. The following sections look at the most serious advantages and shortcomings of the EaP for Georgia and describe the government's involvement in EaP activities. Finally, this paper endeavours to plot the future position of Georgia towards the EaP, taking into account the complexity of issues directly linked to the post-conflict situation in Georgia.

2. Georgia-EU

2.1. The Georgia-EU relationship – Declared Policy of the Government of Georgia

The commencement of relations between the EU and Georgia dates back to 1992, right after Georgia regained its independence in the wake of the break-up of the Soviet Union. Bilateral relations have significantly intensified since the 2003 "Rose Revolution"² when the old regime under Shevardnadze was replaced by the energetic team of young leaders oriented toward liberal, Western values. From the first days of his inauguration, President Saakashvili, who consolidated power in his hands, sent a clear message to the outside world that Georgia was planning to pursue Euro-Atlantic and European integration – even at the expense of worsening relationships with Russia.³

To achieve the goals declared, special bodies were introduced at the executive and parliamentary level. In December 2004, the Office of the State Minister for European and Euro-Atlantic Integration was created under the government, and was entrusted with the task of deepening

² http://ec.europa.eu/external_relations/georgia/index_en.htm

³ Steavenson, Wendell (2008): 'Marching Through Georgia', *New Yorker*, 09.12.2008, http://www.newyorker.com/reporting/2008/12/15/081215fa_fact_steavenson (21.10.2010).

cooperation with the EU and NATO and achieving full political, legal, military, economic, and cultural integration. Regarding parliamentary oversight of the fulfillment of obligations undertaken by Georgia towards the EU⁴, the Parliamentary Committee on European Integration was created. Despite the fact that these bodies were introduced soon after the Rose Revolution, the EU-Georgia relationship entered a new phase not until after August 2008.

In general, the foreign policy strategy pursued by the government of Georgia after 2003 can be aptly⁵ divided into two parts: before and after the 2008 conflict. It is widely perceived that, after the five-day war with Russia, Georgia shifted the focus of its attention from the US and NATO to the European Union. This perception is confirmed by the official Foreign Policy Strategy⁶ papers that coincide with these periods. While in the Strategy for 2006–2009, NATO membership is pronounced to be a ‘declared objective’ of foreign policy, the “gradual integration with the EU” is regarded as a “long-term foreign policy goal of Georgia.”⁷ This somewhat cautious attitude towards the EU can be explained not only by the lack of interest on Georgia’s side in having a more intensified relationship with the EU, but also by the passive approach of the European Union toward matters in the South Caucasus. The Strategy for 2006–2009 talks about the need “to achieve *more active* involvement of the EU in Georgia and the South Caucasus.”⁸

After August 2008 the situation dramatically changed for both actors – Georgia and the EU. The former, to some degree disappointed by the Bucharest Summit of 2008⁹, realized after military confrontation with Russia that NATO membership had become an unrealistic goal.¹⁰ Accordingly, in the post-conflict era, the Georgian authorities have perceived the European

⁴ For instance, implementation of the ENP action plan.

⁵ However, even before August 2008, there have been dramatic changes in the attitude of the outside world towards Georgia, particularly because of the November 7, 2007 events, when the government was heavily criticized by the West for violent dispersal of the peaceful demonstrations in Tbilisi and Batumi.

⁶ The website of the Ministry of Foreign Affairs of Georgia,
http://www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=8 (21.10.2010).

⁷ Ministry of Foreign Affairs of Georgia (2006): *Foreign Policy Strategy 2006–2009*, p. 10,
http://www.mfa.gov.ge/files/35_9440_673620_11.pdf (21.10.2010).

⁸ *ibid.*

⁹ The government of Georgia has long been awaiting receipt of the Membership Action Plan (MAP) that was refused at the Bucharest Summit, held on April 3, 2008.

¹⁰ “The question of NATO membership is not imminent at this point of time”, report by Rui Gomes Da Silva (Portugal) – Rapporteur ad interim, 180 PCNP 09 E rev 1 – *Georgia and NATO*, can be accessed at <http://www.nato-pa.int/default.asp?SHORTCUT=1776> (21.10.2010).

Union as the only alternative for ensuring the security and territorial integrity of the country.¹¹ The EU's role has particularly increased against the background of the closures of the OSCE and UNOMIG missions in Georgia, and with the EU civilian monitoring mission (EUMM) remaining the only international mission closely following developments along the conflict zones.¹² In the long run, Georgia hopes for the EU's increased role in the process of restoring territorial integrity. However, alongside security and stability issues¹³, regarded as the top priorities for the authorities, important emphasis is being placed on the issues of economic cooperation, trade¹⁴, and visa liberalization with the EU.¹⁵

