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Policy Brief Georgia:

THE TICKING CLOCK FOR GEORGIA'S EUROPEAN FUTURE

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INTRODUCTION

Georgia is expecting an important decision from Brussels next week. On the 8th of November the European Commission will for the first time ever present an enlargement report with recommendations on Georgia.

A few weeks later, the European Council will take a political decision on whether Georgia will be granted candidate status or will have to wait until autumn 2024. In his policy brief, Ivane Chkhikvadze analyses the current state of EU reforms and makes concrete recommendations for action.

BACKGROUND

At the end of this year, the EU will take an important decision on whether to grant candidate status to Georgia. In June 2022, the EU decided not to do so, and set out 12 conditions¹ first that Georgia would have to meet in order to gain candidacy status, or in the wording of the European Council, 12 priorities that Georgia would have to address. These conditions relate to several different areas, including guaranteeing effective functioning of independent institutions in the country, de-oligarchisation, combating elite corruption, depolarization, improving the electoral environment, justice reform and the protection of human rights. The Georgian Dream government was given about a year and a half to implement the conditions and demonstrate the political will for reform.

According to the June 2023 mid-term assessment presented to the EU's General Affairs Council², Georgia had by then fully implemented only three of the twelve conditions, and had made no progress towards de-oligarchisation, guaranteeing an independent media or political depolarization. Instead of focusing on the EU's priorities, the government tried to pass a Russian-style law on foreign agents, oppressed independent media, restored direct air links with Russia, strengthened the "judicial clan" and failed to ensure freedom of expression for LGBTQIA+ community. It also tried to impeach the President of Georgia and has been regularly attacking the civil society organizations and individuals. The Georgian authorities has not demonstrated the sufficient political will to get the candidate status but strengthened the anti-western rhetoric.

On the other hand, the Georgian population continues to harbour pro-European sentiments. According to a poll³ published by the National Democratic Institute in March 2023, 82 per cent of Georgia's population is in favour of accession to the European Union. Faced with an anti-European government and a pro-European population, the EU will have to make a balanced decision at the end of 2023, one that reflects the steps taken by the authorities to thwart progress toward European integration while also taking into account the unwavering desire of the Georgia's population for the country to become a member of the European Union.

It is important that this decision is accompanied by a detailed communication explaining the basis for the decision (positive or negative). Whatever the EU decides to do – grant the country candidate status to withhold candidacy status and set out a new/additional set of pre-conditions or elaborate on the existing pre-conditions in greater detail – it would be well advised to consult civil society and political actors during the process of defining new or elaborating on existing conditions. Any new conditions should be clear and measurable, in order that future progress or challenges can be clearly identified, with no room for left for differences in interpretation. In addition, whichever way the EU decides on the candidacy question, the EU should consider whether it will still have any effective leverage over the Georgian government with which to encourage pro-European reforms.

STATUS QUO OF EU REFORMS AND IMPLEMENTATION OF THE 12 PRIORITIES

The decision taken by the European Union in June 2022 drew a kind of dividing line between the three Eastern Partnership countries – Ukraine, Moldova and Georgia. This group of countries was called the „Trio“. The first two were granted EU candidate status, while in the case of Georgia the EU stopped at granting a European perspective and potential candidate status. Giving Georgia a European perspective was an important geopolitical decision on the part of the EU, one which it avoided until the last moment. The Association Agreements signed by the European Union with Ukraine, Moldova and Georgia had left open the question of the future accession of these countries to the European Union. Likewise, they were silent on Article 49 of the EU Treaty, according to which any European country can apply for EU membership. This question has since been answered, and therefore the debate over whether Georgia is part of Europe can be considered settled. Although the term „European perspective“ does not appear anywhere in the EU treaties, it has considerable political significance together with country becoming the part of the EU enlargement package.

