

Sulkhan-Saba Orbeliani University
Institute of Post-Soviet Studies

Post-Soviet Studies

Vol.1, No.1, 2019

Sulkhan-Saba Orbeliani University Press

EDITORIAL BOARD

Prof. Vaja Vardidze

Assoc. Prof. Dimitry Gegenava

Assoc. Prof. Gocha Barnovi

Assoc. Prof. Teimuraz Buadze

Assoc. Prof. Gvantsa Abdaladaze

Assoc Prof. Giorgi Goradze

Assit. Irakli Javakhishvili

COPY EDITOR

James Campbell Fern

Institute of Post-Soviet Studies of Sulkhani-Saba Orbeliani University

Sulkhani-Saba Orbeliani University Press

© Authors, 2019

© Sulkhani-Saba Orbeliani University, 2019

ISSN 2667-9132
9772667913009

Contents

From Moratorium to War: Causes and Consequences of Russia's Suspension of the CFE Treaty.....	1
--	----------

Marie Eliadze

"Soft Insecurity" – Russian Soft Power in Georgia	13
--	-----------

Gvantsa Abdaladze

Georgia's Bandwagoning Strategy: Myth or Reality?	35
--	-----------

Irakli Javakhishvili

National Security – Totalitarian Heritage and Perspectives of Democracy in Georgia.....	49
--	-----------

George Sioridze

Ethnic Kin and 3rd Party Intervention: New Post-Soviet Realism	56
--	-----------

Nino Pavlenishvili

Integration of Ethnic Minorities in Georgia: Opportunities and Challenges.....	67
---	-----------

Giorgi Gogsadze

Law-Making and Law Enforcement Specificities in Post-Soviet Georgia on the Example of Labour Law	83
---	-----------

Ekaterine Kardava

**Higher Education System in Georgia after the Collapse of the
USSR94**

Shorena Gogiashvili

From Moratorium to War: Causes and Consequences of Russia's Suspension of the CFE Treaty

Abstract

The research was produced and submitted in 2009 for the Degree of Master in International Relations at Georgian Institute of Public Affairs (GIPA), Department of International Affairs. The research was supervised by Former Deputy Minister of Georgia of Foreign Affairs Mr. Nikoloz Vashakidze, who assisted the research undertakings upon his work at Georgian Institute of Russian Studies (GIRS). 7 years after the submission of the research, it was published as a book. In 2017 it was released with the support of Grin Publishing. The publication below is an adapted version of the book.

The core idea is to find a linkage between the moratorium on treaty provisions in 2007 by the signatory party – the Russian Federation – and the consequences that led to the Russian war on the territory of Georgia.

Key Words: CFE, Treaty on Conventional Armed Forces in Europe, Russian aggression, Russian occupation, Russia-Georgia War, 2008, August War, International Law, European security, UN, OSCE

I. Summary

The research topic focuses on the concept of European security. With this respect, the Treaty on Conventional Armed Forces in Europe (CFE) is featured as a starting point of 90-ies, 20th century, when se-

* MSc in Russian and East European Studies, University of Oxford, Christ Church, 2012; Visiting Lecturer at University of Georgia and Sulkhan-Saba Orbeliani University.

curity arrangements required to enforce permanent control on conventional weaponry in Europe. Considering the earlier arrangements at the wake of the century, when CFE orchestrated a breakthrough in negotiations to withdraw Russian military bases out of Georgia, it is interesting to focus on the nature of leverage through which the West exercised power to engage Russia into political processes before the moratorium on CFE.

The research dimension does not link the moratorium directly with the occupation of Georgia; rather through its emphasis on necessary argumentation, it rationalizes developments after the moratorium, which led the crisis situation in Georgia's zone of conflict to escalate into armed conflict. Based on hypothetical probability, the discussion basically weighs up the cause and effect relationship between the moratorium and the war. This supports the line of the research to analyze risks that may possibly erode the European security architecture. The research explores a hypothesis for finding a relation between the moratorium and the war: *a probability of preventing Russian military aggression in Georgia in 2008 was considerably realistic if Russia had not declared a moratorium on CFE Treaty a year earlier.*

II. Research Methodology and Theoretical Framework

Taking into note that political foresight of the Russian Federation still suffers from the soviet grip, it sees the norms and concepts of the previous century adaptable to modern world. This may probably explain Russian passion for Europe, which remains increasingly important for the area of its influence. Such ramifications are featured prominently into the agenda of Russia's political circles, in a view of the Theory of Heartland by British geopolitical scholar Halford John Mackinder.

The theory is expressed into the article The Geographical Pivot of History (1904). Based on the theory of balance of power, Mackinder for-

ulates a concept – “Who rules East Europe commands the Heartland; who rules the Heartland commands the World-Island; who rules the World-Island commands the world.”¹

The research explores Mackinder’s theoretical framework in order to define political considerations of Russia within European continent, in a view of the suspended CFE treaty.

In order to justify facts and developments, the research explores quantitative and qualitative research strategies:

- (1) numerical data; and
- (2) qualitative attitudes.

These are based on individual analysis of the author and the number of methods:

- (i) interviews, both with primary sources (public officials, who are directly associated with the subject concerned) and independent experts;
- (ii) written data from primary sources (government bodies and international organizations);
- (iii) printed and internet resources (independent researches, government and media reports). The research is conducted with a deduction method: first, it explores a theory and then hypothesis, which requires empirical study for concluding observations. The research uses case study and comparative study designs. The interviews use face-to-face (semi-structural type) and online interaction (structural type).

III. Definition of the Topic and its Importance

Charter of Paris for a New Europe adopted on Paris Summit on 19-21 November, 1990 was based on lingering principles of democracy,

¹ Mackinder H.J., The Geographical Pivot of History, The Geographical Journal, 1904.

peace and unity with a purpose of upholding the notion of Europe whole and free; this would provide added value for the creation of effective security system.²

Through keeping in line with general principle of security, the state parties realized the need for multilateral mechanism for the control of weapons. This would put the ground and air forces of the two blocs under control and reduce the probability of military aggression in the area of application.³

The essence of the reduction and control of conventional weaponry was to prevent the surprise attack and full-scale combat operations by means of early warning and monitoring systems. This was incentive for the parties to sign the CFE Treaty and ensure that the numbers of conventional armaments and equipments limited by the Treaty within the area of application did not to exceed

- 20,000 battle tanks;
- 30,000 armoured combat vehicles;
- 20,000 pieces of artillery;
- 6, 800 combat aircraft and
- 2,000 attack helicopters for each bloc.

The quotas were allotted to member states based on the principle of parity⁴.

The treaty made the state parties responsible for the control of their armament ceilings and implementation of treaty provisions. With this respect, the treaty initiated a number of important components:

- (i) the host state consent requirement for stationing foreign military bases within the area of application;
- (ii) the two blocs agreed to activate the so called flank regime, which included strict limits on equipment holdings in this

² Charter of Paris for a New Europe, Paris, 1990.

³ Full text of the CFE treaty available at <http://www.osce.org/library/14087?download=true> [17.05.2019]

⁴ Ibid.

region and separation of forces between the two flanks – Bulgaria, Greece, Island, Norway, Romania and Turkey in NATO; and military districts in Leningrad, Odesa, South and North Caucasus in Soviet Union.⁵

By the end of 90-ies, it was clear that the provisions of CFE required modifications for ensuring flexibility with new political developments: by the integration of Eastern European states into NATO, the state parties made a decision to adapt the CFE, in which the ceilings were defined according to the territorial scales of the countries, reflecting the norms and standards in accordance with the national security concepts of the respective signatories.

The adapted CFE is ratified by Russia, Belarus, Kazakhstan and Ukraine. With this respect, Russia was required to undertake specific responsibilities; only after the fulfillment of these responsibilities the rest of NATO members would ratify the treaty. The requirements for Russia are formulated into Istanbul Commitments.

The member states of NATO became in need of imposing commitments on Russian Federation because of the following irregularities:

- (i) military forces in the flank zone of Russian Federation (North Caucasus military district) were in excess of the ceilings;⁶
- (ii) presence of Russian military bases on the territories of Georgia and Moldova without the consent of the respective authorities of the states was in violation of treaty provisions.⁷

The summit made Russia responsible to

- (1) withdraw her military bases from Moldova;

⁵ Questions and Answers on CFE on <www.nato.int> [20.05.2019]

⁶ <www.fas.org/spp/eprint/cfr_nc_5.htm> [15.04.2019]

⁷ Questions and Answers on CFE on <www.nato.int/nato_static/assets/pdf/pdf_2007_05/20090515_cf_e_qa_fact-sheet.pdf> [15.04.2019]

- (2) reduce equipment levels in Georgia and agree with Georgian authorities on modalities and duration of the remaining bases; and
- (3) reduce TLE (Treaty Limited Equipment) in its flank zone (North Caucasus).⁸

It should be noted that under 1995 bilateral agreement between Georgia and Russia, the presence of Russian bases on the territory of Georgia was defined by 25 years; however, the implementation of the agreement would have been possible only if Georgia restored its jurisdiction in Abkhazia and Russia supported Georgia create its army. however the very prerequisite of the agreement resulted into the failure of its implementation.⁹

In contrast, 1999 OSCE Summit opened a window of opportunity for Georgia to deal with the issue of withdrawal of Russian military bases at multilateral forum. The corresponding interests of Georgia and the West has encouraged diplomats to merge Georgian position into the Istanbul Commitments. Henceforth, the new agreement between Georgia and Russia was legally affirmed under the 14 Annex of the Final Act of the adapted Treaty on Conventional Armed Forces in Europe. According to the agreement, the Russian militants finally departed by 13 November 2007, the military base of Gudauta, posted in Abkhazia, remained hotly disputed since 2001.¹⁰

The Istanbul Commitments are not fulfilled, for which the member states of NATO refuse to ratify the adapted CFE Treaty. It should be noted, that treaty provisions disallow suspension and it is considered violation automatically. The moratorium is in force 150 days after sus-

⁸ 14 Annex of the Final Act of the adapted Treaty on Conventional Armed Forces in Europe.

⁹ A television interview of Georgian diplomat Mr. Revaz Adamia (08.04.2009) on Georgian Public Broadcaster.

¹⁰ Ibid.

pension. Therefore, since 12 December 2007 Russia evades responsibility to allow monitors and share information on its armed forces in the area of application.¹¹

IV. Research Findings

The two phases of the analytical part of the research represented the series of developments, supported by variables. Variables measured the escalation of the crisis at first stage and portrayed development into reversed order secondly, to justify rationale beyond the hypothesis. All types of analysis are seen according to the CFE likelihood and consider external factors only at a certain extent.

After the moratorium, we face open military activities of the Russian Federation in the zone of conflict and its vicinity in Georgia. The analysis of the data has shown that the increased frequencies, capacities and dimension of Russian-inspired irregularities were main factors for the escalation of the crisis in breakaway regions of Georgia. The big picture is as follows:

- ❖ After the moratorium the Russian-inspired and/or committed irregularities have emboldened; the attitude towards the actions shifted in a way which differentiated the nature of the attack and corresponding arguments of the Russian Federation. This has sparked the militaristic attitude within separatists, resulted into the decline of crisis management.
- ❖ After the moratorium the Russian-inspired and/or committed irregularities have led to the upsurge in the speed and scale of the militarization process. This has led to the concentration of excessive capabilities for separatists, spinning crisis management out of control.
- ❖ After the moratorium the Russian-inspired and/or committed irregularities created a new picture, where the specific localities and strategically important placements/territories were

¹¹ The official note is available at the archives of the Ministry of Foreign Affairs of Georgia.

seized under control. This has created favorable conditions to escalate crisis into armed hostilities.¹²

Consequently, the zone of conflict has emerged into the atmosphere of continued militarization, leaving no room for negotiations. Therefore, the research views the Russian moratorium on CFE as a pathway to the escalation of the crisis in breakaway regions on Georgia.

The military dimension of the pressure was to

- (1) worsen crisis management, at the lowest; and
- (2) set armed forces on high alert for conducting full-scale military operations, uppermost.

The political dimension of the pressure was to

- (1) send a clear message what Georgia could possibly expect on its way to NATO integration, at the lowest; and
- (2) limit Georgia's political supremacy in the zone of conflict for any peace-building undertakings, uppermost.

In the light of the two phases, *the range of politico/ military dimension of the Russian pressure on Georgia was entirely accomplished through blocking the mechanism that would potentially halt these developments*. Research undertakings consider the mentioned politico-military dimensions as a bottom-line – Russia would never accomplish these goals without the moratorium on CFE provisions.

V. Causal Relationship between the Moratorium and the War

We might assume that Istanbul Commitments was a compromised solution, which required the reduction of armed forces in North Caucasus,

¹² The book covers variables (frequencies, capacities and dimensions) of the Russian inspired/and or committed irregularities thoroughly, based on the list of sources: (a) Interviews with primary sources; (b) archives of the Georgian Ministry of Foreign Affairs; (c) Russia's *War in Georgia: Causes and Implications for Georgia and the World*, Central Asia- Caucasus Institute; (d) an interview with Andrei Illarionov on Radio Ekho Moskvy, June 24, 2009; (e) an electronic journal, published by the Russian Ministry of Defence "Красная Звезда," (Krasnaya Zvezda) 9 July, 2008.

aside from the withdrawal of military bases. As a result, Russia did not face any direct measures in the face of the sanction, but it was a subject to specific requirement, that was fulfilled only partially.

Based on the above, the set of mechanisms under CFE established favorable environment for security arrangement. This raises a probability that their implementation in a due time would diminish politico-military dimension that finally escalated the crisis into armed hostilities.

International missions under the auspices of the UN and OSCE entailed mechanism for the management of the crisis in the territory of Abkhazia and South Ossetia, in frames of their mandates. However, the fact-finding mandate of international missions could not produce a counter-move that would be sufficient for the prevention of military irregularities or diminish their application.

Whenever these organizations registered the cases of violence, the corresponding preventive action was feasible through the decision that would potentially be blocked.

By contrast, international treaties establish legal regime in which each provision is clear-cut and there is no need of consensus: the CFE entailed security mechanism that was less vulnerable to embattled decision-making process and reduced chances for the escalation of the crisis. Interestingly, the preventive action under CFE (in 1999) was a subject to dispute and diplomatic pressure as well. However, the fact remains that *unlike organizational capacities, the treaty reduced horizons for destructive action and therefore established relative expediency for the management of the crisis. The mechanism was a practical toolkit for the deterrence of politico-military foresights of the Russian Federation.*

Comparative analysis of the organizational structures and treaties formulates an argument that solutions might be compromised in either of the case, but *treaties incorporate relatively balanced political and legal*

mechanisms, as compared to organizations. By contrast, organizations are unable to avoid politicization of security arrangements due to the national interests that degenerates the efficiency of mechanisms and therefore lowers the chances for crisis management.