On the other hand, for the European Union, the August conflict made it evident that the EU's security begins outside its borders and that developments taking place in its neighbourhood affect its wellbeing.¹⁶ The new initiative of Eastern Partnership with three immediate neighbours and three Southern Caucasus states is assessed as an attempt to ensure stability and security on the eastern borders of the EU¹⁷ through a number of bilateral and multilateral initiatives.¹⁸

2.2. Georgian Commitments to Democracy and the Rule of Law – Myth or Reality?

The Joint Declaration of the Prague Eastern Partnership Summit provides that “bilateral cooperation under the Eastern partnership umbrella should provide the foundation for Association Agreements between the EU and those partner countries who are willing and able to comply with the resulting commitments.” How will this willingness and ability be assessed? The European Commission in its December 2008 Communication stated that “a sufficient level of progress in terms of democracy, the rule of law and human rights, and in particular evidence

¹¹ In his speech to the Parliamentary Committees, Giorgi Baramidze, the Minister for European and Euro-Atlantic Integration, stated that “the EU is the guarantor of Georgia's sovereignty and territorial integrity”, *European Time. Monthly digest of the Committee of the European Integration of the Parliament of Georgia*, 5 (17), p. 1.

¹² However, refusal for access to the breakaway regions of Abkhazia and South Ossetia results in asymmetrical implementation of the mission's mandate.

¹³ Ministry of Foreign Affairs of Georgia (2009): *Foreign Policy Strategy 2009–2012*, p. 10, http://mfa.gov.ge/files/562_10030_958526_Strategy.doc (21.10.2010).

¹⁴ *ibid.*

¹⁵ Agreement on the liberalization of the visa regime will be signed by the end of July and will enter into force by the end of 2010, *European Time*, supra, footnote 12, p. 1.

¹⁶ http://ec.europa.eu/external_relations/eastern/index_en.htm

¹⁷ Speech of Jose Manuel Barroso on the Prague Eastern Partnership Summit on May 7, 2009, *European Time, Monthly digest of the Committee of the European Integration of the Parliament of Georgia* 4-5, p. 1.

¹⁸ Council of the European Union (2009): *Joint Declaration of the Prague Eastern Partnership Summit*. 8435/09 (Presse 78) Prague, May 7, 2009.

that the electoral legislative framework and practice are in compliance with international standards, and full cooperation with the Council of Europe, OSCE/ODIHR and UN human rights bodies will be a precondition for starting negotiations and for deepening relations thereafter.”¹⁹ In other words, for the EU the start of negotiations on the Association Agreement with Georgia is conditioned by political achievements in the quality of democracy and the rule of law.

There is a general consensus that Georgia has more work to do in strengthening its democracy.²⁰ In 2008, and under mounting international pressure, President Saakashvili promised a ‘new wave of democracy’, which envisaged, among other things, increased powers to parliament, more opposition oversight, a freer media, and reform of the country’s judiciary.

After a year and a half, the reality has been disappointing. Despite the re-introduction of limited political debate shows, all three national TV channels²¹ are clearly pro-government. Today, according to assessments by *Reporters Without Borders* and *Freedom House*, Georgia’s media is less free and pluralistic than it was before the Rose Revolution in 2003.

Following the OSCE/ODIHR reports in 2008, which outlined several irregularities in the conduct of elections, the government embarked on reforming the Election Code. By the end of 2009 the Code was amended: however, the amendments do not adequately address the potential abuse of administrative resources during elections.²² Despite “evident progress towards meeting OSCE commitments” in the May 30 municipal elections, the OSCE/ODIHR noted significant remaining shortcomings, including deficiencies in the legal framework, its implementation, an uneven playing field, and cases of election-day fraud.²³ The government did not

¹⁹ European Commission (2008): *Eastern Partnership. Communication from the Commission to the European Parliament and the Council*. COM(2008) 823 final. Brussels, 03.12.2008, http://eeas.europa.eu/eastern/docs/com08_823_en.pdf (21.10.2010).

²⁰ Gordon, Philip H., Assistant Secretary, Bureau of European and Eurasian Affairs, testimony before the Senate Foreign Relations Committee, Subcommittee for Europe.

²¹ Public Broadcaster and private TV companies, Rustavi 2 and Imedi.

²² European Commission (2010): *Implementation of the European Neighbourhood Policy in 2009: Progress Report Georgia. Commission Staff Working Document Accompanying the Communication from the Commission to the European Parliament and the Council Taking Stock of the European Neighbourhood Policy (ENP)*. COM(2010) 207. Brussels, 12.05.2010, p. 3, http://ec.europa.eu/world/enp/pdf/progress2010/sec10_518_en.pdf (21.10.2010).

²³ International Election Observation Mission (2010): *Statement of Preliminary Findings and Conclusions. Georgia – Municipal Elections, May 30, 2010*, http://www.osce.org/documents/odihr/2010/05/44179_en.pdf (21.10.2010).

manage to stamp out the practice of intimidating political opponents, nor did it send the right message to the offenders. Indeed, the most serious allegation of intimidating opposition leaders in regions involving high ranking officials from the Ministry of Internal Affairs (MIA) went unpunished.