Russia's unprovoked and unjust military aggression against Ukraine was largely responsible for creating this window of opportunity for Georgia to join the European Union. Georgia applied for EU membership, on 3 March 2022, the same week that Ukraine and Moldova did so. One could say that Georgian democracy was not at its best when this particular window of opportunity opened. Once at the “top of the class” in the European Union's Eastern Partnership programme, it has slowly been losing its lead and credibility in the eyes of the EU. The Georgian Dream party's unilateral withdrawal from the EU-mediated 19th April agreement (a.k.a. the Charles Martel Agreement), the appointment of judges to the Supreme Court against EU recommendations (as a consequence Georgia lost conditioned EUR 75 million of EU's microfinancial assistance), the continuing impunity for the violence of 5 July 2021,

the amendments to the so-called Surveillance Law that contradicted EU requirements, verbal attacks on diplomats from EU member states and the US, the illegal interception of personal correspondence and wiretapping of diplomats, attacks on the independent media – all this has turned what was once an advanced Eastern Partnership country and ally into a headache for the EU. It was the decline of democracy and lack of political will related to EU accession that caused the EU to grant Georgia only a European perspective at the June 2022 summit and make candidacy subject to fulfilment of 12 conditions.

The 12 priorities relate, inter alia, to depolarisation, improving the electoral environment, justice reform, fighting elite corruption, de-oligarchisation, guaranteeing independent media, protection of human rights and involvement of civil society in decision-making. It should be borne in mind that the timeframes for addressing these priorities were short, giving rise to low expectations as to whether they could be fully addressed, although failing that it would be desirable for Brussels and EU member states to see the presence of political will and the right trajectory of movement from Tbilisi. Instead, the Georgian government took a kind of selective approach to the 12 priorities. Those that were politically less problematic and did not prevent the ruling party from expanding its power base (appointment of an independent ombudsman, gender equality, transposition of ECtHR judgements into the country's legislation) were fully implemented, whereas little or no progress was made on priorities which might jeopardize the Georgian Dream's hold on power, such as ensuring the independence of the judiciary and the media, fighting elite corruption and involving civil society in decision-making. Moreover, in March 2023, the Georgian Dream attempted to pass a Russian-style bill on foreign agents with complete disregard for the tenth priority (involving civil society in decision-making). Although it abandoned this effort, the government continues to pursue the aims of the bill and the ruling party is actively

trying to demonize civil society. As an example - the chair of the ruling Georgian Dream party Irakli Kobakhidze has been regularly verbally attacking⁴ and calling the state traitors of the members of the informal coalition of CSOs, monitoring implementation of 12 priorities and identifying the shortcomings.

Regarding the independence of the judiciary – in April 2023, the US State Department imposed sanctions⁵ against three current and one former Georgian judge on charges of corruption. These judges are considered to be influential members of the so-called „judicial clan“, which is thought to act under the orders of both the previous and the current government. The ruling Georgian Dream party, instead of seizing this opportunity and starting an active fight against corruption in the judiciary, stood up in defence of the judges in question and even prevented the formation of a parliamentary commission to study the case, using an artificially created crisis to do so.

The Georgian Dream made it clear that there had been no change in its position in this respect in September 2023, when the US State Department imposed sanctions⁶ on former Georgian prosecutor Otar Partskhaladze for cooperating with the Russian Federal Service and influencing Georgian society and politics in favour of Russia. The National Bank helped Partskhaladze to avoid sanctions⁷: its acting president Natela Turnava issued an exceptional order, under which international sanctions on Georgian citizens are implemented only in the case of individuals who have been found guilty by a Georgian court. It should be borne in mind that the Georgian judicial system is run by a clan with close ties to the government.

THE RUSSIAN FACTOR

The unjust and unprovoked war of aggression unleashed by Russia against Ukraine has left the Georgian authorities with no way to pursue a balanced policy between Russia and the EU. This war has erased the shades of grey, leaving countries only two choices: either they support Ukraine and condemn Russia's actions, or they side with Russia.