VI. Conclusion

The research has symbolized CFE as a model for potential developments that originate from the violation of international norms, as an example of lingering disorder that cultivates the consequences that transform into armed conflict.

The rise of uncontrolled areas may possibly produce increased militarization of the Caucasus and simultaneously jeopardize the transit capabilities for alternative energy projects; secondly, if a pulse of militarization continues to beat, the countries and regions that are immersed into the process may act similar to Russia, as we have witnessed in the case of Georgia.

Based on the above, the CFE Treaty and reestablishment of its authority over its major signatory continues to be challenging. As Russian-American relations remain essentially focused on arms control, the supervision of conventional weapons could come up as a next topic after negotiations on nuclear warheads. In such circumstances, the CFE may again push the interlocutors towards cooperation at further negotiation rounds. By now, the countries located at the frontiers of Europe face continued challenge of militarization without any legal shield for their protection. Whereas the concept of European security becomes unsound. Following the moratorium on CFE Treaty, the Russian Federation placed particular attention on the concept of European security. The dark side of the moon is the incentive for Russia to interpret the concept according to her political outlook.

The focus on Europe is not a coincidence. Nor is the Russian willingness to introduce systemic changes a twist of fate. The rationale is her adherence to the Theory of Heartland. By means of the theory Russia

portrays the United States – the staunch ally of Europe – as an adversary in the eyes of Russians. Since the collapse of the Soviet Union and the failure of President Yeltsin’s democratic transition created a vacuum in which societies with different ethnic and religious backgrounds found increasingly difficult to consolidate their national identities around single ideology on enormous territory of Russia.

Vacuum was filled up by nationalistic attitudes that shaped bigotries during the presidency of Yeltsin’s successor. Nationalism requires the icon of enemy for mobilizing the people. Misreading the Theory of Heartland results into the attitude of Russian policymakers to depict the United States as an adversary.

The research argues that Theory of Heartland formulates an environment in which Russia maintains utopic adversary for consolidating its identity. It should be noted that the theory is not irrational obsession – it is a favorable framework for Russian policy outreach to unify different ethnic groups against something and creates a basis for dominance over Europe.

This means that Russian initiative on new security architecture echoes the Theory of Heartland in its very extreme sense – it tries to fortify “Geographical Pivot.” To this point, moratorium on CFE is yet another artificial condition for coercing state parties not only to replace the treaty, but to transform security system entirely.

Research Interviewees

Short note: the interviews were conducted in 2009; the positions of the respondents are as of to 2009.

Mr. Nikoloz Vashakidze - Georgian Institute for Russian Studies (GIRS)

Mr. Irakli Menagarishvili - Strategic Research Center (SRC)

Mr. Gia Dolidze - Ministry of Foreign Affairs of Georgia

Mr. Davit Dondua - Chief of Cabinet of the Chairman of Parliament

Mr. Jeffrey Mankoff - Council on Foreign Relations, Adjunct Fellow for Russia Studies

Mr. F. Stephen Larrabe - Rand Corporation, Senior Political Scientist

Gvantsa Abdaladze*

"Soft Insecurity" – Russian Soft Power in Georgia**

Abstract

The unrelenting move to retain Russia's hold as a power status is telling on virtually all post-soviet states. It has become common practice for Russian politicians to employ soft power as a useful tool to restore Russia's status. Following the developments that follow the application of soft Russian influence, it becomes an imperative to carry out adequate research into the subject, as Russian soft power has started to create a new Security Dilemma, which many quarters identify as Russian Soft Insecurity.

This article discusses the peculiarities of Russian soft power in Georgia using a case study approach. The conceptual framework of the paper uses Joseph Nye's theory of soft power. Findings from this research point to the creation of a new spiritual space known as Geospirituality. This research also recognized the three Geo-dimensions under which prevailing clashes among civilizations occur as Geopolitics, Geo-economics, and Geo-spirituality.

Keywords: Soft Power; Sharp Power; Russian Soft Insecurity; Soft Security Dilemma; Geo-spirituality.

I. Introduction

"If a bear is stronger than you are, call him 'Daddy'" – this is the literal translation of an old Georgian proverb. In our modern world, the bear wears sheep's clothing and old wisdom is no longer valid. Soft techniques are now replacing hard power. The victims of Russian "soft"

* Associate Professor at Sokhumi State University.

** The Paper was prepared as part of ERASMUS+ KA 2 project PESTUGE (Creation of the Graduate Curricula in Peace Studies in Georgia)

messages cut across different classes of society, with age and values appearing to be the most prominent differences they share. Without clearly defined demographics, it is not easy to foresee what the results of soft influence will be in the near future.

As an experiment, an interview with a group of 15 first-year students of International Relations was conducted. (The interview was conducted anonymously and was not made obligatory). As newcomers to the university, the respondents had no professional knowledge of the field. The students were asked to answer three questions: What are the advantages and threats of the Euro-integration process? What are the advantages and threats of re-establishing relations with Russia? What is the meaning of "soft power"?

Thirteen of the students could not provide an answer about what soft power meant. Two of them assumed that it was something connected to religion. Even though a large number of the students had no idea about soft power technique, many of them repeated Russian soft power messages: Five of the students believe that the Euro-integration process was a threat to national identity or even to the independence of the country. Eight students thought that reunion with Russia would improve economic problems and security.

The first part of the article reviews short theoretical debates about power. Then we explore the soft power concept in Russian foreign policy, Russian soft power in Georgia, and the problems of measuring soft power. The lessons learned, recommendations and conclusions identify the "gaps and holes" surrounding the new security dilemma "soft insecurity," and coin the new term, Geo-spirituality, to adequately evaluate the character of Russian soft power in post-soviet Georgia.

II. Soft or Sharp?

The debate about power is as old as humanity itself. After the establishment of International Relations as an independent academic discipline, power became one of the crucial concepts surrounding it. Ques-

tions such as how to describe power or how to measure power received different answers from several IR schools and theorists, and some did not answer the question at all. Despite the extensive analysis of the concept of power, it is almost always connected to state, security, war and cooperation.

In the last decades of the 20th century, Joseph Nye divided power into different categories and coined the new terms "soft power" and "hard power." In recent times, he added a third one, "smart power" and developed the theory about "power diffusion" and "power transition" in the globalized world.¹

It should be noted that on the one hand, Nye's theory added new dimensions to the already existing debates about power, simplified the classification and created space for more sophisticated description and measurement. On the other hand, however, the new theory posed new questions and new misunderstandings such as how to draw the margins between soft, hard and smart power and how to measure the results of soft power. Nye's definition of soft power appears simple and smart: "It is the ability to get what you want through attraction rather than coercion or payments. It arises from the attractiveness of a country's culture, political ideals, and policies."²

However, in real cases, soft power is being used in different ways and has been analyzed to be quite controversial. In more recent years, soft power has often been connected to propaganda and hybrid war methods to spread totalitarian values (Russia is one of the first to be mentioned in this context).

¹ About the theory of soft power see: Nye J.S. Jr., *Bound to Lead: The Changing Nature of American Power*, Basic Books, 1991. Also: Nye J.S. Jr., *Soft Power: The Means to Success in World Politics*, New York: Public Affairs, 2004; Also: Nye J.S. Jr., *The Future of Power*. New York: Public Affairs, 2011.

² Nye J.S. Jr., *Soft Power: The Means to Success in World Politics*. New York: Public affairs, 2004, X.

In recent times, more academic papers, policy papers, and media outlets are commenting on the dynamic nature of the soft power concept. In 2017, Routledge published the handbook of soft power under its famous series of international handbooks. One of the authors and editors of the handbook Naren Chitty divided hard and soft power into passive and active categories in the concluding sections of the handbook as A. Intended influence/active hard power; B. Unintended influence/passive hard power; C. Intended influence/active soft power; D. Unintended influence/passive soft power.³

In November of 2017, Christopher Walker and Jessica Ludwig coined another new word "Sharp Power" to describe the soft power of democratic and authoritarian states in their article "The Meaning of Sharp Power. How Authoritarian States Project Influence."⁴

Joseph Nye responded to the article in January 2018 in his new article: "How sharp power threatens soft power. The right and wrong ways to respond to authoritarian influence".⁵

Nye somehow agrees to the use of a new term. However, he believes that Sharp Power is nothing more than a type of Hard Power: "Sharp power, the deceptive use of information for hostile purposes, is a type of hard power. The manipulation of ideas, political perceptions, and electoral processes has a long history. Both the United States and the Soviet Union resorted to such methods during the Cold War. Authoritarian governments have long tried to use fake news and

³ Chitty N., Conclusions, in: The Routledge Handbook of Soft Power, Edited by Naren Chitty, Li Ji, Gary D. Rawnsley, Craig Hayden, New York, 2017.

⁴ Walker Chr., Ludwig J., The Meaning of Sharp Power. How Authoritarian States Project Influence, Foreign Affairs, November 16, 2017. <<https://www.foreignaffairs.com/articles/china/2017-11-16/meaning-sharp-power>> [12.02.2019]

⁵ Nye J.S. Jr., How sharp power threatens soft power. The Right and Wrong Ways to Respond to Authoritarian Influence, Foreign Affairs, January 24, 2018.

<<https://www.foreignaffairs.com/articles/china/2018-01-24/how-sharp-power-threatens-soft-power>> [08.03.2019]

social disruption to reduce the attractiveness of democracy. In the 1980s, the KGB seeded the rumour that AIDS was the product of U.S. government experiments with biological weapons; the rumour started with an anonymous letter to a small New Delhi newspaper and then was propagated globally by widespread reproduction and constant repetition. In 2016, an updated version of the same technique was used to create "Pizzagate," the false rumour that Hillary Clinton's campaign manager had abused children in a Washington restaurant".⁶

In his article, Nye also discussed the countermeasures to Sharp Power in response to the question about how to respond to Authoritarian soft power. Nye calls this problem "The Democrats' Dilemma" and concludes thus:

"Although sharp power and soft power work in very different ways, the distinction between them can be hard to discern - and that's part of what makes responding to sharp power difficult...As democracies respond to sharp power, they have to be careful not to overreact, so as not to undercut their own soft power by following the advice of those who advocate competing with sharp power on the authoritarian model...Moreover, shutting down legitimate Chinese and Russian soft power tools can be counterproductive".⁷

This article aims to neither highlight the arguments of theoretical discourse around soft power theory, nor to undertake an almost impossible review of all the existing literature about Russian soft power. Rather, it is intended to discuss Georgia's case as many international authors poorly analyze it; to find gaps in the existing debate; to bring forth some examples; to ask new questions, and to provide some recommendations for future research.

III. Soft Power Concept in Russian Foreign Policy

The tools of soft power were used long before this term was coined. Soft Power is an integrative term of historically existing diplomacy

⁶ Ibid.

⁷ Ibid.

tools. As Sergunin explains, in general, Russian experts see "soft power" as an integrative term of overlapping concepts, such as "NGO Diplomacy," "Public Diplomacy," and "Popular Diplomacy."⁸

States that are exceptionally skilled in diplomatic intrigues have always been in existence. In modern history, Russia is one country that fits this context. Historically, the USSR and in fact, the Russian Empire actively utilized soft power techniques. The Soft power theory provided an option for Russian political theorists to revise and renovate already existing skills.

Since Russia's authoritarian turn in 2004, Russian political leaders developed soft power as an effective policy tool to restore Russia's great power status. As Sergunin explains:

"Russian political leaders have largely interpreted the soft power concept in a very instrumental and pragmatic way. Initially, it was perceived by Moscow as an instrument of policy towards its compatriots in post-Soviet countries. With the start of Putin's third presidential term in 2012, the Kremlin moved to a broader understanding of soft power. Its soft power strategy is now seen as a set of foreign policy "technologies" that help to achieve Moscow's goals with regards to particular states – more generally - strengthen Russian positions worldwide (not only in CIS)".⁹

In Russia, currently, the understanding of soft power is not the same as Nye's Soft Power. It does not mean attraction with values, but manipulation of values, coercion of ideas, changing states' foreign policy priorities to suit the Russian state's interests. Russian political elites and society transformed soft power theory in the "Russian way" as Marxism was transformed a century ago. One can fully agree with Nye, that Russian soft power is not soft at all and should be analyzed as hard power or should be named differently perhaps as "sharp

⁸ Sergunin A., *Explaining Russian Foreign Policy Behavior, Theory and Practice*, Stuttgart, 2016, 49.

⁹ *Ibid*, 48.

power" as Walker and Ludwig mentioned in their National Endowment for Democracy (NED) titled "Sharp power: Rising Authoritarian Influence" report.¹⁰

At first, Russian soft power did not seem appropriate as a "real" topic for academic research. However, with the spate of incidents and the real consequences becoming obvious, several articles and reports studying the subject of Russian soft power and its influence on political decisions, elections and economic processes worldwide have begun to surface. Russian "soft influence" has become a relevant research topic not only for the academia but also for journalists, NGOs, INGOs, think tanks and policymakers. Russian "soft power" is ascribed threat status in the US, EU, and other official papers. For the words "Russian Soft Power" Google has more than 10 million search results. Rachel Vanderhill was one of the first who named Russia as an example of nations promoting authoritarianism abroad. Iran and Venezuela are other examples.¹¹

In the 2016 EU report, Russian propaganda was compared with the ISIL propaganda.¹²

One of the latest reports titled "Putin's asymmetric assault on democracy in Russia and Europe: implications for U.S. national security" was prepared for use by the committee on foreign relations of the US Senate in January 2018. The report contained more than 200 pages of

¹⁰ Sharp Power. Rising Authoritarian Influence, The National Endowment for Democracy (NED), December 5, 2017.

<<https://www.ned.org/wp-content/uploads/2017/12/Sharp-Power-Rising-Authoritarian-Influence-Full-Report.pdf>> [17.12.2018]

¹¹ See: Vanderhill R., Promoting Authoritarianism Abroad, Lynne Rienner Publishers, 2012.

¹² See: European Parliament, EU strategic communications with a view to counteracting propaganda, 2016.

<[http://www.europarl.europa.eu/Reg-Data/etudes/IDAN/2016/578008/EXPO_IDA\(2016\)578008_EN.pdf](http://www.europarl.europa.eu/Reg-Data/etudes/IDAN/2016/578008/EXPO_IDA(2016)578008_EN.pdf)> [10.03.2019]

reviews of all the aspects of Russian "sharp power" – background and evolution, actors, techniques, goals, cases.¹³

IV. Russian Soft Power in Georgia

What are the peculiarities of Russian Soft Power in Georgia? How do we identify its threats and challenges? What influence does it hold on political transformation, on the process of state and identity building, on political culture and foreign policy priorities? How do we measure soft power and its influence on polity? What are the limitations and redlines? How does it change conflict resolution and peacebuilding processes? When does Russia use hard power, and when does it change to soft power?