The low level of trust towards the judiciary continues to be a matter of concern. The extremely high conviction rate and the failure of the legal system to prosecute, or even pursue many high profile ‘political cases’ leaves legitimate concerns over its independence.

In the police service, formal changes have occurred, but they seem to have created little impact on police activities. There are now formal human-rights training programs that form part of the police curriculum. However, 2009 saw a sharp increase in the use of excessive force by police officials. For example, on May 6, 2009, the police used plastic bullets against demonstrators. On June 15, peaceful demonstrators who had gathered in front of the main department of the MIA were attacked and beaten by policemen wearing civilian clothes. These instances were not followed by adequate investigation from the Prosecutor’s Office.²⁴

While three months of protests by the non-parliamentary opposition in April 2009 were generally held peacefully, there was a clear imbalance in protest-related incidents and crimes against government officials, which were investigated and solved quickly. Such was not the case for crimes committed against non-parliamentary opposition activists.²⁵ The Public Defender and NGOs reported dozens of cases where opposition supporters were severely beaten up by groups of unidentified persons. To date, no perpetrators have been identified or brought to justice.

Detention conditions and overcrowding in prisons remain areas of concern, along with the inhuman and degrading conditions often caused by overcrowding. The use of parole or alternatives to imprisonment is inadequate, and in contradiction with CoE standards.

Many of the most influential opposition parties continue to boycott Parliament, describing the ‘second wave’ of reforms as mere window dressing.²⁶ The polarization of political life in Georgia continues to be a serious obstacle to genuine political reform and inclusiveness.

²⁴ Georgian NGO Coalition (2009): *Report on the Implementation of Georgia’s European Neighbourhood Policy Action Plan*. Tbilisi, p. 6, http://georgien.boell-net.de/downloads/ENPAP_25November2009draft-27.11.09.pdf (21.10.2010).

²⁵ U.S. Department of State (2010): *2009 Human Rights Report: Georgia*, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136032.htm> (21.10.2010).

²⁶ European Commission (2010): *Implementation of the European Neighbourhood Policy in 2009*, p. 2. See p. 5 fn. 22.

However, the decision of the opposition to participate in the work of local Sakrebulo (self-governing bodies) after the May 30 municipal elections is a positive step for expanding political debate from the streets into political arena. However, the impact of the opposition's participation in the work of Sakrebulo remains to be seen.

3. Approaches towards the EU – political opposition and society

3.1. Political Opposition

The political environment has remained highly polarized since the dramatic events of November 2007²⁷ and the subsequent presidential and parliamentary elections, ones that were widely challenged by the opposition. In protesting against alleged violations in both elections, many opposition parties have boycotted the work of the Parliament. The armed conflict with Russia further aggravated political tensions.²⁸

If before the August 2008 conflict orientation towards European and Euro-Atlantic integration was one of the notable points of consensus in mainstream Georgian politics²⁹, considerable changes in foreign policy priorities are to be observed in the period following the military confrontation with Russia. Surprisingly, political parties that quickly denounced Russian aggression after the August conflict and blamed the government of Georgia for paving the way for the Russian intervention due to the failure to receive a membership Action Plan (MAP) at the Bucharest Summit³⁰, changed their rhetoric some time after from the war.

In particular, in a memorandum concluded right after the August conflict³¹, two political parties – the *Conservative Party*³² and the *People's Party* – openly criticized the Russian government for occupying Georgian territories and held up NATO membership as a prerequisite for the country's survival. However, sometime later, the same parties³³ heavily criticized the government for worsening relations with Russia, citing the examples of Armenia and Azerbai-

²⁷ On November 7, 2007, peaceful demonstrations were violently dispersed by the government in Tbilisi and Batumi

²⁸ U.S. Department of State (2010): *2009 Human Rights Report: Georgia*, p. 3.

²⁹ Nodia, Ghia, Álvaro Pinto Scholtbach (eds) (2006): *The Political Landscape of Georgia. Political Parties: Achievements, Challenges and Prospects*. Delft: Eburon.

³⁰ Conservative Party and People's Party of Georgia (2008): *Memorandum on the August 2008 Post-Conflict Crisis in Georgia*, September 16, 2008, <http://conservatives.ge/?p=129> (21.10.2010)

³¹ 16 September 2008.

