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# HOW CAN THE EU REGAIN LEVERAGE OVER GEORGIA?

By Sergi Kapanadze

LibMod Policy Paper

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In November 2023, the European Commission recommended granting candidate status to Georgia, which the European Council proceeded to do on December 15. This decision was met with jubilation in Georgian society, across all political parties, and throughout civil society, except certain marginal pro-Russian groups. The EU's decision to impose nine new conditions on Georgia was largely understood as a task to be fulfilled in 2024; however, there was no clear understanding as to whether their implementation would lead to an immediate launch of accession talks.

In Georgia, being united in the celebrations of the EU's appreciation of Georgia's pro-European aspirations does not translate into political accord on the direction the country should be moving. Moreover, EU accession is used as a tool for political propaganda in Georgia's highly polarized society. The governing Georgian Dream party spent the last two years arguing that the EU was trying to drag Georgia into the war with Russia by pushing unjustified "reforms" like de-oligarchization and putting pressure on Tbilisi to join the Western sanctions against Russia. However, the party changed its tune upon the award of candidate status, and it is now celebrating the candidacy, propagating the view that its "to Europe with honor" approach has paid off. Furthermore, the opposition, civil society, and the President have been accused of attempting to undermine the country's European path despite the fact these are the very actors who have been most vocal in urging the importance of Georgia receiving the EU candidate status.

Just a month after the EU announced its decisions, the lawmakers from the ruling party mentioned the possibility of reintroducing the "foreign agents" bill and the "blasphemy bill." Bidzina Ivanishvili, the leader of the Georgian Dream, returned to the party politics, taking up a newly created post as "honorary chairman of

the party" and equipping himself with the official power to nominate the party's candidate for prime minister.

With the important 2024 parliamentary elections scheduled for October 2024, the big question is: will Georgian Dream deliver on the nine steps set forth by the European Union as conditions for moving forward on the accession track, or will it postpone the reforms until after the elections? Given that the European Parliament elections will be held in May 2024 and that the current Commission will be something of a lame duck between then and October 2024, it is highly probable that the Georgian Dream will not rush forward with the reforms, especially any that might jeopardize their grip on power.

## What leverage does the EU now have?

For the last few years, the reforms introduced by the Georgian Dream government have been only just sufficient to avoid a failing mark from the EU. The Commission's November 2023 enlargement report found that only 3 of the 12 conditions laid down in June 2022 had been fully implemented. The remaining conditions were carried over, in one form or another, to the new nine steps. Most notably, the Commission found that the Georgian Dream party had not fulfilled the key recommendations on the independence of the judiciary, de-oligarchization, and de-polarization. Nor had it increased the accountability and transparency of the government or stopped its attacks on civil society or the media. Just recently, the Speaker of the Parliament attacked one of the NGOs and called on USAID to stop financing untrustworthy NGOs, instigating a worried response by a group of Georgian CSOs. EU's decision on the candidate status appreciated the European resolve of the Georgian people and also considered the geopolitical status quo. Indeed, leaving Georgia behind would have been an excellent present for Russia.

But this “non-present” for Russia has turned into a pre-election present for Ivanishvili, who is now officially back in politics. Ivanishvili will try to capitalize on the EU candidacy during the election year and probably put essential reforms on ice until he has secured his grip on power. The Government’s action plan for implementing the 9 Steps, developed confidentially and published only after the European Council’s decision, clearly indicates that many essential reforms are scheduled for late 2024 or 2025. To prevent a delay of this kind, the EU must “reinvent” its leverage over the Georgian Dream.

Until December 2023, the EU was able to use candidate status as leverage on a susceptible Georgian government, which was under pressure from overwhelmingly pro-European, anti-Russian, and pro-Ukrainian Georgian society and the political opposition. However, in 2024, with the EU candidate status in the bag and public satisfaction sinking in, the Georgian Dream appears to have little incentive to undertake further reforms seriously in an election year.