Russian soft power intensified in Georgia after the Russia-Georgia war of 2008. It happened because on the one hand, the usage of hard power facilitated the spread of soft power and because it became necessary to legitimize the results of hard power use (the war): "After using military aggression in Georgia, the Russian government maintained pressure and influence by using misinformation, support for NGOs, and interference in political affairs".¹⁴

In Georgia (as in other countries) Kremlin-backed media, foundations, NGOs and political parties are responsible for the spread of Russian messages in society. These messages are usually re-printed with some variations by tabloids and popular web-pages, and at the end, circulated on social media.

Russian soft power narratives are similar in different countries, but in every case, the differences are also apparent. Russian Soft Power messages in Georgia can be divided into several groups: Anti-western

¹³ U.S. Senate, Putin's Asymmetric Assault on Democracy in Russia and Europe: Implications for U.S. National Security, January 10, 2018.

<<https://www.foreign.senate.gov/imo/media/doc/FinalRR.pdf>> [15.02.2019]

¹⁴ *ibid*, 81.

and anti-globalization sentiments; Nostalgia for the USSR; Geopolitical ideas; Religious arguments; Ultra-nationalistic arguments; and Conspiracy theories.¹⁵

Anti-globalization messages mostly underscore western-styled globalization as identity loss threats to small nations. Anti-western sentiments rely on "evidence" that suggests that the west is too weak to offer security to Georgia and it also suggests that it will enforce such "identity-destroying" rules like gay marriage. Anti-western articles criticize the euro-integration process in every sphere, including the educational system. Universities involved in EU projects are often blamed for disseminating information that destroys national identity.

Soviet nostalgia is connected to the inequalities of capitalism and chaos of post-soviet transformation versus "social justice" and the

¹⁵ For more information about Russian soft power messages and techniques, see the following reports: European Initiative Liberal Academy Tbilisi. 2016, რუსეთის ხისტი და რბილი ძალის საფრთხეები საქართველოში. [Russian soft and hard power threats in Georgia].

<<http://www.ei-lat.ge/images/doc/politikis%20dokumenti.pdf>> [20.04.2019]

Kintsurashvili T., Anti-Western propaganda, Media Development Fund, 2016. <<http://mdfgeorgia.ge/geo/view-library/65>> [20.04.2019]

დასავლეთის დისკრედიტაციის მიზნით, საქართველოში რუსული ფონდები გააქტიურდნენ, ჟურნ. „ლიბერალი“, 25 იანვარი, 2016, [Russian funds are activated in Georgia to discredit the West, Journal "Liberali", January 25, 2016].

<<http://liberali.ge/news/view/20408/kvleva-dasavletis-diskreditatsiis-miznit-saqartveloshi-rusuli-fondebi-gaaqtiurdnen> [20.04.2019]

Panchulidze E., Russian soft power, Balancing the propaganda, Threats and challenges, Georgian Institute of Politics, June 2017, issue 5.

<<http://gip.ge/russian-soft-power-balancing-propaganda-threats-challenges>> [20.04.2019]

Institute for Development of Freedom of Information, Kremlin's information war against Georgia: The Necessity of State Policy to Counter the Propaganda, August 22, 2016.

<<https://idfi.ge/public/upload/Meri/Russian%20Propaganda%20in%20Georgia%20%20Policy%20PaperDF>> [20.04.2019]

Andguladze A., Russia's Soft Power and Strategic Communications: Challenges and Recommendations, International Society for Fair Elections and Democracy, May 2017, <<http://www.isfed.ge/main/1220/eng/>> [20.04.2019]

"high culture" of USSR, "state strength" and "modernization" of Stalinism.

Religious arguments can be divided into several groups: some of them argue that orthodox unity with Russia is an historically approved choice; some of them are proponents of de-secularization, increased political rights of the church and re-establishing the monarchy in Georgia; while some others are absolutely fanatic, seeking devil's signs in Western civilization and waiting for the Apocalypse. Many such articles show signs of anti-state conspiracy (We had the war in 2008 because of our sins).¹⁶

Groups with ultra-nationalistic arguments revive xenophobia, homophobia, Islamophobia, racism, sexism (and we have seen more conflicts on the ground of these phobias in recent years in Georgia.) Proponents of "Conspiracy theories" insist on the "Mason Lodge" influence in International Politics.

Some of the "real facts" described by the groups spreading Russian Soft Power messages are distortions of reality; some of them – complete fake; some others – manipulation. Some messages are unbelievable. The Senate report puts forward an example: "Russian propaganda in Georgia borders on the bizarre. For example, Russian propaganda asserts that the United States uses the "Richard Lugar Public Health Research Center" to carry out biological tests on the Georgian population".¹⁷

¹⁶ მენაბდე ლ., ქადაგებებში ჩადებული ნაღმები, „ნაკურთხი რუსული ბომბები“ და მესამე მსოფლიო ომი, 11 სექტემბერი, 2011, [Menabde L., Mines in Sermons, "Divine Russian bombs" and the Third World War, 11 September, 2011] <<https://droni.ge/?m=3&AID=4076>> [18.03.2019]; ID cards are satanic - როყვა ა., ანტიქრისტეს ძიებაში, 29 მარტი, 2017, [Rokva L., In seeking of Antichrist, Media Checker, March 29, 2017]. <<http://media-checker.ge/mediacritics/detail/245/>> [01.10.2018]

¹⁷ U.S. Senate, Putin's Asymmetric Assault on Democracy in Russia and Europe: Implications for U.S. National Security, January 10, 2018, 80. <<https://www.foreign.senate.gov/imo/media/doc/FinalRR.pdf>> [15.02.2019]

Of course, special techniques are needed to spread soft power. The Senate report names several techniques used to propagate Russian soft power: "Ping pong, misleading titles, zero proof, false visuals, Totum pro parte (the whole for a part); altering the quotation, source, or context with loaded words or metaphors, ridiculing, discrediting, diminution, "whataboutism", conspiracy theories, joining the bandwagon, drowning facts with emotion."¹⁸

At this juncture, it will be essential to set a few examples of Russian soft messages using different techniques. In most recent times, the almost unbelievable video about Michelle Obama being male (with Russian subtitles) surfaced. The video presented "real evidence" that she is male.¹⁹

Every other day, we find social media awash with incredible news about Russian doctors being able to cure cancer with baking soda, or some other diseases with magic herbs while western countries earn millions on drug industries and bury such knowledge.²⁰

Through social media, one can easily find a vast number of "scientific articles" like this: "Why high positions are always held by people that are neither smart nor moral?"²¹

The news agency that published this article explained that they had reprinted the popular post from social media, i.e., the translation of the

¹⁸ *ibid*, 203-204.

¹⁹ ბარაკ ობამას ცოლი - კაცია! [Barack Obama's wife – a man!] "MyVideo.ge" video, 6:11. Posted by FREEDOM, November 26, 2014. <<http://www.myvideo.ge/v/2458579>>

²⁰ კიბოს მკურნალობა შევჩენკოს მეთოდით - მხოლოდ ზეთი და არაყი. [Cancer Treatment with Shevchenko method. Only Oil and Vodka]. February 13, 2015. <<https://mkurnali.ge/onkologia/5750-kibos-mkurnaloba-shevchenkos-methodith-mkholod-zethi-da-arayi.html>>

²¹ რატომ ნიშნავენ მაღალ თანამდებობებზე ადამიანებს, ვისაც არც ნიჭი აქვს და არც მორალი? [Why high positions are always held by the people that are neither smart nor moral?] <<http://www.post-alioni.com/2017/09/რატომ-ნიშნავენ-მაღალ-თან/>> [01.10.2018]

scientific article (But from where? From which language? By what author?). The "article" itself is a bunch of citations from the works of well-known psychologists and sociologists (Sigmund Freud, Alfred Adler, Erich Fromm, Charles Darwin, Pitirim Sorokin) and it referred to some ideas from psychoanalysis and sociology. In the middle of these citations, one will find the sentence: "The good examples are the political leaders of coloured revolutions." If one has no idea about the authors mentioned above, the only unclear thing will be – who is the author of these "citations," Darwin or Sorokin? The "article" had more than 500 shares in 10 days (this is without calculating the number of re-shares and likes on social media). This article is not available on the webpage any longer. [re-checked on 18.02.18]

On October 28, 2017, information about how a young Georgian man was brutally beaten to death in Turkey by Turks was spread on social media. The "news" was spread with, and it carried the hashtag "Turkey is our enemy." The blog "Journalismania fact-checked the "news"," and they discovered that the fact surrounding the news was fake, as well as the photo evidence. However, only a few people were interested in fact-checking, and most of the time, people were left with memorable negative emotion induced by such posts.²²

In recent times also, several NGOs and think tanks tried to systemize Russian soft power messages by naming media sources and foundations involved in spreading false news. They also focused on calculating the money spent on Kremlin-backed media and funds, measure the influence of Kremlin soft power as touching the fact-check of fake news.²³

²² Datishvili S., Viral Photo with Hashtag #TurkeyIsOurAnamy is Fake, Journalismania, April 16, 2018. <<http://journalismania.blogspot.com/2018/04/viral-photo-with-hashtag.html>> [03.02.2019]

²³ Kintsurashvili T., Kurdadze D., Gelava S., Janda J., Vlchova V., Lyorant G., Szicherle P., Shutov R., Dutsyk D., Kremlin Influence Index, 2017, Media Development Fund (MDF). <http://www.mdfgeorgia.ge/eng/view_research/5> [05.03.2019]

Such kind of work is incredibly important but not sufficient and has no real results. The financial and human resources of NGOs are limited, but the power of social media to spread manipulative information is not. Besides, more people are inclined to believing these unbelievable messages, and they are not interested in reading NGO reports. Counter propaganda does not work too.

V. Peculiarities of Russian Soft Power in Georgia

It is widely believed, that Russian messages are mostly spread by "Russia Today" and other official Russian TV channels, as the target groups and recipients of these messages are Russian speaking compatriots in post-soviet states. Russia is not trying to attract people so much (as it did not elaborate any specific model of attractiveness like the USA or EU) as it looks to mobilize already existing supporters. In Georgia's case, "Russia Today" is not popular at all, only 1% of the population reads it.²⁴

The number of Russian compatriots is too small to spend money for their unification. Russian Soft Power messages are mostly spread through Georgian language media (printed media, TV channels, Social media) and the target groups are not limited to small groups of Russian compatriots or Russian speaking ethnical minorities, but Georgian society at large.

The content of Russian soft power messages is not "Russian" as they do not promote Russian values or Russian culture. The narrative is "Georgian inclined," based on Georgian nationalism and cultural sentiments, but they are anti-liberal, anti-western and thus are changing the attitude of the society to the processes of democratization and modernization. For example, the pro-Russian populist political party "The Alliance of Patriots of Georgia" in their electoral paper (for the 2016 parliamentary elections) talked about the importance of patriotism for state strengthening and security. After that, the party presented

²⁴ <<https://www.ndi.org/eurasia/georgia>> [24.07.2018]

slogans: Only the church can provide peace; Georgian feasts are the best way to get the needed information (and not the education).²⁵

Their slogan for the 2017 local government elections was: "If you care about patriotism more than liberalism, we are for you". Such messages are altering the meaning of concepts and values, creating chaos and vagueness in the minds of voters. The aim of such "national propaganda" is to re-establish tribal, pre-modern concepts, and sentiments.

In the era of globalization "power diffusion" and "power transition" is obvious. Traditional structures are losing their importance, and new threats and challenges appear in quick successions. In the media industry, social media is gaining more prominence compared to traditional and professional media. In Georgia, social media (especially Facebook) has even more popularity than most western countries. It is not only used for chatting with friends, but for gathering information and for spreading information. Even political leaders communicate with society through Facebook posts. Facebook is also used for educational purposes in schools and Higher Educational Institutions. The popularity of social media in Georgia is perhaps connected to the problem of digitization of different spheres. Social media is a cheap and easy way to solve the digitization problem, but its overuse creates free space for the spread of manipulative information. Even in developed countries, states are not able to cope fully with challenges connected to virtual space. Recently, Facebook announced that it is creating a special tool to identify ads and Facebook pages created by a Kremlin-linked group.²⁶

²⁵ კოპალეიშვილი ნ., პატრიოტთა ალიანსის საარჩევნო გაზეთი: და მაინც, რატომ აუჯანყდა სატანა ლმეროს?! 2016. [Kopaleishvili N., Electoral paper of the Alliance of Patriots of Georgia: Why did Satan rebel against God?] On.ge. September 29, 2016. <<https://on.ge/story/3971-პატრიოტთა-ალიანსი>>

²⁶ Breland A., Facebook Will Let Users See Russian Content They've Interacted with, The Hill, October 11, 2017. <<http://thehill.com/business-a-lobbying/361557-facebook-will-let-users-see-russian-content-theyve-interacted-with>> [16.03.2019]

Historically, intellectuals (writers, actors, artists, teachers) and clergymen hold a great influence on shaping political values and public attitudes to public discourse and political decisions in Georgia. During the 19th century and in early Soviet years, Georgian intellectuals relentlessly tried to revive the sense of independence. Nowadays the Intellectual Elite is still represented by Soviet-style Intelligentsia and by clergymen of Orthodox Churches (who in many cases have close ties with the Russian Orthodox Church). These groups have a great influence on society and serve as "useful idiots" for the spread of Russian propaganda.

Georgia has always been at the crossroads of different cultures and religions. Nowadays, the country is more or less an area of different soft power influences (the USA, The EU, Russia, and Turkey). However, the less developed rural peripheries of the country and the occupied territories (out of Georgian state control) are influenced only by Russian soft power, and this causes asymmetric development and influences.

The tools of soft power revolve around diplomatic dimensions (public diplomacy and popular diplomacy). Cultural relations and educational exchange programs are the most widespread tools of diplomacy worldwide. Georgia and Russia have no official diplomatic relations since the war in 2008; therefore, official bodies do not administer cultural and educational events. Different groups and individuals organize events, and in some cases, they contradict the official interests and position of the Georgian state. For example, in August 2017, six schoolchildren from Tbilisi went to the International Children Center "Artek" located in the Crimea region, without any permission from school administration and the Ministry of Education of Georgia. The organizer of this activity was a Russian language school teacher. Georgian government members had to communicate with the Ukrainian government and afterwards explain to the Georgian and Ukrainian

society that the activity was illegal and didn't express the official position of the Georgian government.²⁷

Joseph Nye and other western theorists think that Russia's neglect of civil society's role in soft power politics is a serious mistake. In Sergunin's point of view, Russian Soft Power's main shortcoming is that its instruments are "statist" – government based and controlled. Civil society is weak in post-soviet countries and still in the formative process after many years of political destabilization and conflicts.²⁸

On the contrary, findings in the course of this research show that governmental hierarchy and sequential strategies of soft power policy of Russia creates feelings of stability and security in some groups of post-Soviet Georgian society as they cannot understand controversial narratives of the western democratic world.