The Georgian authorities are trying to pursue a pragmatic policy towards Russia, which, they explain, is necessary due to the absence of security guarantees from the European Union or NATO. It is becoming more and more obvious, though, that the line between Georgian Dream's "pragmatic policy" and flattering behaviour towards Russia is blurring. For its part, Russia often praises the Georgian government for its policy and even rewards it, the cancellation in May 2023 of the visa⁸ regime for Georgian citizens that had been in place since 1999 being a case in point.

In line with its pragmatic policy, the Georgian government has refused to join in with the EU's Ukraine-related sanctions against Russia. However, it is worth noting that the Georgian government has sent 400 tonnes of humanitarian aid to Ukraine, provided shelter to 24,000 Ukrainian refugees and sent 25 power generators to Ukraine. It also joint up to 500 statements on Ukraine at various foras. However Political support for Ukraine is virtually non-existent in Georgia, which (along with Cyprus, Malta, Bosnia and Herzegovina, Serbia and Northern Macedonia¹) is one of the very few European countries whose head of state or government has not travelled to Ukraine to show solidarity since the war began.² In May 2023, Garibashvili cited Ukraine's desire to join NATO as the reason⁹ for Russia's aggression in Ukraine.

1 The Minister of Foreign Affairs of North Macedonia visited Kiev in January, 2023 in the capacity of the OSCE Chairman-in-Office
2 A parliamentary delegation from Georgia, headed by the speaker of Parliament, did visit Ukraine in April 2022.

It should be noted, though, that Georgia's rate of alignment with the EU's Common Foreign and Security Policy has been decreasing¹⁰ year by year.

Year	Percentage of Georgia's compliance with the EU's Common Foreign and Security Policy
2016	58%
2017	56%
2018	54%
2019	55%
2020	61%
2021	53%
2022	48%
Jan–May 2023	31%

The Georgian government has lost friends in the European Union. The Georgian Dream party withdrew from the Party of European Socialists alliance in May 2023. Georgian Dream leaders cited support for critical resolutions on Georgia by members of the alliance in the European Parliament and their departure from social-democratic ideology as reasons for this. However it should be clear that GD made the preemptive move since S&D was planning to expel GD from its family. Paradoxically, Hungary's anti-liberal leader Viktor Orban is considered the most powerful lobbyist in the European Union on behalf of candidate status for Georgia.

In recent years, Georgia's dependence on the Russian Federation has increased, which will increase the vulnerability of Georgia in the long term and creates a real risk that Russia could use economic and energy dependence leverage to punish Georgia, something it has already done on multiple occasions in the past. It is noteworthy that despite the public protest Georgia relaunched the direct flights (as of July, 2023 there were 284 weekly flights¹¹ between the cities of Georgia and Russia) with Russia and opened its doors for Russian citizens and businesses after Russia's began its war of aggression on Ukraine. According to official data, 62.3 thousand Russian citizens¹² have moved to Georgia. As of June 2023, 29,000 Russian companies were registered in Georgia. Of these, 21,326 companies were registered in the country between March 2022 and June

2023. Russian remittances to Georgia also increased significantly in 2022, reaching the USD 2 billion mark and accounting for 47.3 per cent of remittances to the country. The increasing dependence on Russia is reflected in the country's economic growth. Georgia's economy grew by 10.5 per cent in 2021¹³, 10.1 per cent in 2022, and 7.5 per cent in the first half of 2023. However, this economic growth is not reflected in the socio-economic well-being of the country's population. In particular, the number of recipients of social benefits among the population of the country is increasing year to year. Currently, every sixth citizen of Georgia receives subsistence allowance¹⁴, with an upward trend: 2016, 12.3 per cent; 2019, 12.1 per cent; 2018, 11.8 per cent; 2019, 11.9 per cent; 2020, 13 per cent; 2021, 15.8 per cent; 2022, 17.4 per cent.