³² www.conservatives.ge

³³ A new policy document 'Pro-Georgian Foreign Policy and National Security', see fn. 30.

jan as countries which had managed to maintain normal relationships with Russia while pursuing their European aspirations. The actions of the West, which gave priority to the development of relations with Russia and avoided confrontation with Russia over Georgia, are assessed as ignoring the Georgian cause. Both the *Conservatives* and the *People's Party* view restoration of political, economic, and trade relationships with Russia as a necessary precondition for Georgia's well-being. This attitude seems to be shared by the *Labour Party*, another well-established, leftist political party. In starting negotiations with Russia, some politicians and political parties went even further. For instance, Zurab Noghaideli's party, *Movement for a Fair Georgia*, signed an agreement of cooperation with Russia's ruling party *Edinaia Rossiya* on February 9, 2010. Nino Burjanadze, head of the political party *Democratic Movement – United Georgia*, joined Noghaideli in his frequent visits to Moscow for trust building activities with Russia.

The *Conservatives* and the *People's Party*, forming the coalition *National Council*, together with Zurab Noghaideli's party, *Movement for a Fair Georgia*, received 8.26% of the votes cast in Tbilisi's Sakrebulo elections. While some of the opposition parties share the same policy, significant political parties – *New Rights*, the *Republican Party*, Irakli Alshania's *Our Georgia – Free Democrats*, and the parliamentary opposition, *Christian-Democratic Party*, openly support the government's policy towards European and Euro-Atlantic integration. However, the policies of the government meant to achieve the declared goals are openly questioned and heavily criticized.

3.2. Towards the EU or back to Russia?

The August war has undoubtedly shaped the attitude of the population and defined their preferences for their country's external orientation. Discussions with communities³⁴ conducted in four regions of Georgia (two of them³⁵ adjacent to the conflict zones) showed that Georgia's pro-Western orientation was seen by the general public as contributing to an environment in which violence could re-emerge. In particular, it was felt that Georgia's European aspirations had provoked a negative response from the Russian government ("Russia was irritated by the

³⁴CIPDD, GYLA and Saferworld (2010): *Community perceptions of the causes and effects of the August 2008 conflict in Kvemo Kartli, Samegrelo, Samtskhe Javakheti and Shida Kartli*, Survey carried out by London-based NGO SaferWorld and Georgian non-governmental organizations, GYLA and CIPDD, June, 2010, <http://www.saferworld.org.uk/downloads/pubdocs/Community%20Perceptions%20of%20Conflict.pdf> (21.10.2010).

³⁵ Samegrelo and Shida Kartli.

inclusion of Georgia in global projects”). More specifically, it was thought that an over-emphasis in government policy on relations with the US/West at the expense of worsening relations with Russia increased regional tensions and made a return to violence more likely.³⁶ Talking about the economic dimension of the August conflict, some of those questioned cited greater integration of Georgia with Western markets, and especially with the European Union, as contributing to the conflict. In particular, it was felt that the Russian government had a negative understanding of such integration and took measures to block it.

Despite the fact that membership in European and Euro-Atlantic institutions is still desirable for the majority of those questioned³⁷, at the same time it is apparent that communities in all regions feel the need to question the range of values they held before the conflict. This includes, for example, their understandings of appropriate international politics (*should Georgia be so pro-Western?*) or understandings of what is “right” for Georgia.³⁸

Strong disappointment with the perceived lack of support from the West is a general feeling in Georgian society. This disappointment to some degree has led to disillusionment, frustration, and a loss of confidence in the West, with a focus on the EU and US – “[Europe] threw us aside”.³⁹ It was felt that the US and the West had proved unable to counter Russian “aggression”, and had been reduced to making declarations rather than taking actions or being able to enforce agreements (such as the 6-point Plan) or resolutions.

Importantly, all four regions shared the perception that the ineffectiveness of the West and the subsequent loss of confidence is compelling large parts of society to re-evaluate their attitudes towards the West and Western values. Many feel that the faith they had in the West was misplaced and are looking for alternative sources of values, including from Russia.⁴⁰ However, this option is overshadowed by the common perception that in the August 2008 conflict Rus-

³⁶ See fn. 34.

³⁷ NATO membership was supported by 73.2 percent of the war-affected population compared to 64.9 percent of the rest of the surveyed, and EU membership was supported correspondingly by 85.0 and 75.0 percent of the population. See Sumbadze, Nana (2009): *Georgia Before and After the August War. Report on the Survey of Population: Barometer 2007 and 2008*. Tbilisi: Institute for Policy Studies, <http://www.pasos.org/content/download/59675/231771/file/barom0708eng.pdf> (21.10.2010).

³⁸ supra, fn. 34.

³⁹ *ibid.*

⁴⁰ *ibid.*

sia acted as an “aggressor” against a sovereign state. This has manifested itself in increased resentment and hatred towards the Russian government; as well as increased patriotism.

To sum up, the feeling and perceptions among the general public regarding Georgia’s foreign policy orientation, particularly in the regions, is mixed and confused. The public’s anxiety could be the result of insufficient communication between the central government and general public as the former usually targets the international community rather than its own population.

4. Eastern Partnership (EaP) – A step forward?

The Joint Declaration of the Prague Eastern Partnership Summit talks about raising the relationship between the European Union and the partner countries to *a new level* of cooperation through the establishment of the Eastern Partnership initiative.