VI. Problems of Measurement of Soft Power

Portland Communications and the USC Center on Public Diplomacy in their annual index "Soft power 30" ranked states for their ability to use soft power but did not measure the influence of soft power.²⁹

In Georgia, the Media Development Foundation studied Russian soft power influence on different bodies and in different dimensions and calculated indexes of soft power.³⁰

²⁷ 146-ე სკოლის 6 მოსწავლე ოკუპირებულ ყირიმში რუსული ენის შესასწავლად გაემგზავრა, ჟურნ. „ტაბულა“, 22 აგვისტო, 2017 [6 pupils of the 146th school left to study the Russian language in occupied Crimea. Journal "Tabula", August 22, 2017]. <<http://www.tabula.ge/ge/story/123274-146-e-skolis-6-mostsavle-okupirebul-kirimshi-rusuli-enis-sheasatsavlad-gaemgzavra>>

²⁸ Sergunin A., Explaining Russian Foreign Policy Behavior, Theory and Practice, Stuttgart, 2016, 56-57.

²⁹ <<https://softpower30.com>> [24.07.2018]

³⁰ Kintsurashvili T., Kurdadze D., Gelava S., Janda J., Vlchova V., Lyorant G., Szicherle P., Shutov R., Dutsyk D., Kremlin Influence Index, 2017, Media Development Fund (MDF). <http://www.mdfgeorgia.ge/eng/view_research/5> [05.03.2019]

How then do we measure the influence of Russian soft power on Georgian social and political processes? The only thing that can be done and should be done is to name some indicators and to outline the variability of some tendencies.

According to the Caucasus Research Resource Center, Georgia polls and data analysis suggests that the number of people supporting Euro-integration has decreased and the number of supporters of Eurasian Union, or supporters for the reestablishment of relations with Russia has increased.³¹

Besides, the number of people naming Russia as the main enemy has decreased.³²

According to the polls conducted by the National Democratic Institute, Georgia,³³ 41 % of respondents think that regarding military strength, Russia is superior to the USA. In Russian speaking minority settlements, the percentage goes up to 55%.³⁴

The results of Russian soft power messages are also obvious in political processes. For the first time after the war in 2008, "The Alliance of Patriots of Georgia" a pro-Russian populist political party won parliament seats in the 2016 parliamentary elections with the support of Kremlin-backed media. This fact was noted even in the US Senate report:

³¹ CRRC, Online Data Analysis, <<http://www.crrccenters.org/20146/Online-Data-Analysis> [24.07.2018]

³² Thornton L., Turmanidze K., Public attitudes in Georgia, Results of December 2017 survey carried out for NDI by CRRC Georgia, <https://www.ndi.org/sites/default/files/NDI%20poll_December%202017_IS-SUES_ENG_vf.pdf> [24.07.2018]

³³ <<https://www.ndi.org/eurasia/georgia>> [24.07.2018]

³⁴ Thornton L., Turmanidze K., Public attitudes in Georgia, Results of December 2017 survey carried out for NDI by CRRC Georgia, <https://www.ndi.org/sites/default/files/NDI%20poll_December%202017_IS-SUES_ENG_vf.pdf> [24.07.2018]

"Beyond its military assaults on Georgian territory, the Russian government also supports a variety of pro-Kremlin political parties, NGOs, and propaganda efforts in the country. For example, Obiektivi TV, a media outlet, reportedly relied on Russian funding in its support of the ultra-nationalistic Alliance of Patriots political party. Obiektivi's xenophobic, homophobic, and anti-western narrative helped the Alliance of Patriots clear the threshold to enter parliament during the October 2016 election".³⁵

Besides, there have been appearances of extremist groups in Georgia with close ties to similar groups in Russia. For example, The Georgian March³⁶ shares the same name and similar activities as the Russian March.³⁷

The examples highlighted above create some opinion about the increasing tendencies of Russian soft power in Georgia but are not useful for measuring soft power influence in-depth. Every attempt to evaluate the influence of "soft power" creates more questions than answers. Whom are the people influenced by Russian soft power messages? Why did they change their minds and values? What other factors influenced them? Why do Russian messages influence the opinion of young people who have no Soviet experience and do not know much about the USSR?

VII. Conflict Areas

War is still very much alive in the minds of people in Georgia. International organizations and the Georgian society have been unable to find grounds for lasting and positive peace in Georgia. It is one of the objectives of this article to review the wars and the entirely controversial

³⁵ U.S. Senate, Putin's Asymmetric Assault on Democracy in Russia and Europe: Implications for U.S. National Security, January 10, 2018, 80.

<https://www.foreign.senate.gov/imo/media/doc/FinalRR.pdf> [15.02.2019]

³⁶ ქართული მარში [Georgian March]. <https://www.facebook.com/qartulimarshi> [15.02.2019].

³⁷ Русский Марш [Russian March] <http://rmarsh.info> [15.02.2019].

narratives about the causes of conflicts in Georgia. The discussion will, however, center on only one dimension of the narrative – Russian soft power in conflict areas.

After the Russo-Georgian war in 2008, the rare examples of cooperation between our societies ceased. People are living on different sides of a new "Iron Curtain" do not know much about each other. The only media reachable for both sides is Kremlin-backed media. Sputnik is one of the most viable examples in this context.

Sputnik-Georgia is a web-based portal displaying information in Georgian and Russian languages. It covers several sub-fields: News, Georgia, Russia, Caucasus, Positive, Sports, Multimedia, and Analytics.³⁸

Sputnik-Abkhazia operates in Russian and Abkhazian languages with sub-fields: In Abkhazia, Repatriation, Analytics, Tourism in Abkhazia, Radio Sputnik, Multimedia, and Press-center.³⁹

Sputnik-Ossetia operates in Russian and Ossetian languages, in the areas of South Ossetia, North Ossetia, Reporting News, Analytics and Interview, Sport, Press-center, Multimedia, Radio Sputnik.⁴⁰

Even at a glance, it is evident that Sputnik does not recognize the borders of sovereign states. Georgia, Abkhazia, and South Ossetia are represented as different states. However, North Ossetia (a part of the Russian Federation) and South Ossetia are under one umbrella. This creates the illusion that the USSR still exists with its historical borders and Georgians, Abkhazians, and Ossetians still have their national identity and culture retained under the big umbrella of Russia.

³⁸ სპუტნიკი-საქართველო [Sputnik, Georgia]. <<https://sputnik-georgia.com>> [15.02.2019].

³⁹ Sputnik Абхазия [Sputnik Abkhazia]. <<http://sputnik-abkhazia.ru>> [15.02.2019].

⁴⁰ Sputnik Осетия [Sputnik Ossetia]. <<http://sputnik-ossetia.ru>> [15.02.2019].

The similarities are evident if we compare the content of these three web-pages. State patriotism has been replaced with cultural pride that is always connected to the past, without any mention of the future; cultural isolation is prescribed as the guarantee for survival in the unstable world. In the news sections, the portals mostly reprint the main news of the day circulating in other media outlets, but the information is sampled biased or is followed by biased comments. At the same time, the web-pages have authentic articles spreading important information about events of Kremlin-backed groups. For example, in June 2017, representatives of Russian political centres and media outlets organized a Caucasus media forum in Tbilisi. The goal of the forum was to maintain training for the journalists. The organizers expressed active support for the independence of Abkhazia and South Ossetia. This information was actively circulated on Sputnik web-pages.⁴¹

Particular attention should be given to the entertainment sections of Sputnik. For example, the author responsible for the astrology section on Sputnik has articles in other Georgian media outlets about politics (to be more precise, how astrology influences political tendencies). In one of the articles, he argues that the main threats for the Georgian state come from Turkey, and he describes Russia as the savior of Georgia.⁴²

In another article, he claims that in the USA, all the people have had chips implanted into their bodies by the government because the government intends to transform the population into Zombies...⁴³

⁴¹ კრემლის პროპაგანდისტები თბილისში მედიაფორუმს მართავენ, 29 ივნისი, 2017 [Kremlin Propagandists Organize Media Forum in Tbilisi]. June 29, 2017.

<<http://www.newposts.ge/?l=G&id=144854>-თბილისი,+მედიაფორუმი>

⁴² ცაგარელი მ., ერთადერთი, რაც დღეს თურქებს აჩერებს, რუსეთის ფაქტორია, 4 მაისი, 2017 [Tsagareli M., The only Thing That Stops the Turks Today Is Russia, May 4, 2017].

<<http://cyc.ge/ერთადერთი-რაც-დღეს-თურქ/> [15.04.2019]

⁴³ ცუცქირიძე ე., კონსპირაციები ადამიანების „მასობრივ დაჩიპვაზე“ რუსულ და ქართულ მედია საშუალებებში, მითების დეტექტორი 30 ოქტომბერი, 2017 [Tsutsqiridze E., Conspiracy Theories Concerning Human

VIII. Lessons Learned, Recommendations and Conclusions

The Georgian case should be a topic of interest for international researchers, as Georgia has always been a first-hand victim of Kremlin policies since the start of the post-soviet era. The threats and challenges generated in Georgia are gradually becoming the tendency in other regions many years after: "The Georgia war was the first instance in which cyber-attacks occurred alongside a military strike. These tools would be replicated and refined six years later in Ukraine. The Georgia case has and should continue to be very instructive for other states".⁴⁴

The Georgian government has to create special bodies to analyze hybrid security threats like The Global Engagement Center created by the US government to counter propaganda and misinformation emanating from international terrorist organizations and foreign countries.⁴⁵

Due to its multidimensional character, Soft Power influence needs to be made an interdisciplinary study for political scientists, sociologists, psychologists, theologians, anthropologists and peacebuilders. It should be remembered that Georgia's post-soviet society has a traumatic identity and is much more vulnerable than western societies: "Totalitarian trauma ... keeps the Georgian society in a closed circle of traumatic identity... preventing effective contact with reality".⁴⁶

"Chip Implantation on a Massive Scale" Distributed by Russian and Georgian Media Outlets, Myth Detector Laboratory, October 30, 2017].

<<http://www.mythdetector.ge/ka/myth/konspiratsiebi-adamianebis-masobriv-dachipvaze-rusul-da-kartul-mediasashualebebshi>>15.04.2019]

⁴⁴ U.S. Senate, Putin's Asymmetric Assault on Democracy in Russia and Europe: Implications for U.S. National Security, January 10, 2018, 81.

<<https://www.foreign.senate.gov/imo/media/doc/FinalRR.pdf>> [15.02.2019]

⁴⁵ U.S. Department of State, Global Engagement Centre,

<<https://www.state.gov/r/gec/>> [10.02.2019]

⁴⁶ Javakhishvili D., The Soviet Legacy in Contemporary Georgia: A Psycho Traumatological Perspective, Journal of Identity Studies in the Caucasus and

In agreement with Nye, Russian soft power is not a true form of Soft Power; it depicts every mode of hard power and needs to be treated accordingly. The states involved in a hybrid war like Georgia and Ukraine cannot speak about the "Democrats' Dilemma." Russian soft power destroys the ground for future peace initiatives of Georgia with breakaway territories and with Russia also. Soft power is creating a new kind of security dilemma – a dilemma of narratives; the "soft security dilemma."

In this age of globalization, geopolitical borders no longer exist. Western skepticism to Russian geopolitical approaches made the Russian political and military elite turn to hybrid doctrines, counteract western geo-economic strategy, and to change the priorities of post-soviet states in the process of transition through irrational messages. Russian soft power messages are creating a new kind of spiritual space. A new word should be coined to describe this process - Geo-spirituality. We are all witnesses of the clashes among civilizations in the modern world, and we are likewise witnesses of the clashes among three Geo dimensions, namely: Geopolitics, Geo-economics, Geo-spirituality.

Irakli Javakhishvili*

Georgia's Bandwagoning Strategy: Myth or Reality?

Abstract

Main goal of the paper is to pay attention whether Georgia's bandwagoning strategy was reality or only the theory, and if it was the former, what implications it brought to the country. In this sense, the bandwagoning policy could function (theoretically) in regard to Russia, because since Georgia's independence in 1991, the Russian Federation has been the only neighbouring state not hiding its aggressive attitudes towards Georgia. The main passage of this policy may be the period of 1993-1997; the year of 1993 was taken because of Georgia's "compulsory" membership of the CIS, and the year of 1997 (or the transitional period between 1996 and 1998) may be considered the watershed in changing Georgia's foreign policy orientation (in favor of the European direction).

Out of the implications, one can clearly say that Georgia's bandwagoning strategy towards Russia pursued by the Shevardnadze Government in 1993-1997 (or maybe until 1999) witnessed absolute failure in the area of Georgia's foreign policy. It should be recognized that in 1990s Georgia's bandwagoning policy was reality but extremely unsuccessful; in this way, this "reality" is not to be repeated in the future because first of all it is detrimental to Georgia's determination to become a constituent part of the European family.

Key Words: Georgia, Abkhazia, Bandwagoning, CIS, Conflict Resolution, Eduard Shevardnadze, Foreign Policy, Military Bases, National Interest, Russian Federation, South Ossetia.

* Ph.D. Candidate, Assistant at Sulkhani-Saba Orbeliani University, Director of the Institute of Post-Soviet Studies.

I. Introduction

It is rare to talk about Georgia's bandwagoning strategy (its possible existence or nonexistence in Georgia's foreign policy since 1990s) while making the analysis of Georgia's international relations with the European Union and Russia between 1991 and 2003. But the reasons for which these complex interactions of Georgia with the "nearer West" should be understood lead me to look at the external factors (from the third country) affecting Georgia's foreign policy orientation and its transition from the "Russian mediation" policies to the pro-European (and Euro-Atlantic) orientation.

In this short paper, I am going to pay attention whether Georgia's bandwagoning strategy was reality or only the theory, and if it was the former, what the implications it brought to the country. In this sense, the bandwagoning policy could function (theoretically) in regard to Russia, because since Georgia's independence in 1991, the Russian Federation has been the only neighbouring state not hiding its aggressive attitudes towards Georgia. The main passage of this policy may be the period of 1993-1997; the year of 1993 was taken because of Georgia's "compulsory" membership of the CIS, and the year of 1997 (or the transitional period between 1996 and 1998) may be considered the watershed in changing Georgia's foreign policy orientation (in favour of the European direction).

Given the fact that the point is a part of development of Georgia's international relations with the European Union and Russia, this section concerning bandwagoning policies and accordingly the Russian factor is going to be a kind of "side effect" in the larger foreign policy-making of Georgia. As a result, to understand a possible theory of Georgia's bandwagoning strategy under the Shevardnadze government, the two important moments are to be considered: the first one concerns Georgia's decision to join the CIS in 1993 (because of unfavorable internal and external situation), and the second one deals with Russian-Geor-

gian agreement to create Russian military bases on the Georgian territory in 1995. These two events were central to Georgia's "attachment" policies towards the Russian Federation.