The numbers of Georgian citizens emigrating are rising every year. According to data from UN Department of Economic and Social Affairs (UN DESA), the number of Georgian emigrants emigrating per year increased by 7% from 2010 to 2020, and a total of 861,000¹⁵ Georgians emigrated in that decade (23% of the country's population). A recent opinion poll¹⁶ found that every fifth citizen of Georgia plans to leave the country in search of a job. According to official data, 54,509¹⁷ of Georgian nationals left the country in 2022. In recent years, the numbers of applications¹⁸ for asylum¹⁹ in EU countries from Georgian citizens and numbers of Georgian citizens participating in the US Green Card lottery²⁰ have increased significantly:

Year	EU Asylum seeker	Green Card lottery
2016	8,700	73,989
2017	11,755	99,351
2018	19,730	122,109
2019	21,570	130,322
2020	8,095	141,693
2021	14,635	112,464
2022	26,450	N/A

WHY THE EU MATTERS

The process leading up to the granting of candidate status is currently the main topic of discussion in Georgia's domestic politics. The currency of the topic is largely due to the fact that parliamentary elections are due to be held in Georgia in autumn 2024: the various political forces, viewing the granting or non-granting of candidate status through the prism of the upcoming elections, are positioning themselves to reap politically capital from the respective success or failure. The ruling party's goal is to gain candidate status on its own terms, which amounts to gaining status without introducing democratic reforms or building/strengthening independent institutions, which might jeopardize its hold on power. At the same time, though, the Georgian Dream party needs to acquire candidate status in order to keep pro-European voters and prove to them that progress on the path of Georgia's integration into the European Union is possible under a Georgian Dream government. If candidate status is denied, the ruling party will try to blame this on the EU, the opposition and civil society. It will also use propaganda, disseminated over state-run television channels, to put the Georgian population before an artificial choice between peace and joining the European Union, with the explicit expectation that the country's population, traumatized by the 2008 war, will opt for peace.

For their part, opposition parties have been unable to agree on a positive agenda, and if the country fails to obtain candidate status, they will try to blame the ruling party and attract its pro-European voters to their side.

When examining this discourse, it is one needs to bear in mind that that, according to recent studies, a significant percentage of Georgian citizens believe that their interests are not represented by any political force. Among the younger population, this figure is as high as 63 per cent.²¹ These are people who support Georgia's accession to the European Union and share European values. Europe is associated

with democracy and the rule of law in the minds of 45 per cent of young people; and 38 per cent associated it with cultural and scientific achievements²².

The unwavering will of the Georgian population has been the determining factor in the progress that Georgia has made towards European Union membership. It was protests by Georgians that forced Georgian authorities to suddenly change their initial decision not to apply for the EU membership in March 2022. Popular protest also played a decisive role the Georgian Dream's abandonment of bill for a Russian-style law on foreign agents in March 2023, which, if passed, would have turned the country away from its path to the European Union.

The level of support for the EU has remained consistently high in the Georgian population over the years.

If the referendum were held tomorrow, would you support Georgia's membership in the European Union²³?

Year	Yes (%)	No (%)
2009	79	2
2011	80	3
2013	78	4
2015	61	11
2017	71	9
2019	71	10
2021	77	8

The European Union should bear this in mind when it takes its decision on candidate status for Georgia at the end of the year. The Council should consider how it can communicate its decision to Georgian citizens in a way that prevents the ruling party's propaganda machine from using it for partisan purposes. At the same time, the European Union should also take care to retain its leverage over the country's government to pursue the democratic reforms.

CONCLUSIONS

In a sense, the situation in Georgia is paradoxical: the country has an anti-European government and a pro-European population. The Georgian government has managed to put all state institutions at the service of its own political interests. The only resistance that the ruling party has so far failed to overcome is that from Georgia's pro-European population. It is thanks to the population that the country remains on the path to the European Union, and it is the population that prevented the Georgian Dream from passing a Russian-type law on foreign agents in March 2023.

The EU will have to take this into account when taking its decision on Georgia at the end of 2023 and find some kind of balance. In formulating the decision, the EU will also have to consider what leverage it will retain over the country's government if Georgia is granted candidate status. At the same time, it will be important to actively communicate this decision and the reasons for it to the Georgian population in a manner that prevents the ruling party from using an information vacuum to spread misinformation.

Endnotes

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