The EaP is an added value for Georgia. Georgia considers Eastern Partnership a higher level of relationship with the EU, where Georgia is treated as a “Partner” and not simply as a “Neighbour”, as it is referred to in the ENP. In addition, the EaP is perceived as an important step towards European integration, the primary elements of which include the Association Agreement, a visa-free regime, and introducing a free trade area. These are seen as giving flesh to the ENP’s general objectives.

While the Association Agreement, visa liberalization, and the Deep and Comprehensive Free Trade Area (DCFTA) are perceived as important achievements in themselves, the Georgian government views them as necessary steps to full integration with and membership in the European Union. This view is also supported by experts who see the Association Agreement as the final step in the process of winning EU membership.⁴¹

Most importantly, for Georgia’s authorities the EaP does not serve only social or economic goals, but security issues as well.⁴² The Georgian public is expecting the EU’s greater involvement in settling the region’s frozen conflicts, convinced that the process of integration

⁴¹ Interview with Kakha Gogolashvili, Director of Georgian-European Policy and Legal Advice Centre (GE-PLAC), published in Parliamentary Digest, *European Time* 3, March 2009, p. 1.

⁴² Speech of Giorgi Baramidze, State Minister of the European and Euro-Atlantic Integration, when meeting with Civil Society groups on March 22, 2010.

with the EU will help to guarantee Georgia's security.⁴³ Yet even the full membership is not an end in itself, but it is rather a guarantee for the security and reunification of Georgia.

However, Georgia's security concerns are largely ignored in the EaP. According to experts, the country's significant security concerns cannot be met by the soft measures offered by the EaP.⁴⁴ Therefore, the government of Georgia insists on including topics related to resolving the conflict in Thematic Platform I discussions.⁴⁵

In general, the Georgian government is making use of the EaP as a platform for diplomacy, and for pursuing the goal of non-recognition of breakaway territories by the EU and its member states. For instance, Georgia insists on referring to Abkhazia and the Tskhinvali region as 'occupied territories' and uses the phrase 'occupation line' instead of 'administrative border'.⁴⁶ In addition, the Georgian delegation vigorously objects to the inclusion of the Russian Federation in the Eastern Partnership process as a partner country. For the government the EaP is a space in which it can veto Russian participation, unlike European Neighbourhood, where Russia is a full member.⁴⁷ This can be seen as revenge in relation to the large EU member countries that play their own games with Moscow, directly affecting Georgian interests. Examples of this include the French deals to sell Mistral ships to Russia, which provoked fears in Tbilisi that the ships might be used against Georgia.⁴⁸

5. The Government Engagement in EaP Activities

By the decision of the government of Georgia the overall coordination of the EU Eastern Partnership is implemented by the Office of the State Minister for European and Euro-Atlantic Integration. Individual Ministries are responsible for the relevant thematic platforms. On the level of *bilateral cooperation* with the EU, the government of Georgia set the following priorities: 1. signing the Association Agreement with DCFTA incorporated in it; 2. gra-

⁴³ See footnote 6, p. 5.

⁴⁴ Boonstra, Jos and Natalia Shapavolova (2010): 'The EU's Eastern Partnership: One year backwards'. *FRIDE Working Paper* 99 (May), p.10.

⁴⁵ From the speech of State Minister for European and Euro-Atlantic Integration, Giorgi Baramidze, March 22, 2010, at a meeting with civil society representatives.

⁴⁶ From the speech of Giorgi Chaladze, Deputy Minister of Culture, person responsible for Platform IV, March 22, at a meeting with civil society representatives.

⁴⁷ According to the State Minister, Russia has its own, bilateral framework of relations with the EU with a very extensive agenda and its participation in the Eastern Partnership will not bring any constructive elements.

⁴⁸ *supra*, fn. 44, p. 10.

dual visa liberalization; 3. social-economic reforms that support bringing Georgia in line with the EU economic space.

1. Signing the Association Agreement and DCFTA. During the meeting of the EU-Georgia Subcommittee on trade, economic, and related matters, held on May 27–28, the European Commission made it clear that a separate DCFTA agreement is no longer considered feasible. DCFTA might become a part of the possible Association Agreement between Georgia and the EU. Depending on the progress with regard to key proprieties, the mandate for the Association Agreement might either contain provisions on DCFTA or just a reference to the perspective of DCFTA in the future.