II. What is Bandwagoning?

Bandwagoning policies can be considered within the context of international alliances. Creation of the international alliances may be caused by several reasons such as reaction to external threats; political, ideological and strategic closeness (or solidarity) between or among the states; support to foreign state; intention of one state to influence internal affairs of the other one, and so on. Out of the above-mentioned reasons, the main emphasis is made on external threats and the yearning for preventing them. When a state feels a clear threat from a foreign state, it has several choices: not to take any actions (passivism); to create alliance with the third country or the group of countries (balancing); or to move to the side of the state from which it is waiting for the threat. In the present case, the conversation will be about the latter point expressing the bandwagoning policy of a particular country.

Before going directly to the case-study of Georgia's bandwagoning strategy in regard to Russia in 1990s, I would like to look at the meaning and theoretical perspective of bandwagoning policy. There is an opinion that the small states are inclined to bandwagon strong (aggressive) power rather than balance it. For the first time, the term of bandwagoning was used by Quincy Wright in his *A Study of War* (1942). Kenneth Waltz (1979), in his monumental work *Theory of International Politics*, asserted that "...bandwagoning is sensible behaviour where gains are possible even for the losers and where losing does not place their security in jeopardy".¹ According to this idea, bandwagoning strategy may be profitable for a small country seeking for its national and territorial security, through allying the state which

¹ Walt S.M., *Alliance Formation and the Balance of World Power*, International Security, 1985, 126.

threats the former. Walt (1985) makes a point that “by aligning with the threatening state or coalition, the bandwagoner may hope to avoid an attack on himself by diverting it elsewhere”.² In other words, a small state through its bandwagoning strategy is trying to declare its “obedience” to a powerful state and, at the same time, to move expected pressure to other country.

The theory was further sophisticated by Schweller (1994) who stated that “bandwagoning is meant to serve as the opposite of balancing”.³ In contrast with bandwagoning, balancing is a small state’s strategy to align with the third country or the group of countries (coalition) against the threatening country. In this case, a small country does not make any concessions to an aggressive state but it balances against it. Contrary to that, while dominating the bandwagoning strategy, “the vulnerable state makes asymmetrical concessions to the dominant power and accepts a subordinate role...”.⁴ And as it has already been marked, bandwagoning “is an accommodation to pressure (either latent or manifest)” and it “suggests a willingness to support or tolerate illegitimate actions by the dominant ally”.⁵

In the Georgian literature of international relations, the bandwagoning behavior of a state is least studied. It is because of the fact that in analyzing Georgia’s foreign policy since very 1991 one can face political stereotypes, ideological bias or simply superficiality of historical discourse rather than fundamental methodological and analytical investigation of that critical historical moments in Georgia’s latest history. As we have already mentioned many times, the South Caucasus has a very complex geopolitical and geostrategic location that automatically leads to a great possibility of creating various alliances or coalition configurations (The word can be said on the Ankara-Baku-

² Ibid, 8.

³ Schweller R.L., *Bandwagoning for Profit: Bringing the Revisionist State Back in International Security*, 1994, 80.

⁴ Ibid, 80.

⁵ Ibid, 80.

Tbilisi axis and, in contrast, Russian-Armenian “alliance”, maybe adding Iran).

As for bandwagoning policies in the South Caucasus region and particularly in regard to Georgia, here I can remind two main works that exist in this field of Georgian scientific space. Both of the works belong to the same author. In the former work of Gvalia (2008), in which the author analyses alliances in the South Caucasus region, there are theoretical and empirical parts, and the author applies the case-study approach. He compares the two concepts of balancing and bandwagoning and affirms that the bandwagoning strategy does not have only negative meaning but also a positive role. Besides, the author reminds that both balancing and bandwagoning are theoretical models and real actions of the states may not correspond to these models in every case. Then the author makes hypothesis what circumstances can stipulate a small power to apply bandwagoning strategy:

- a) “The weaker is the state, the greater is the likelihood that it will choose the bandwagoning strategy;
- b) The state will choose the bandwagoning strategy when it does not have allies, when it has no choice;
- c) The state will choose the bandwagoning theory when it considers that with this step taken it will appease the source of threat”.⁶

In any case, it can be said that the state’s decision to apply the bandwagoning strategy is essentially conditioned by external circumstances that oblige this state to make “forced” concessions to a powerful country (that, as a rule, pursues aggressive policies towards the small state(s)).

As for an empirical point, the author thinks that Georgia’s accession to the CIS in 1993 was a classical occasion of bandwagoning to the

⁶ Gvalia G., Balance of Power or Balance of Threat? Alliances in the South Caucasus, Tbilisi, 2008, 26.

source of threat. Here all the three points of the author's hypothesis mentioned above are present. Georgia is a small country and in the early 1990s it was weakest, "fallen" state with military conflicts in Abkhazia and Tskhinvali Region (so-called South Ossetia); Georgia did not have allies. President Shevardnadze called for the United Nations to dislocate its peace-making forces in conflict zones but the answer was negative. On the other hand, the European Union and the United States did not have consistent policy towards the South Caucasus region in general; Last but not least, Shevardnadze thought that if Georgia joined the CIS led by the Russian Federation and agreed dislocation of Russian military bases in Georgian territory in 1995, it would soften existed tension with Russia and promote to conflict resolution in Abkhazia and so-called South Ossetia.

The latter work is the Ph.D. thesis of Gvalia (2013)⁷ talking about the balancing and bandwagoning strategies in the South Caucasus region. In fact, the author reiterates all his theoretical assumptions made in his previous work. Once again, he notices a positive side of Georgia's accession to the CIS in 1993. According to him, President Shevardnadze took two main steps with this decision: he appeased a foreign aggressor (Russia), and with help of this foreign actor he was able to establish stability within the country and to survive his regime. I can agree with the author's opinion that Shevardnadze's actions were a little successful for his government but in the long term this "familiar" policies were manifestly negative for Georgia's internal (regarding the conflicts) and foreign policy considerations. To say more specifically, this bandwagoning policy of President Shevardnadze contributed to defeat of paramilitary groupings (against the Shevardnadze government) within the country, but it was not in favor of Georgia's territorial integrity (conflict resolution was not advanced even in one step), and it excluded, in its very origins, Georgia's European aspirations.

⁷ Gvalia G., How Do the Small Countries Choose Strategic Allies? Balancing and Bandwagoning Strategies in the South Caucasus Region, Ph.D. Thesis, Tbilisi, 2013.

One can ask what concrete risks or dangers were or might be before Georgia? What motivations prompted Shevardnadze to choose the bandwagoning strategy? While talking about Russia's relation to Georgia, both in the 1990s and in the later period, one can never overlook that there were or could be always a possibility of potential Russian invasion or aggression against Georgia. For Shevardnadze, this strategy was a reaction to avoid such potential aggression, on the one hand, and to resolve the conflicts in Abkhazia and South Ossetia, on the other hand, so crucial for Georgia's security and development. It was the price that Georgia paid in return for its pro-European orientation but finally it proved ineffective.

III. Georgia's accession to the Commonwealth of Independent States (CIS)

Since here overlooking the first Georgian President Gamsakhurdia's "strategic idealism", the period between Shevardnadze's arrival from Moscow in 1992 and the presidential elections (when Shevardnadze was elected the president of Georgia) in 1995 is often called *interregnum* (intermediate governance). In March 1992 when Eduard Shevardnadze returned in Tbilisi, the forces – National Guard – which had overthrown the Gamsakhurdia Government invited him as a Chairman of the State Council. And immediately Shevardnadze faced a lot of problems both internally and externally. Interregnum was the period characterized by dominance of paramilitary forces, ethno-political conflicts and foreign interventions in Abkhazia and so-called South Ossetia.⁸

The paramount task for newly arrived Shevardnadze was to restore the unity of state and to break through isolationism created by Gamsakhurdia's policies. The former point was much more difficult than the latter but even on external level the situation of Georgia was unfavourable because the United States and European countries were

⁸ Koiava R., Baghaturia E., Nikitina Y., Georgia and Russia: Bilateral View on the Quarter Century Relations, Tbilisi, 2017.

hesitant to have political concerns towards the South Caucasus as a whole. All of these obliged the Shevardnadze Government to make very delicate maneuverings between Russia and the West.

On the other hand, since mid-1993 the Russian factor played a key role in the foreign policy events of the Georgian leadership. The economic collapse, the political instability of the ruling regime, and inter-ethnic conflicts set their priorities in Georgia's foreign policy. Russia's refusal to take the functions of an integrating center and the subsequent contradictory policy in the "near abroad" led to increased influence of Turkey and Iran in the region. The development of oil fields on the shelf of the Caspian Sea by western oil companies and the problems of Azerbaijan oil transporting involved western allies in regional alliances and conflicts.

The abovementioned scenario is a subject of further years towards the end of the 1990s. As for Shevardnadze's arrival in Tbilisi and his immediate political steps taken, like the first president of Georgia, a new Chairman of the State Council was against Georgia's accession to the CIS and, even more, he asserted that it contradicted Georgia's national interests. But in several months since he had held the office, Eduard Shevardnadze changed foreign policy view and preferred to be close to Russia in order to prevent possible foreign threats. In accordance with the political circumstances created in the region, he "considered Russia as the hegemon power in the region and important to Georgia in dealing with internal threats and chaos".⁹ It means that the steps taken by the Shevardnadze Government did not imply only bandwagoning strategy but also applying to foreign powerful state to balance against internal threats of the small country.

In this way, while talking about the small country's strategy to bandwagon the greater state in order to prevent both internal and external

⁹ Sari Y., *A Comparative Foreign Policy Analysis of Weak States: The Case of the Caucasus States*, Ph.D. Thesis, 2008, 363.

threats, one can maintain the so-called “omnibalancing” theory proposed by Steven David in his *Choosing Sides: Alignment and Realignment in the Third World* (1991), according to which the state elites “often align with outside powers not because they help them balance against external threats but because these alliances help them balance against internal rivals that threaten the survival of their regimes”.¹⁰ Internally, the main problem for Shevardnadze Government in 1992-1993 were the supporters of the first president Gamsakhurdia (overthrown by paramilitary groups) in western Georgia. In fact, Georgia’s accession to the CIS had positive implications for Shevardnadze’s political regime to survive and establish comparative stability within the country (it cannot be said about the conflict regions of Abkhazia and so-called South Ossetia).

In the autumn of 1993, after Sukhumi, a capital city of Autonomous Republic of Abkhazia, had fallen, Georgia under Shevardnadze made a statement about the entrance into the CIS. The Shevardnadze’s decision to enter the CIS was dictated by the necessity of regulating the relations with Russia. According to this argument, the return of Georgia to Russia’s “sphere of influence” would have made Moscow’s policy toward Georgia more “merciful”, and Russia would refuse to support the separatist regimes of Abkhazia and so-called South Ossetia (and would help restore territorial integrity of Georgia. In addition, the CIS market was of great importance for Georgian economy).

The positive expectation in Georgian society regarding Georgia’s accession to the CIS did not come true. Russia did not change the attitude towards Georgia and continued to support the separatists, but verbally recognized Georgia’s territorial integrity and even joined the economic sanctions imposed by the CIS against the separatist regime

¹⁰ Krickovic A., *From the Security to Insecurity Dilemma: Developing a Theory of Security for Today’s Emerging Powers*, Series: International Relations, 2015, 6.

of Sukhumi. Later, Shevardnadze himself called this decision “kneeling of Georgia”.¹¹ The economic benefits received by Georgia in the CIS was quite conditional if one considers the introduction of visa regime by Russia and then economic sanctions for Georgian products for which Russian market was vitally important (wine, mineral waters, fruit and other products of agriculture). All of these factors then contributed to Georgia’s withdrawal from the CIS. As then Georgian President Saakashvili stated that “we decided to quit the CIS and to say farewell to the Soviet Union”, and added that “we have also decided to rescind the Russian peacekeepers’ mandate and to declare Abkhazia and South Ossetia occupied territories of Georgia”.¹² It should be said that Georgia’s withdrawal from the CIS was one of the most important steps in “de-sovietization” process undertaken by the country and an eventual refusal to the bandwagoning strategy which was so unfavorable for Georgia’s national interests.

IV. Russian Military Bases in Georgia

In the *Declaration on observing sovereignty, territorial integrity and inviolability of borders of the CIS member states*, adopted in 15 April 1994, one could read that “the states refrain themselves from military, political, economic and other forms of pressure...”, and “they shall not support and use separatism against territorial integrity and inviolability as well as political independence of any other member-state of the CIS”.¹³ Maybe this point gave president Shevardnadze hope that if Georgia joined the CIS, it would lead to Russia’s good will to resolve separatism-related problems in Abkhazia and so-called South Ossetia in favour of Georgia. But as history confirmed, all his hopes deluded.

¹¹ Kodanashvili M., “Small States and Their Strategic Partners: South Caucasian Case Study”, MA Thesis, 2016, 25.

¹² Civil Georgia, Georgia to Quit the CIS, 12 August, 2008.
<<https://www.old.civil.ge/eng/article.php?;d=19064> [09.11.2018]

¹³ RRC, Declaration on Observing Sovereignty, Territorial Integrity and Inviolability of Borders of the CIS Member States, Regionalism Research Institute, 2011.

(One of the arguments of Eduard Shevardnadze for Georgia's accession to the CIS was that "Georgia needs peace as it needs air to breathe... the key to this lies in Russia's hands"¹⁴).

After the collapse of the Soviet Union, Russia has carried back a large part of its armament in Georgia and some has left for an infinite period without any agreement. In March 1995, the Defense Ministers of the Russian Federation and Georgia signed the treaty on creating the Russian military bases on the territory of Georgia (four bases were created). Russians wanted to dislocate their militaries in Georgia for 25 years and the Georgian side considered 10 year-period appropriate for the cause. But finally president Shevardnadze agreed the idea of dislocating the Russian military bases for 25 years. In addition, there was a perspective for prolonging this term in the future but with two conditions: 1. Russia had to recognize Georgia's jurisdiction in Abkhazia; and 2. Russia had to help Georgia create its own armed forces.

Russian authorities agreed the conditions posed by the Georgian side, and Shevardnadze thought that presence of the Russian military bases would be a guarantee of stability in the whole region of the South Caucasus. But first of all, as it has already mentioned above, Georgian president thought that Russian bases would help him defeat internal opponents and establish stability within the country. And in fact it was the case that "with the Russian military presence, Shevardnadze was able to disarm many of the members of the paramilitary groups and brought some measure of stability to Tbilisi".¹⁵ In general, the years of 1993-1995 can be considered the time of intensification of the Georgian-Russian military cooperation. It seemed that the Parties came to the solution of the issue of military presence. At the same time, Shevardnadze's "two Russia" policy was too dangerous and naïve; according to this idea, there were two sides of the Russian Federation – the first one, democrat president Yeltsin and his close people, and the

¹⁴ Lynch D., *Russian Peacekeeping Strategies in the CIS: The Cases of Moldova, Georgia and Tajikistan*, New York, 2000, 175.