This means that the EU currently has no meaningful leverage. “Accession talks” is not yet a “credible carrot” since the opening of negotiations in the year when both the EU and Georgia have major elections seems too far-fetched. In fact, the EU has not yet made any public and loud statement linking Georgian progress on the nine new steps to the launch of accession talks. Moreover, the decision on whether to start accession negotiations with Georgia will not be taken before November-December 2024, i.e., until the Georgian elections are over and the winner is in the driver’s seat. From this perspective, the EU seems to have lost or weakened its leverage. However, there are still things the EU can do to “reinvent” or “reinvigorate” the leverage if it plays its cards right.

### **How can the EU reinvent leverage in 2024?**

In order to revitalize its leverage over Georgia, the EU must take certain steps, irrespective

of the political ramifications they may have for Georgia’s polarized domestic political scene.

First, the EU must clearly articulate that the next step for Georgia is the opening of accession talks. The EU must also clarify that the accession talks could start as early as 2024 if the Georgian government fulfills all the necessary criteria. Drawing parallels with Ukraine and Moldova is one way to do this. If the EU is vocal and clear at the level of the EU ambassador, MEPs, and the Commission about the possibility of Georgia starting accession talks in 2024, Georgian media and civil society will be able to continue exerting pressure on the Georgian government to deliver the reforms before the October elections.

Secondly, the EU must set deadlines and stick to them, including by providing an interim assessment of actions taken to implement the nine conditions. Last year, in July, the Commission only gave an oral interim evaluation of progress, and even that proved quite successful: the Georgian Dream government accelerated specific legislative and policy initiatives between that interim assessment and the end of November 2023. The EU could produce a similar written or oral report in June 2024. An interim assessment of this kind could be instrumental in making the Georgian Dream Party decide not to postpone important reforms until after the parliamentary elections.

Also, the EU should clarify when the new Enlargement report is planned and whether it will be published before or after the October 2024 Georgian elections. Brussels’ natural inclination not to make decisions that could favor either the Georgian government or the opposition is irrelevant in 2024 since EU accession is already a hot pre-election topic, and whatever decision the EU takes regarding the timing will be used by one of the political poles. If the Georgian Dream delivers reforms to an extent that convinces the EU to open accession talks, Georgian voters should know about it before the elections. If the ruling party does not do so,

Georgian voters deserve to know this, as well, so they can decide which alternative forces to support. Deliberately delaying the final report until after the elections and toning down any criticism would be unfair to the pro-European-minded population and the political opposition, just like not acknowledging the fulfilled reforms would be unjust to the Georgian Dream.

Thirdly, the EU must adopt a less lenient stance on the non-implementation of the nine conditions than last year. The Georgian Dream government blatantly ignored the commitment to de-oligarchization and succeeded in shifting the discourse about whether the Law on Deoligarchization should have been passed. Backing down from adopting that legislation (in response to a clear message from the European Commission and Venice Commission) was counted as progress by the EU, despite the absence of systemic reforms that would genuinely contribute to deoligarchization. Now, the oligarch is back to politics in a mockery of the EU-endorsed de-oligarchization process.

In her presentation of the 2023 enlargement report, the Commission's President Ursula von der Leyen surprisingly mentioned the Georgian government's accountability to the opposition as an area where positive progress had been made, while in reality, the Georgian Dream has done everything it could in the past two years to weaken the opposition institutionally, even taking away constitutionally-guaranteed powers to create investigative commissions in the Parliament.

The EU must stop accepting window-dressing as reform. It needs to push for real action, whether on the High Council of Justice reform, reversal of the laws that curbed the independence of the Central Bank, or increasing the powers of the Georgian National Communication Commission (GNCC). Incidentally, late last year, the Georgian Dream amended the broadcasting legislation, equipping the GNCC with additional punitive powers. When criticized, GD responded that the EU endorsed these changes. That the EU had indeed supported the changes was a

shock to civil society organizations that follow developments in the media domain, given that no consultations were held with the civil society or affected media.