According to information provided by the Georgian government⁴⁹, during 2009 it continued its preparatory work for eventual negotiations on DCFTA with the EU. In response to the EC assessment report on Georgia's preparedness for DCFTA with the EU,⁵⁰ the Georgian government created an Interagency Working Group for the Preparation of DCFTA. In addition, two specialized Task Forces on technical regulation and food safety issues respectively were established. The DCFTA's preparatory process focused on a set of administrative measures, legal and institutional reforms in the area of technical barriers to trade (TBT), food safety, intellectual property rights, competition policy and strengthening the administrative capacity of institutions and officials to be involved in the eventual negotiations.⁵¹

However, the feasibility studies carried out for the European Commission on Armenia and Georgia concluded that these states are “not ready for such a far-reaching liberalization yet and even less to implement and sustain the commitments that it would require.”⁵² The diplomatic translation of this assessment is reflected in the Progress Report for Georgia: “by deploying additional efforts in particular in order to properly complete, adopt and make progress in implementing agreed legislative and administrative capacity-building plans, Georgia would become ready to start DCFTA negotiations.”⁵³

⁴⁹ Information distributed at the 6th International Conference “Georgia's European Way”, see footnote 1, p. 4.

⁵⁰ Presented to the government of Georgia on March 26, 2009.

⁵¹ See fn. 41, p. 4.

⁵² European Commission, ‘Trade: South Caucasus (bilateral relations)’, <http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/regions/south-caucasus>, (21.10.2010)

⁵³ European Commission (2010): *Implementation of the European Neighbourhood Policy in 2009: Progress Report Georgia*, p. 11. See p. 5, fn. 22.

2. *Gradual visa liberalization* – the negotiations on visa facilitation and readmission agreements were technically concluded in November 2009 and visa facilitation agreement was signed on June 17, 2010. However, the agreement is limited in scope. It facilitates visa access only to some categories of citizens, reduces the fee for processing visa application from €60 to €35 and excludes Denmark, the UK and Northern Ireland, and Ireland.

High expectations for visa-free travel sometime in the near future are created in the public,⁵⁴ without giving much detail on what steps are expected to be taken in order to achieve a full visa-free regime with the European Union.

3. *Social-economic reforms that support bringing Georgia into line with the EU economic space* – The European Commission has identified poverty reduction and employment and social policies as the major future challenges for Georgia.⁵⁵ The absence of a specific employment strategy and employment implementing agency in Georgia has been heavily criticized by the European Commission. The EC has directly indicated to the government that there is a need to “thoroughly address the mismatch between skills and labour market needs.”⁵⁶ So far the government has also failed to review the provisions of the Labour Code that were not in line with the International Labour Organization (ILO) Conventions on core labour standards. To date, the government of Georgia has offered little inclination to widen support for labour rights⁵⁷ or introduce allowances or any kind of social assistance for unemployed persons.

On the multilateral track, the government of Georgia is actively engaged in the work of all four thematic platforms. In the framework of *Thematic Platform I “Democracy, Good Governance and Stability”*, the government has expressed the desire to host an international conference to share best practices on the fight against corruption and good governance. In April the agreement establishing the South Caucasus Integrated Border Management System (IBM)

⁵⁴ The State Minister for Euro-Atlantic and European Integration, Mr. Baramidze in his speech to the Parliamentary Committee of the European Integration, stated that it is planned to have a visa-free regime with the EU in the future. *European Time*, 5 (17), p. 1.

⁵⁵ European Commission (2010): *Implementation of the European Neighbourhood Policy in 2009: Progress Report Georgia*, p.2. See p. 5, fn. 22.

⁵⁶ *Ibid.* p. 10.

⁵⁷ Georgian NGO Coalition (2009): *Report on the Implementation of Georgia’s European Neighbourhood Policy Action Plan*, p. 27. See p. 6, fn. 24.

was signed. The concept was developed under an EU-UNDP Project, which assists all three South Caucasian countries in implementing IBM inside their states and with neighbouring countries.

Under *Thematic Platform II “Economic Integration and Convergence with EU policies”* Georgia plans to participate in two Flagship Initiatives – namely, on SME Facility and Environmental Governance. Preparatory works for DCFTA negotiations are underway in such areas as Food Safety (FS), Competition and Technical barriers to Trade (TBT).

Georgia is pursuing its national interest in keeping the transit status of the country alive under *Thematic Platform III on “Energy Security”*. According to information provided by the representative of the Ministry of Energy,⁵⁸ preparatory work for realization of the objectives of Thematic Platform III’s working plan for 2009-2011 is underway. The main directions are energy efficiency programs, development of hydro power generation, and diversification of energy sources. The government of Georgia pays particular attention to regional projects on energy security, including development of new electricity transfer lines with neighbouring countries. Georgia plans to be actively involved in the Flagship Initiative on Regional Energy Markets and Energy efficiency.

Under *Thematic Platform IV “Contacts Between People”* the government of Georgia has expressed the will to host a meeting of Cultural Contact Points in Tbilisi.

6. Civil Society’s Response to the EaP

Now a year from the launch of the Eastern Partnership initiative, there is a shared opinion among the non-governmental actors that civil society groups should be engaged in the EaP in all possible ways – not only during the final stage of monitoring implementation of commitments undertaken by the state, but from the starting point of designing specific programs/agreements/obligations for partner countries – be that on a bilateral or multilateral level.