¹⁵ Sari Y., *A Comparative Foreign Policy Analysis of Weak States: The Case of the Caucasus States*, Ph.D. Thesis, 2008, 209.

other one, the military elite which had negative influence on Yeltsin's democratic circles. Georgian president went so further to state that "the Russian special services impose their crazy ideas on Grachev¹⁶ and use him as their mouthpiece all over the world".¹⁷ As it was mentioned above, Shevardnadze's policies towards Russia were not merely characterized by the bandwagoning strategy but also by the "omnibalancing" one.

From late 1993 to 1995, the Russian Federation and Georgia signed a few agreements including the military ones. Georgia also joined a number of collective documents within the CIS that were of military importance. From the collective documents signed by Georgia within the framework of the CIS, the Concept of Collective Security proclaimed the existence of common military-political interests of the CIS. The Concept proclaimed that a policy of creating coalition troops and a single air defense. Georgia signed an agreement on the creation of a unified air defense system of the CIS.

Since 1996, the Russian-Georgian relations began to turn cold gradually. It also affected the area of military cooperation which was one of the main reasons for future disagreement. Later in 1999, at Istanbul Summit of the OSCE, the decision was made that the Russian military bases would leave the Georgian territory. The failure of the Shevardnadze Government's bandwagoning strategy (towards Russia) was also attested by the fact that the presidents of Georgia (Shevardnadze) and Azerbaijan (Aliyev) arrived in Istanbul to sign an agreement with Turkey on the construction of the Baku-Tbilisi-Ceyhan oil pipeline through which the main Caspian oil would flow to the West. And Georgian President Eduard Shevardnadze, with his Moldavian counterpart, appealed to the OSCE to force Moscow to reduce its troops in Southern Russia (the Chechen question) and withdraw them from the territories of Moldova and Georgia.

¹⁶ The Defence Minister of Russian in 1992-1996.

¹⁷ Kaufman R.F., Hardt J.P., *The Former Soviet Union in Transition*, New York, 1993, 714.

The final withdrawal of the Russian military bases from the territory of Georgia was realized several years later. The period from May 2006 to November 2007 was a historic event to take place in history of Georgia: the Russian military bases that had been there for almost two centuries left the territory of Georgia (controlled by Georgian authority, but Abkhazia and so-called South Ossetia). In this way, Georgia's eventual refusal to the bandwagoning strategy (through the consistent political decisions) was one of the immediate instruments for the country to put its persevering aspiration towards the European and Euro-Atlantic structures into practice.

V. Conclusion

In effect, deterioration of the Georgian-Russian political and military cooperation was mainly caused by two reasons or events; the first one was the Second Chechen War (1999-2009). It was a direct result of the First Chechen War (1994-1996) after which almost the whole Chechen territory was controlled by Chechen guards. The resolution to the Chechen question constituted a decisive point for Russia to defend its sovereignty and prevent separatism within the country. To this events was closely related the Pankisi Crisis in Georgia. The Pankisi Gorge is located in the North-East part of Georgia and has a direct border with the Northern Caucasus. Accordingly, the events related to the Pankisi Gorge was an important factor in Georgian-Russian relations. Because of the Chechen wars in 1990s, a lot of Chechen militaries emigrated in the Pankisi Gorge that led to "terrorist threat" in this region.

As for external factors, the most important reaction to the Pankisi events in the international community was related to the spread rumors about the presence of Al-Qaeda members in the region. Russian media outlets played a particularly grave role in propagating this assumption (given the fact that the Gorge was practically Georgia's uncontrolled territory). On the other hand, radicalization of the Pankisi region was contributed not only by the Arab organizations, but also by the strong Caucasian diaspora in the Middles East.

During the Second Chechen War, the Russian authorities made all efforts to involve Georgia in the War in any way. In several days after the beginning the Second Chechen War, Russian President Yeltsin asked Shevardnadze to use the Russian military bases dislocated in Georgia for attacking Chechnya. And new Russian Prime Minister Putin asserted that Russia had a full right to launch military operations in the territory of Georgia because the latter gave asylum to the Chechen terrorists. Fortunately, the West took a hand of support to Georgia. The United States took an initiative to form the antiterrorist coalition and help Georgia in order the Pankisi Gorge not to become a place of new tension. In 2002, the United States undertook the Training and Equipment Program in Georgia the objective of which was to create Georgia's antiterrorist force, particularly in the Pankisi region. The situation finally changed in 2003 when the Saakashvili Government supported the USA-backed antiterrorist operation in the Pankisi Gorge and resolved the problem.

Out of the implications, one can clearly say that Georgia's bandwagoning strategy towards Russia pursued by the Shevardnadze Government in 1993-1997 (or maybe until 1999) witnessed an absolute failure in the area of Georgia's foreign policy. The conflicts in Abkhazia and so-called South Ossetia remained unresolved and Georgia remained separated from European structures. Towards the end of the 1990s, President Eduard Shevardnadze realized this difficult situation well and decided to refuse the chosen direction. It meant that Georgia's refusal to the bandwagoning strategy in regard to Russia contributed to the country's de facto rapprochement to the West – the United States and the European Union, but also with other European organizations. It should be recognized that in 1990s Georgia's bandwagoning policy was reality but extremely unsuccessful; in this way, this "reality" is not to be repeated in the future because first of all it is detrimental to Georgia's determination to become a constituent part of the European family.

George Sioridze*

National Security – Totalitarian Heritage and Perspectives of Democracy in Georgia

Abstract

The national security system of Georgia is characterized by fundamental changes throughout the history. Georgian state security was an integral part of the Soviet Security system, which served the implementation of enforcing the doctrine of the Communist Party and violent political regime. After regaining independence 1991, several entities, responsible for state security were established, reorganized or eliminated (Ministry of State Security, Special Operative and Constitutional Security Departments of the Ministry of Internal Affairs, National Security Council and State Security and Crisis Management Council).

In 2015 State Security Service was established, as an independent entity under direct subordination to the government of Georgia. In 2019 the State Security Council was created as an advisory body to the Prime Minister. Despite this institutional changes, the problems linked with human rights violation and conflict of transparency and democracy remain as prevailing. The parliamentary oversight, carried out by the Committee of Security and Defense on one hand and the Trust group, on another, is insufficient. The reform establishing an independent Institute of State Inspector with control mechanisms of the Security Service can be considered as step forward on the way of democratization of the security segment.

Key Words: Georgia, State Security, KGB, Institutional Changes, Lack of Transparency, Control Mechanisms, Reform.

In Georgia, the first apparatus responsible for state security was “Mstovrebi”, established approximately one thousand years ago, during the reign of King David, the Builder. In the second half of the 19th

* Ph.D. Candidate, LL.M, Assistant at Sul Khan-Saba Orbeliani University.

century, the Department of Protecting the Public Security and Order – “Okhranka”, was equipped with a large and powerful espionage net and operated effectively against unwelcome ideas and people in the Empire. After Georgia gained its independence in 1918, the Council of Defense was established, primarily for controlling the execution of political decisions, but a body responsible for state security was not considered in the new Georgian state.¹ After the Soviet occupation of Georgia in 1921, Georgia became part of a vast empire, and its security became part of the security system of the “Red Empire”. During this time, Georgia did not require a separate security mechanism as it should have been deemed to not be a source of a threat as a member republic, and yet, it had its own branch intertwined with the central Soviet KGB.² Thus, when talking about the Georgian security system’s heritage, Soviet security systems should be discussed.

Before establishing the renown and odious KGB, the genesis of red empire security began via the formation of the Cheka (Extraordinary Commission, following the State political directorate (GPU), the Joint state political directorate (OGPU), the People’s Commissariat of the USSR (NKVD), the Ministry of State Security of the USSR (MGB), the Main Directorate of State Security of People’s Commissariat for Internal Affairs (GUGB of the NKVD), the Peoples Commissariat for State Security and the Ministry of Internal Affairs (MVD). Before 1954, with a background of functional and organic amalgamation and division, all the above mentioned institutes served the implementation of enforcing the doctrine of the Communist Party in the first instance, the security of party interests and the defense of the political regime. The methodology of this was, in a practical way, characterized by a total rejection of internal and international legal regulations, resulting in collective and individual violation of human rights, physical and mental torture, imprisonment, forced labor and death.

The main scope of the KGB scope was national intelligence, foreign intelligence, operative-investigative activity, protection and security of

¹ Gegenava D., Kantaria B., Tevzadze T., Djavakhishvili P., Erkvania T., Papashvili T., Constitutional Law of Georgia, 4th ed., Tbilisi, 2016, 334.

² For more detailed information, see: Sioridze G., in: Introduction to Georgian Constitutional Law, Edited by D. Gegenava, Tbilisi, 2019, 289-290.

USSR state border, personal safety of the leadership of the Communist party and the government, organization and security of the governmental canals, along with fighting nationalism, dissidents, crime and anti-Soviet activities. The KGB was entrusted to provide information regarding state security and self-defense of the country, social-economic condition of the Soviet Union and issues of inter-political and inter-social –economic activities of the Soviet state and Communist party. The KGB reported to the Central Committee of the Communist party and highest entities of governmental power and the heads of the USSR.

As the USSR constitution prescribed, the Communist party of the USSR enjoyed constitutional status. In fact, it was more capable than the government apparatus. The party had a leading role in the KGB. According to the guidelines of the KGB, the committee was a governmental body, simultaneously under direct subordination to the Central Committee of the Party and its Politburo. The institutional bond of the party-state apparatus reflected in official mottos of KGB as well:

*Loyalty to the Party – Loyalty to the Homeland! and
We have just one Homeland like the Party.*

As a result, the KGB became the militant force of the party, which guarded politically and physically the power of the party and ensured the brutal and effective control of society.

As for the KGB of Georgian SSR, formally it was an independent legal entity. As stipulated in central constitutional regulations, the committee was subordinate to the government of Georgian SSR and the supreme executive body of the Georgian Communist party. In reality, it was in the framework of strict subordination of central KGB and acted as its regional branch.

After regaining independence from the Soviet Union 1991, the Ministry of State Security was established, which was institutionally sacrificed

by a state coup.³ An Information intelligence service was created instead. After the civil war of 1991-1992, the building of the KGB was severely damaged, destroying almost 80% of its archive. The randomness of this fact is still doubted in society. In 1993 the Ministry of State Security service was reestablished. In 1995, Georgia adopted a new constitution, where it was importantly stated: Art. 78 (the first redaction) prohibited amalgamation of police, security and military forces. This principle of division was significant to avoid institutional monopolization of state power.

Interestingly, the abovementioned article was removed from the text as a result of constitutional revision in 2004, and the Ministry of the State Security was eliminated the same year. It merged with the Ministry of Internal Affairs and two departments, the special operative department and Department of Constitutional Security were formed. This caused hypertrophy in the Ministry of Internal Affairs. These two departments disappeared in 2013, and several other departments shared their functions. In 2015 the State Security Service was established, as an independent entity under direct government, and the Ministry of Internal Affairs remained responsible only for public safety.

The main (investigative) functions/directions of the State Security Service of Georgia are: Protection of constitutional order, state sovereignty, territorial integrity, scientific-economic and military potential from illegal activities of secret services of other countries or specific persons; Detection and prevention of attempts to change the government through unconstitutional or violent means; Insurance of state's economic security; Fight with terrorism ; Fight against crime threatening state security, transnational organized crime and international crime ; Prevention, detection and suppression of corruption; Protection of state secrets, exercise of measures for protection of state secrets and control of performance as envisaged under the law and protection of state from foreign threats.

In 2018, the operative – L.E.P.L. specialized agency was established, subordinate to the State Security Service. The main objective of the

³ See: Darchiashvili D., Georgian Defense Policy and Military Reform, in: Statehood and Security: Georgia after the Rose Revolution, Tbilisi, 2006, 161-165.

agency is gaining information about activities against the constitutional order of Georgia, sovereignty, defensibility, territorial integrity, the legal system and military potential and also obtaining exact data on criminal cases.

With this reason the agency carries out activities connected, mainly, with limiting the rights of privacy and to family life, inviolability of private space and communication, e.g. secret surveillance of cell communication, gaining information from computing system, determining geolocation in real time, controlling post and telegraph messages, undercover video- and audio recording and photography. It is the source of the high risk of concern in regards to violations of human rights, which requires an appropriate balance with common democratic standards.

Since 1997, the intelligence service of Georgia, as an independent entity exists. It carries out intelligence abroad, and a limited role within Georgia. The service reports directly to the Prime-Minister, as a distinct entity and carries out intelligence activities in national interests of Georgia. The primary purposes of the service are determining foreign threats and risks, providing state-political authorities with intelligence information with decision makers in the fields of politics, economy, defense, informational, ecological and other directions of national security.

According to the Georgian constitution of 1995, a consultative body – the National Security Council existed, which reports to President of Georgia. Its functions suffered significant changes during its history. After the enactment of constitutional amendments in 2013, the political role of President was weakened and the Government-enhanced. In this regard, a council was established for state security and crisis management council in 2014, designed to play the role of a counterweight of the National Security Council. It soon disappeared too.

As a result of the constitutional reform 2017-2018, the National Security Council was settled, and the constitution implied the National Defense Council would only exist during a state of war. However, the country needs an efficient coordinative body, which is equipped with

functions, complying the typical political balance in the new established parliamentary republic. For this reason, a (new) National Security Council (not the constitutional body) reporting to the Prime Minister was established in 2019. The scope of the council is broad and extends from security to military-defensive objectives. The constant members of the committee are the Prime Minister, the Ministers of Defense, Internal Affairs, Foreign Affairs and of Finance along with the Head of the State Security Service, Head of the State Intelligence Service and Head of the Georgian Defense forces. The Prime Minister is entitled to invite other members if necessary. Unlike other predecessor entities, the secretary of the council is appointed by the Prime Minister from its regular members. This issue is a negative development, considering the full scope of the council's authority, carrying out a by a member, who is responsible for the primary state-political office, and could damage the effectiveness and intensity of the council's activity.

As for the issue on whether the National Security Council should be a body with constitutional status, there is no constitutional-legal standard, and the international consensus is not consistent (the Czech Republic, Brazil and Romania are such examples). This position is shared by the Venice Commission, which did not acknowledge the removal of the National Security Council from the constitution text legally and stated, that this issue should be the scope of the national government.⁴

It is obvious; the security sector is the most clandestine part of the state apparatus, and protection of security is in the inherent conflict with the principles of transparency.⁵ The control of this segment can be a measure of democracy.⁶ In Georgia, there are two mechanisms of parliamentary oversight: the committee of defense and security on the one hand, and the trust group on another. The trust group consists of 5 members of parliament, consisting of both parliamentary majority

⁴ Venice Commission, Opinion 875/217 on Draft Constitutional Law CDL-AD(2017)013, Strasbourg, P.56.