Similarly, the EU has requested the Georgian Dream government to fight disinformation and propaganda attacking EU values. While the ruling party can tick many boxes formally through the creation of action plans and parliamentary inquiries, the major step it must take is to stop its own propaganda machine from churning out anti-European and anti-Western rhetoric. Counting only formal steps will be counterproductive and inefficient, as it will further encourage the Georgian Dream to delay or produce half-baked reforms.

Fourthly, the EU must make it clear that free and fair competitive elections conducted in an atmosphere of non-violence are essential for opening accession talks. This demand was incorporated into the nine conditionalities. The EU now has the opportunity to flesh out this condition by formulating specific requests. For instance, the EU could join civil society in demanding that the electoral threshold be lowered to 2%, Political parties refrain from massive vote-buying and boycotting political debates, and Georgian migrants be allowed to vote either online or in the precincts closer to their homes.

Finally, the EU should insist that the Georgian Dream party listens to and cooperates with Georgian civil society – not just those organizations it fancies, but organizations critical of the government. The demonization of civil society organizations as radical, in cahoots with the opposition or “foreign agents” and “traitors” has not stopped. The action plan on implementing the nine conditions is inconsistent with the EU's request to ensure that civil society remains involved in the reform process: it was not developed in consultation with civil society, and the government does not seem to be planning to involve the NGOs in the policy-making process. In 2024, the government will once again try to disguise its antagonism towards the

CSOs through its pro forma cooperation with the EU-Georgia Civil Society platform, a loose group of several hundred NGOs that has a track record of speaking on behalf of civil society without proper authorization. The platform came under the spotlight for concluding a “memorandum” with the Georgian Parliament in late 2023, a few months after the government’s unsuccessful attempt to pass its foreign agents legislation. Most of the NGOs that resisted the government’s actions were neither consulted nor informed about the signing of this memorandum.

## Conclusion

In conclusion, revitalizing the European Union’s influence in Georgia demands a multi-faceted approach. The EU must signal that opening accession talks is the imminent next step for Georgia, emphasizing a potential start date at the end of 2024 only if the necessary conditions are fulfilled. This proactive stance should be backed by comparisons with Ukraine and Moldova’s accession processes, which will spur the Georgian media and Georgian civil society to maintain the pressure on the government to implement reforms ahead of the forthcoming elections.

In addition, the EU must enforce stringent deadlines and offer interim assessments of Georgia’s progress on the nine conditions. A timely report in June 2024 could be an effective means of encouraging the Georgian Dream government to implement vital reforms pre-election. Furthermore, it is imperative that the EU cease to accept cosmetic reforms; instead, it should push for substantial and concrete changes across various sectors, such as the High Council of Justice, the Central Bank’s independence, and the powers of the Georgian National Communication Commission. This kind of uncompromising stance is necessary to ensure that Georgia’s path toward EU accession is marked by genuine progress and not just superficial adjustments.

In this context, it is crucial to stress that peaceful, free, and fair elections are a non-negotiable prerequisite for the opening of accession talks. To underscore the significance of electoral integrity, the EU should specify actionable demands, such as the lowering of the electoral threshold and measures facilitating participation by Georgian emigrants. Finally, the EU should advocate meaningful collaboration between the Georgian Dream government and critical civil society organizations. This engagement should extend beyond rhetoric and empty gestures, ensuring that civil society has a substantial role in shaping policy decisions. Holding the government accountable is paramount to fostering a democratic and transparent Georgian political landscape on the path to European integration.



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Liberale  
Moderne

Published January 2024 by

Zentrum Liberale Moderne  
Reinhardtstraße 15  
10117 Berlin  
Germany

+49 (0)30 - 13 89 36 33  
info@libmod.de

**[www.libmod.de](http://www.libmod.de)**