⁵⁸ From the speech of Nana Pirtskheliani, the person responsible for Platform III, at the March 22 meeting with civil society groups.

Involvement of civil society in the EaP process in Georgia might build on the experience gained from the joint activities carried out to monitor the implementation of ENP AP. Various groups representing Georgian civil society had been actively involved in the development of the Action Plan for Georgia back in 2005 and monitoring the ENP process from the beginning. Points from ‘shadow reports’ of the NGOs submitted to the European Commission are usually incorporated in the EC’s ENP Progress Report for the country.

Usually, the EC Progress Reports pointing to the deficiencies in the existing rule of law in a country are used as a tool for civil society groups for putting pressure on the government and advocating further reforms. However, there is a general consensus within civil society groups that due to the absence of strong conditionality and reluctance to use strong leverage in relation to Georgia, the ENP Action Plan has not been sufficiently successful for promoting democratic reforms.

A year after the initiation of the EaP there is an expectation that it might prove to be more effective in terms of pushing democratic reforms forward in Georgia than the ENP for one very specific reason: the incentives for Georgia are clearer. The inherent conditionality in the Joint Declaration of the Prague Eastern Partnership Summit refers to the necessity to have achievements in promoting democratic reforms before negotiations on an Association Agreement or free trade will be opened. Therefore, the position that civil society groups (at least part of them) will take is that any decision to open negotiations on an Association Agreement between the European Union and Georgia should be based on concrete progress made by the Georgian government in implementing political reform commitments under the ENP Action Plan. It is very important that, during the process of measuring the concrete achievements made by the government of Georgia, the EU consult with domestic civil society groups.

The expectations of civil society toward the EaP process are that the EU will make the full use of its political and financial leverage in relation to Georgia. The political leadership of Georgia sees no alternative to integration into Western structures.⁵⁹ The fact that EU integration is a high priority on Georgia’s foreign policy agenda⁶⁰ should be used for demanding significant

⁵⁹ Boonstra, Jos and Natalia Shapavolova (2010): ‘The EU’s Eastern Partnership: One year backwards’, p. 10. See p. 11, fn. 44.

⁶⁰ Ibid, p. 11

achievements in the separation of powers, reforming the judiciary, upholding the independence of the media, elimination of the syndrome of impunity in law enforcement bodies, etc. At this stage the involvement of civil society in shaping EaP policy in Georgia is poorly organized and sporadic. Despite the fact that this is to some degree compensated by the permanent interaction of certain civil society groups with the government on democratization issues like elections, media, and transparency, more coherent and joint efforts are necessary for making visible change.

The initial signal of the Georgian government welcoming the involvement of civil society representatives in the work of platform meetings on the international and domestic level⁶¹ is promising; however, the consistency of this approach is yet to be seen.

7. Conclusion

It is less than a year and two months since the Eastern Partnership was launched in Prague⁶² – thus it is too early to consider it a “powerless response” to democracy, security, and economic development in the region.⁶³ There is still enough time to believe that there are chances for the Eastern Partnership to be further strengthened.

Even if work on the multilateral level will prove ineffective, the bilateral track of relationships between Georgia and the EU could be promising. This somehow optimistic attitude is based on two interrelated arguments:

1. The mid-term perspectives of the EaP, such as an Association Agreement and free trade, are clearer. Thus, there are more prospects that Georgia will continue democratic reforms in order to restore its tarnished image as a ‘beacon of democracy’;
2. Georgia’s political leadership sees no alternative to integration with the EU. All the more so since the August conflict, when NATO membership was postponed for the foreseeable future.

Therefore, the EU should insist on immediate changes in terms of democratic transition. This is why any decision to open negotiations on an Association Agreement between the European Union and Georgia should be based on concrete progress made by the Georgian government

⁶¹ The first meeting of Civil Society Forum national delegation with the Governmental representatives was attended by the State Minister for European and Euro-Atlantic Integration and relevant contact persons for 4 platforms from different Ministries.

⁶² This paper was written in July, 2010.

⁶³ Boonstra, Jos and Natalia Shapavolova (2010): ‘The EU’s Eastern Partnership: One year backwards’, p. 12. See p. 11, fn. 44.

in implementing political reform commitments under the ENP Action Plan. In the process of measuring the concrete achievements made by the government of Georgia the EU should extensively consult civil society groups.

At the same time, the EU should address Georgia's security fears. While it seems unrealistic that the EU will be able to set up a comprehensive security policy in the South Caucasus, it should at least convince its large member states to stop playing dangerous games with Moscow that directly affect Georgia's security interest.