⁵ Cameron I., National Security and the European Convention on Human Rights, Uppsala, 2000, 39-47.

⁶ Parliamentary oversight of the security sector: Principles, Mechanisms and Practices, Edited by P. Fluri and A.B. Johnsson, Geneva, 2003, 23-24.

and minority representatives. Besides this, there are control mechanisms of security and intelligence segments on the court's and state prosecutor's levels, but this instrument applies to particular objectives of the relevant entities and is insufficient with regards of the high standards of the rule of law.⁷

In 2018 Georgia started implementing a significant reform, which could be considered as an effective way to defeat rising threats of human rights violation in the security field. The independent Institute of the state inspector is in establishing a process, whose scope of authority also covers the control of actions of the operative-technical agencies. The state inspector will be authorized to enter in the area of limited access of the agency and observe the performance of the activity of respective bodies in the process of working; to take notes on legal documents, regulating the operation of the agency (including state secret) and technical instructions; to collect information regarding technical infrastructure for purpose of secret investigative actions and check this infrastructure; to demand explanations from agency workers regarding specific issues while inspecting.

Of course, the abovementioned mechanisms of control need ---, but it is also to be mention, that even in the most developed democracies, the conflict between the effectiveness and democratic ability, mostly with regard of human rights protection standard, is a natural state for the security segment. The current reforms in Georgia deserve a "summa sumarrum" positive estimation and should be considered as a step forward in the process of democratization of the country.

⁷ Twenty Years without Parliamentary Oversight, Oversight of the Ministry of Internal Affairs, the State Security Service and the Intelligence Service of Georgia by the Supreme Representative Body, Edited by V. Menabde, Tbilisi, 2017, 55, 59.

**Ethnic Kin and 3rd Party Intervention:
New Post-Soviet Realism**

Abstract

The paper argues that instigation of ethnic conflicts in the former soviet republics is Russia's effective and strategic instrument to maintain and strengthen its politico-economic influence in the post-soviet space. It focuses on the combination of three influential factors, ethnic kin in the bordering state, domestic political and economic conditions, and state's international image and standing. Last two factors pertain mostly to the potential intervener. The impact of these factors on the decision-making process during which the intervening state's political elite selects an effective action strategy is significant.

Key Words: 3rd party intervention, ethnic kin, historical belonging, irredentist grounds, Abkhazian conflict, and Crimean irredentism.

I. Introduction

Collapse of any empire becomes a source of revival of ethnic movements for self – determination. Dismantle of the Soviet Union did not change the historical pattern – the early 90s of the last century was marked with the chain of declarations of independence by Soviet Republics. Autonomous entities within the newly formed free states followed the example of the central states and pressed claims for sovereignty or at least demanded for broadening political, economic or social rights. The political establishment of the collapsed soviet empire faced entirely new reality – broken-down gigantic state that gradually was losing image of the superpower in the international arena and control over, first of the former Warsaw Pact countries,

* Associate Professor at Ilia State University.

and, second, former soviet republics¹. The autonomous units claimed for sovereignty or status upgrading one after another. It turned to become serious challenge for the Russian Federation. The USSR, ethno-nationalistic federation, was skillfully designed by Stalin back in 1920s-30s² to rule huge territory with strategy of *divide et impera* along with well-functioning repression machine³.

II. New Post-Soviet Realism

1990s shaped a new reality on the whole territory of the former Soviet Union. The region under transformation needed modification of the balance of power or at least an emergence of a new regional hegemon. The soviet ethno-federative arrangement of the soviet state which was composed by soviet republics ruled by titular ethnic group with effective national politico-economic institutions, functional elite and ambition to get freedom. The country's ethno-nationalistic organization worked successfully for 70 years, though as soon as the crisis advent it became a reason of gradual separation of national republics from the central state (USSR)⁴. The ongoing process bring end of once influential superpower – Russia/USSR. The demonstration effect of the self-freeing republics turned to be contagious to sub-state entities – autonomous units (republics or *okrugs*) of the recently formed Russian federation (RF). At the same time, devastating political and economic conditions in just-independent states with distinct ethnic minorities hastened ethnic movements inside the states.⁵

¹ Arbatov A., Russia: a Special Imperial Way, Russia in Global Affairs, No.1, 2006.

² Baird A., An Atmosphere of Reconciliation, New York, Columbia University Press, 2006.

³ George J.A., The Politics of Ethnic Separatism in Russia and Georgia, Palgrave MacMillan, 2009.

⁴ Zurcher Chr., The Post-Soviet Wars: Rebellion, Ethnic Conflict, and Nationhood in the Caucasus, New York University Press, 2007.

⁵ Ibid.

New political elite of the RF, the heir of the soviet empire, reconsidered each and every detail of transformed ontological setting with purpose to strengthen its own statehood, establish control over the post-soviet space and bring back the lost fame on international arena. Activation of the ethnic minority groups in the former soviet republics, namely those with some level of sovereignty (autonomous units), was thought to work as an effective instrument to influence decision – making processes in the new sovereign states⁶. The novel realistic strategy meant: a. tacit backing of all minorities in the former soviet republics, creating threat to the local, central authority in terms of national security; b. intensify conflict with tacit support (financial, arms provision, military training, sheltering, etc.). At the first stage activated nationalistic mechanism had to launch ethnic confrontation and make more vulnerable the nation-state's political and economic stability. The second stage did not rule out commence of the hot phase with violent, bloody clashes⁷.

The present research argues that instigation of ethnic conflicts in the former soviet republics is Russia's effective and strategic instrument to maintain and strengthen its politico-economic influence in the post-soviet space.

According to Mearsheimer offensive realism⁸ the state while concerning on security, competes with others by maximizing power and seeks to establish hegemony on the territory (region) it assumes to be his historically.

With ethnic instrument, which is one of the most powerful among others (for example, economic sanctions, financial or educational or cultural support to pro-Russian groups, media propaganda and so on), Russia attempts to establish the status of regional hegemon in

⁶ Delyagin M., From Global Controversies to Regional Conflicts, Russia in Global Affairs. No.1, 2005.

⁷ Indans I., Relations of Russia and Georgia, Baltic Security & Defense Review, Vol. 9, 2007.

⁸ Mearsheimer J.J., Tragedy of Great Power Politics, New York, 2001.

the distinct region and rule out entrance of a rival state⁹. Reaching this goal is possible by maintaining control over the post soviet space. The Russian political elite's agenda since early 1990s carries the flavor of existentiality: if hegemonic objective is achieved Russia avoids demonstration effect internally, as it comprises twenty two autonomous republics and more then fifty autonomous unites, and keeps strong political standing externally¹⁰. RF impacts near abroad by keeping an eye constantly on their internal and external affairs, especially external policies. At the same time, it impedes NATO's extension to the East, as it is perceived as a top adversary, by demonstrating Russian power capability to dominate the post-soviet space in any possible ways¹¹.

Since early days of independence, Russia constantly has been reminding to the new states' authorities that their foreign policy has to be congruent to the powerful neighbor's (RF) interests. Each time the sovereign countries make an effort to change their foreign policy vector toward the West RF activates its instruments to undermine challenger's state security. Russia's actions are directed to infringe territorial intactness of the disobedient country, to instigate instability in all spheres of the state life: political, economic or societal¹². The most effective outcome is reached by commencement of ethnic contestation and, in case if insubordinate state does not step back, confrontation enters hot, military, phase. The second part of Russia's already formed pattern of influence is to interfere into the bordering state's internal affairs as a mediator between the conflictual parties officially, though tacitly during the mediating process it pursues its own interests— protraction of the conflict, continuation of instability,

⁹ Cornell S., *Geopolitics and Strategic Alignments in the Caucasus and Central Asia*, Journal of International Affairs, Vol. IV, 1999.

¹⁰ Blank S., *Threats of Russian Security: The View from Moscow*, Strategic Studies Institute, 2000.

¹¹ Arbatov A., *Russia: a Special Imperial Way*, Russia in Global Affairs, No.1, 2006.

¹² Zurcher Chr., *The Post-Soviet Wars: Rebellion, Ethnic Conflict, and Nationhood in the Caucasus*, New York University Press, 2007.

thus weakening of the disobedient country and making it to stay on Russia's orbit¹³.

The research hypothesis is deduced from Carment and Patrick "Two-Level Game" theory¹⁴: the state geopolitical interests determine the state political elite decision to be intervening 3rd party of various format either moderator, peacekeeper or military intervener. Decision – making process is influenced with several factors: a. domestic political standing of the ruling political party; b. its positioning on the international arena; and c. ethnic kin in the bordering state.

The last reason is very important as it creates legitimate grounds for intervention aiming to support its own ethnic kin's claim for separation and conducting act of irredentism. In case if the state under the interests of neighboring stronger state does not have ethnic group with the same primordialist markers¹⁵, aggressor artificially produces it by, for example, granting citizenship.

The head of the state is the central actor who calculates all pros and cons while making political choice what strategy to instrumentalise – tacit (dove-like) or explicit, meaning armed intervention (hawk-like) to gain the payoff on both level – internally and externally¹⁶. Political elite considers and reconsiders the prior preferences of the electorate and selects the most influential strategy (tacit support, mediation or armed intervention) that could impact the bordering state authority.

¹³ Blank S., *Threats of Russian Security: The View from Moscow*, Strategic Studies Institute, 2000.

¹⁴ Carment D., James P., *Two-Level Games and Third-Party Intervention: Evidence from Ethnic Conflict in the Balkans and South Asia*, *Canadian Journal of Political Science*. Vol. 29, No. 3, 1996.

¹⁵ Smith A., *National Identity*, University of Nevada Press, 1999.

¹⁶ Carment D., James P., *Two-Level Games and Third-Party Intervention: Evidence from Ethnic Conflict in the Balkans and South Asia*, *Canadian Journal of Political Science*. Vol. 29, No. 3, 1996.

Economic recession and unpopular political programs weakens political standing of the ruling party, which results in climbing down of the political ratings. Economic decline along with decreasing popularity makes political leader go outside with belief that popular support can boost simultaneously with the victorious moves. Forceful intervention is usually backed by the authority's controlled media propaganda helping to legitimate military campaign in the neighboring state¹⁷.

The paper focuses on the combination of three influential factors, ethnic kin in the bordering state, domestic political and economic conditions, and state's international image and standing. Last two factors pertain mostly to the potential intervener. The impact of these factors on the decision-making process during which the intervening state's political elite selects an effective action strategy is significant.

Comparative Case Study Analysis of two triads - intervening State – Russia, host state – Georgia, autonomous unit – Abkhazia; and intervening State – Russia, host state – Ukraine, autonomous unit – Crimea is applied to demonstrate causal relationship between the above listed three explanatory variables and political elite's decision in choosing action strategy. Out of these two compared cases, Abkhazian conflict protracted for more then a decade ended with separation and was rapidly recognition by Russia. Unlike Abkhazia, Crimea's successful irredentistical capture by Russia occurred almost "overnight". The process went on without conflict preconditions, confrontations or violent clashes. Presence of Russian military base on the peninsula was decisive. Annexation grounded on restoration of the historical justice proceeded without either internal or external impediments¹⁸.

III. Case Study – Abkhazia

¹⁷ George J.A., *The Politics of Ethnic Separatism in Russia and Georgia*, Palgrave MacMillan, 2009.

¹⁸ Gorenburg D., *The Impact of the Conflict in Ukraine on Russian Politics*, *Russian Politics & Law*, 2016.

Establishment of CIS (assumed to be replacement of the USSR) in 1991 turned to be pivotal for the post –soviet space. After short-term Tbilisi war and Gamsakhurdia’s exile, Shevardnadze became a head of Georgia¹⁹. The ongoing devastating events that weakened state institutions became a *casus belli* for Abkhazian political elite sensing very soon inability of the Georgian state authority to face new political and economic challenges. Abkhaz authority started pressing claims for separation persistently²⁰.

Yeltsin presidential term coincided with economic decline of Russian Federation (RF) and weakening political and social institutions that resulted in drastic plump of his popular support. The external environment also desired to be more favorable for RF. Newly formed CIS did not have strong impact on the political decision-making processes in the former Soviet Republics. On top of it, Georgia, the only state from the whole post-soviet space that did not join CIS, which leadership’s rhetoric was a clear signal to Russian authority that the future to lose control over one of the south Caucasian state was not far and could become a source of successful demonstration effect in the region²¹. Russia’s response to the emerged problem did not delay - tacit backing of Abkhaz separatists commenced soon²². When violent conflict erupted in 1992, Russian military base immediately supplied locals with arms and training; and gave shelter to paramilitaries from North Caucasus²³. Simultaneously, in long-lasting Abkhaz-Georgian negotiations Russia played the role of the moderator.

¹⁹ Zurcher Chr., *The Post-Soviet Wars: Rebellion, Ethnic Conflict, and Nationhood in the Caucasus*, New York University Press, 2007.

²⁰ Cornell S., *Autonomy as a Source of Conflict: Caucasian Conflicts in Theoretical Perspective*, *World Politics*, Vol. 54, No. 2, 2002.

²¹ George J.A., *The Politics of Ethnic Separatism in Russia and Georgia*, Palgrave MacMillan, 2009.

²² Cornell S., *Autonomy as a Source of Conflict: Caucasian Conflicts in Theoretical Perspective*, *World Politics*, Vol. 54, No. 2, 2002.

²³ Zurcher Chr., *The Post-Soviet Wars: Rebellion, Ethnic Conflict, and Nationhood in the Caucasus*, New York University Press, 2007.

The war ended in 1993 and according to one of the term of Sochi Treaty Russian militaries converted into the peacekeepers to abstain violence in Abkhazia. Kremlin's, Yeltsin, pressure on Shevardnadze to make him join CIS preceded signing of Sochi Treaty (1994) between Georgian and Abkhazian authorities. Shevardnadze assessed the destructive outcomes of unsuccessful military campaign in Abkhazia and agreed to bring Georgia into CIS. This event had effect on both levels – domestic and international for both countries, Russia and Georgia²⁴.

In 2003 Rose Revolution in Tbilisi brought about government change that made clear to Putin authority that new Georgian political elite planned to introduce straightforward westernized foreign policy²⁵. And again the Russian traditional leverage, ethnic confrontation, was activated with new energy. Kremlin started with tacit strategy and commenced granting Russian citizenship to Abkhazians²⁶. At the same time Russian authority strengthened support to both ethnic groups at any international institution or organization declaring loudly that in case of threat Putin's government was ready to protect their citizens in Abkhazia. When economic sanctions against Georgia and tacit backing of Abkhazia did not give desirable result, second phase of "prepared homework"²⁷ launched – the large-scale military intervention in the bordering Transcaucasian state followed by occupation of the conflictual region with its later recognition. 2008-year war soared Putin's rating and created short-term illusion of bringing back Russia's superpower image on the international arena among Russian electorate.