References

Reports and Newspaper Articles

- Boonstra, Jos and Natalia Shapavolova (2010): ‘The EU’s Eastern Partnership: One year backwards’. *FRIDE Working Paper* 99 (May), p.10.
- CIPDD, GYLA and Saferworld (2010): *Community perceptions of the causes and effects of the August 2008 conflict in Kvemo Kartli, Samegrelo, Samtskhe Javakheti and Shida Kartli*, Survey carried out by London-based NGO SaferWorld and Georgian non-governmental organizations, GYLA and CIPDD, June, 2010, <http://www.saferworld.org.uk/downloads/pubdocs/Community%20Perceptions%20of%20Conflict.pdf> (21.10.2010).
- Council of the European Union (2009): *Joint Declaration of the Prague Eastern Partnership Summit*. 8435/09 (Presse 78) Prague, May 7, 2009.
- European Commission, ‘Trade: South Caucasus (bilateral relations)’, <http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/regions/south-caucasus>, (21.10.2010)
- European Commission (2008): *Eastern Partnership. Communication from the Commission to the European Parliament and the Council*. COM(2008) 823 final. Brussels, 03.12.2008, http://eeas.europa.eu/eastern/docs/com08_823_en.pdf (21.10.2010).
- European Commission (2010): *Implementation of the European Neighbourhood Policy in 2009: Progress Report Georgia. Commission Staff Working Document Accompanying the Communication from the Commission to the European Parliament and the Council Taking Stock of the European Neighbourhood Policy (ENP)*. COM(2010) 207. Brussels, 12.05.2010, http://ec.europa.eu/world/enp/pdf/progress2010/sec10_518_en.pdf (21.10.2010).
- European Time*, Monthly digest of the Committee of the European Integration of the Parliament of Georgia, http://www.parliament.ge/index.php?lang_id=GEO&sec_id=1149, (21.10.2010)
- Georgia’s Progress Report on the Implementation of the ENP Action Plan in 2009, February 2010, disseminated at the 6th International Conference on the Implementation of the European Neighbourhood Policy Action Plan by Georgia, held in Tbilisi, Georgia, 11-13 February, 2010.
- Georgian NGO Coalition (2009): *Report on the Implementation of Georgia’s European Neighbourhood Policy Action Plan*. Tbilisi, http://georgien.boell-net.de/downloads/ENPAP_25November2009draft-27.11.09.pdf (21.10.2010).
- Gogolashvili, Kakha (2009): Interview with Director of Georgian-European Policy and Legal Advice Centre (GEPLAC), published in Parliamentary Digest, *European Time*, #3, March 2009.
- Gomes Da Silva, Rui (Portugal) – Rapporteur ad interim, 180 PCNP 09 E rev 1 – *Georgia and NATO*, <http://www.nato-pa.int/default.asp?SHORTCUT=1776> (21.10.2010).

- International Election Observation Mission (2010): *Statement of Preliminary Findings and Conclusions. Georgia – Municipal Elections, May 30, 2010*, http://www.osce.org/documents/odihr/2010/05/44179_en.pdf (21.10.2010).
- Memorandum on the August 2008 Post Conflict Crisis in Georgia, Conservative party and People's Party of Georgia, 16 September 2008, <http://conservatives.ge/?p=129> (21.10.2010).
- Ministry of Foreign Affairs of Georgia (2006): *Foreign Policy Strategy 2006–2009*, p. 10, http://www.mfa.gov.ge/files/35_9440_673620_11.pdf (21.10.2010).
- Ministry of Foreign Affairs of Georgia (2009): *Foreign Policy Strategy 2009–2012*, p. 10, http://mfa.gov.ge/files/562_10030_958526_Strategy.doc (21.10.2010).
- Nodia, Ghia, Álvaro Pinto Scholtbach (eds) (2006): *The Political Landscape of Georgia. Political Parties: Achievements, Challenges and Prospects*. Delft: Eburon.
- Stevenson, Wendell (2008): 'Marching Through Georgia', *New Yorker*, 09.12.2008, http://www.newyorker.com/reporting/2008/12/15/081215fa_fact_stevenson (21.10.2010).
- Sumbadze, Nana (2009): *Georgia Before and After the August War. Report on the Survey of Population: Barometer 2007 and 2008*. Tbilisi: Institute for Policy Studies, <http://www.pasos.org/content/download/59675/231771/file/barom0708eng.pdf> (21.10.2010).
- U.S. Department of State (2010): *2009 Human Rights Report: Georgia*, <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136032.htm> (21.10.2010).

Further Internet Resources

- Conservative Party of Georgia, www.conservatives.ge
- European Commission, http://ec.europa.eu/external_relations/georgia/index_en.htm
- Ministry of Foreign Affairs of Georgia,
http://www.mfa.gov.ge/index.php?lang_id=GEO&sec_id=8
- NATO, <http://www.nato-pa.int/>
- OSCE/ODIHR, www.osce.org/odihr-elections
- Parliament of Georgia, www.parliament.ge
- Republican Party of Georgia, www.republicans.ge