²⁴ Lynch D., *The Conflict in Abkhazia: Dilemmas of Russian Peacekeeping' Policy*, Chatham House, 1998.

²⁵ Zurcher Chr., *The Post-Soviet Wars: Rebellion, Ethnic Conflict, and Nationhood in the Caucasus*, New York University Press, 2007.

²⁶ Abushov K., *Policing the Near Abroad: Russian Foreign Policy in the South Caucasus*, Australian Journal of International Affairs, Vol. 01, 2009.

²⁷ <https://gazeta.ua/ru/articles/life/_putin-u-nas-est-domashnie-zagotovki-dlya-reakcii-na-otdelenie-kosovo/208676> [20.03.2017]

IV. Case Study – Crimea

Unlike Abkhazia, irredentism of Crimea was quite unexpected event²⁸. Just before annexation of the peninsula (March 2014), academic scholarship underlined frequently that even under gradual economic decline and penetration of corruption at the various levels of power hierarchy which brought about weakening of Ukraine's political authority and its ability to govern the whole state effectively likelihood of probability of ethnic conflict initiation in Crimea was assessed to be very low. Explanations of nonoccurrence of confrontation stood on several factors. One of them was Ukraine's soft and non-belligerent relationship with Moscow. This non-contentiousness partly was result of extension of Russian Black Sea fleet hosting in Crimea under Yanukovych ruling²⁹.

Consideration of the domestic factors is also very important. Ethnic composition of Crimea differs from the other parts of Ukraine. It is assumed to be more Russian than Ukrainian. According to 1959 census, the peninsula comprised of 74% Russians, 22.3% Ukrainians (Russian-speaker Ukrainians made majority), 2.2 % Jews. Crimean Tatars were removed from Crimea in 1944. The latest demographic numerals are following: Russians - 58.5%, Ukrainians - 24.4%, and Tatars 12% (the return of local Tatars to their homeland started in 1967)³⁰. Co-development of the major titular ethnic groups, Russians, Ukrainians and Tatars, showed ongoing healthy process of the formation of civic nationalism on Crimean Peninsula. Almost equally distributed economic activities among these three ethnic communities promoted above-mentioned process.

²⁸ Ambrosio T., The rhetoric of irredentism: The Russian Federation's Perception Management Campaign and the Annexation of Crimea, *Small Wars & Insurgencies*, Vol.27, No.3, 2016.

²⁹ Malyarenko T., Galbreath D.J., Crimea: Competing Self-Determination Movements and the Politics at the Centre, *Europe-Asia Studies*, Vol.65, 2013.

³⁰ Stewart S., Autonomy as a Mechanism for Conflict regulation? The Case of Crimea, *Nationalism & Ethnic Politics*, Vol. 7, No.4, 2001.

The domestic economic and social factors had guaranteed evasion of ethnic confrontation. The situation altered dramatically when Yanukovich refused to sign association agreement with EU. Thousands of Ukrainians flooded toward Independence Square in Kiev to show their genuine determination to Ukrainian ruling authority and international community that Ukraine intended to develop close ties with the West. It was a clear message to Kremlin that Russia was to lose a “big lump” in its neighborhood in the nearest future. It automatically meant significant shrinking of RF’s space of influence. 2014’s Maidan demonstrators made Yanukovich to flee from Kiev on 26th of February. Russian political decision-makers instigated ethnic contention in Crimea straight away. The clashes between pro-Russian and pro-Ukrainian protesters broke out in Simferopol was applied by Kremlin to launch “ethnic kin protecting” mechanism. As a result, Russian forces occupied Crimea on 28th of February. A day later, Duma, Russian Parliament, swiftly made decision to start procedure of restoring national-territorial autonomy of Tatars in Crimea³¹. The decision was grounded on the Crimea’s historical belonging to Russia.

At first, Putin, the president of RF, decided to follow Abkhazian scenario and refused to annex Crimea. Although, he quickly figured out that there was no time to stretch the process and supported Crimean pro-Russian autonomous authority to call for referendum on issue of reuniting Crimea to RF on 27th of February. Only 34.2% of the total Crimean population participated in the referendum³² and out of them 97% said yes. The referendum was assessed as “pro-Russian” event with very pro-Russian outcome. Crimea declared independence on March 17, 2014 and a day later, the treaty incorporating Crimea and

³¹ Bebler A., Crimea and the Russian Ukrainian Conflict, Romanian Journal of European Affairs, Vol.15, No.1, 2015.

³² Dzhemilev M., 34% of Crimea Residents Participated in the "Referendum" on March 16, Ukrayinska Pravda, (March 25, 2014)

Sevastopol in Russia was signed by the power-holders of Crimea and RF in Moscow³³.

After successful irredentist act, Putin's falling rating (79% in 2010 and 61% by 2013, result of drastically worsened economic conditions in the country³⁴) soared up as past glory of *Derjava*, Russian state, was brought back. Crimea's unification with RF skyrocketed Russian president's popular support. Domestically, the goal was achieved fruitfully; at the same time, the specific signal was sent to the West – Russia does not intend to retreat from its sphere of influence; if needed, the objective can be reached with all possible, even forceful, means.

V. Concluding Remarks

Comparison of the cases of Abkhazia and Crimea demonstrates that the decision to intervene is influenced by both domestic and external factors. The political elite chooses the concrete strategy: tacit intervention, mediation, or military intrusion of in accordance to internal affairs. Protecting ethnic kin and bringing back historical land (both are irredentist grounds) are applied to legitimize forceful armed entrance into the neighboring state. Sliding down political rating of state leader often becomes implicit cause that impacts his decision to go outside. Violent military invasion of Russia in the bordering sovereign country kills two birds simultaneously. Domestically, short-term victories divert the voters' attention from everyday economic problems and create illusion of living in the Superpower, thus increasing falling popular support. In the nearest neighborhood Russia demonstrates strong will that it will never lose control over the post-soviet space. Such behavior is a clear demonstration to the West that Russia is the only hegemon in the region.

³³ <<https://www.bbc.com/news/world-europe-26606097>> [24.04.2017]

³⁴ Bukkvoll T., *Why Putin Went to War: Ideology, Interests and Decision-making in the Russian Use of Force in Crimea and Donbas*, Contemporary Politics, Taylor & Francis, 2016.

Giorgi Gogsadze*

Integration of Ethnic Minorities in Georgia: Opportunities and Challenges

Abstract

The Paper aims to evaluate the politics of civil integration of ethnic minorities in Georgia (It focuses on Armenian and Azeri minorities). Its main aim is to assess governmental politics towards the implementation of the legislation, and assess what kind of progress has been achieved in the sphere of civic integration of ethnic minorities in Georgia. The research analyzed and overviewed reports, papers and documents in related fields.

The research came up with the following conclusions: one of the main challenges is inadequate knowledge of Georgian language amongst minorities, which hinders their proper civic integration (education, employment, participation in the public sector and political institutions). Recent changes, however, have improved access to higher education for minorities. Furthermore, the employment of minorities in the public sector (Ministry of Internal Affairs) has been a positive step.

Another challenge facing ethnic minorities is their weak participation and representation in national and local politics. Even though access to media has improved, the Georgian Public Broadcaster does not provide enough information in minority languages, while local media channels suffer from a lack of financial resources. Most ethnic minorities receive information from Armenian and Azeri state channels and have almost no knowledge of events happening in Georgia.

The paper shows that the integration policy implemented by the Georgian government is satisfactory and per international standards set by

* Ph.D. Candidate, Assistant at Sul Khan-Saba Orbeliani University.

the Ljubljana Guidelines although there are areas with specific shortcomings, which the Georgian state needs to address in order to integrate ethnic minorities successfully.

Key words: Ljubljana Guidelines, Ethnic Minorities, Integration, Knowledge of Language, Participation, Media.

I. Introduction

The collapse of USSR led to ethnic tensions, which resulted in ethno political conflicts in Georgia. Since then, one of the main goals of young Georgian state has been peace and stable development, democratic transition, including equal treatment of all ethnic and religious groups. Successful integration of ethnic minorities in Georgia is vital, in order to avoid a potential conflict between ethnic Georgians and other ethnic minority¹ groups. Throughout last 15 years, the Georgian government has made significant efforts on the way to successful integration of Georgian society.

In 2012, the OSCE adopted the Ljubljana guidelines concerning minority integration in multi-ethnic societies. These guidelines determine governmental responsibilities in order to create a proper environment for civil integration. In the case of governmental responsibilities, the state has to adhere to the following principles: sound and democratic governance, prevention of discrimination, protection of human rights, including minority rights. Ljubljana guidelines suggests that the representatives of minorities should not only have the right to participate in state governance but be encouraged to do so².

¹ In this paper, from this point, instead of ethnic minorities I will use the word "minorities".

² The Ljubljana Guidelines on Integration of Diverse Societies, Organization for Security and Co-operation in Europe: High Commissioner on National Minorities, November 2012, 3-4.

<<https://www.osce.org/hcnm/ljubljana-guidelines?download=true>>
[12.05.2019]

According to Ljubljana Guidelines, the level of minority integration is evaluated by following criteria: citizenship, active participation, knowledge of the language, education, access to higher education, security and enforcement of the law, diversity of symbols and their use in the public domain, media and access to information.

The Paper Aims to evaluate the politics of civil integration of minorities in Georgia (It focuses on Armenian and Azeri minorities). More specifically: assessing governmental politics towards the implementation of the legislation and what kind of progress has Georgia achieved in the sphere of civic integration of minorities.

The research used an analysis of scholarly sources. These sought to gather, review, analyze scientific papers and local and international documents and reports in related fields.

The paper will provide statistical information about Azeri and Armenian minorities living in Georgia. Also, briefly touch on legislative framework and defense mechanisms adopted by the state to protect and integrate minorities since regaining independence. The central part of this paper will cover the main policy areas put forth by the Ljubljana Guidelines and current state of minorities. The final part will provide conclusions.

II. Statistical Information about Armenian and Azeri Minorities Living in Georgia

Ethnic Azeri minorities mainly reside in KvemoKartli and Kakheti, while ethnic Armenian minorities live in Samtskhe-Javakheti and to lesser extent in KvemoKartli. Those territories are located in South Georgia bordering Azerbaijan and Armenia. Those two ethnic groups make up around 11% of Georgian population³. Ethnic Azeris mainly adhere to

³ All of the statistical information is taken from National Statistics Office of Georgia. 2014 General Population Census Results. Demographic and Social Characteristics. Total population by regions and ethnicity. Population by region, by native languages and fluently speak Georgian language. <<http://census.ge/en/results/census1/demo>> [15.06.2019]

Shia Islam, while ethnic Armenians are the followers of Armenian Apostolic Church.

2014 General Population Census Results

	Total	Georgians	Azeri	Armenians
Georgia	3,713,804	3,224,564	233,024	168,102
Samtskhe-Javakheti	160,504	77,498	X	81,089
KvemoKartli	423,986	217,305	177,032	21,500
Kakheti	318,583	271,298	32,354	X

Population by Native Languages and Fluently Speak Georgian Language

	Fluently Speak Georgian Language			Fluently do not Speak Georgian Language		
	Native languages			Native languages		
	Azerbaijani	Armenian	Other	Azerbaijani	Armenian	Other
Georgia	43,579	57,316	19,095	172,134	74,258	8,007
Samtskhe-Javakheti	X	16,676		X	57,132	
Kvemo-Kartli	18,983	5,573		146,276	13,423	
Kakheti	8,068	X		21,672	X	

As evidenced from the chart above, the fluency of Georgian language remains as one of the main challenges for minorities.

III. The Constitution of Georgia and the Legislative Framework

According to Ljubljana Guidelines, minority rights should be reflected in the constitution, as well as in special norms and mechanisms. Minority rights are an integral part of human rights⁴.

The 11th Article of Georgian Constitution states that "All persons are equal before the law. Any discrimination on the grounds of race, color, sex, origin, ethnicity, language, religion, political or other views, social affiliation, property or titular status, place of residence, or on any other grounds shall be prohibited."⁵ This article also underlines that: "In accordance with universally recognized principles and norms of international law and the legislation of Georgia, citizens of Georgia, regardless of their ethnic and religious affiliation or language, shall have the right to maintain and develop their culture, and use their mother tongue in private and in public, without any discrimination."⁶ Georgian legislation forbids creating a party based on territorial or regional basis⁷. At the same time, there is no specific law on the status and rights of ethnic minorities⁸.

According to the Law on State Language, all legal procedures should be conducted in the Georgian language. At the same time, the 10th Article of the Organic Law of Georgia on Common Courts allows a person, if he/she does not know the Georgian language to be provided with an interpreter whose services will be reimbursed from the state

⁴ The Ljubljana Guidelines on Integration of Diverse Societies, Organization for Security and Co-operation in Europe: High Commissioner on National Minorities, November 2012, 29.

<<https://www.osce.org/hcnm/ljubljana-guidelines?download=true>>
[12.05.2019]

⁵ Constitution of Georgia, 24 August, 1995, Art.11 (1).

⁶ Ibid, Art. 11(2).

⁷ Organic Law of Georgia on Political Association of Citizens, Article 6.

⁸ Mateu S.V., Armenian minority in Samtskhe-Javakheti Region: Civil Integration and its Barriers, Political Document, 2016, 10.

budget⁹. This Practice is widespread; however, the low level of translation and interpreter's poor knowledge of Georgian legal system remains a challenge¹⁰.

IV. Rights and Defense Mechanisms of Ethnic Minorities in Georgia since Independence

During the Shevardnadze presidency, the government did not adopt any consistent policy in terms of civil integration¹¹. It should be noted that in 1999, Georgia was required to ratify "European Charter for regional or minority languages"; however, this document and the issues concerning are beyond the scope of this paper.

Before 2003, the government ignored the problems facing minorities who felt that there was no possibility of their involvement in state and social issues. Since then, the United National Movement (2003-2012), started to implement reforms to solve the main problems facing minorities; among which most essential documents and laws were:

- 2005 – The Council for Ethnic Minorities and Tolerance Center under the Auspices of the Public Defender
- 2006 – Ratification of “Framework Convention for the Protection of National Minorities”
- 2008 – Creation of Office of the State Minister of Georgia for Reconciliation and Civic Equity
- 2009 – National Concept on Tolerance and Civic Integration Policy of the Government of Georgia¹²

⁹ Organic Law of Georgia on Common Courts, Art.10.

¹⁰ Mateu S.V., Armenian Minority in Samtskhe-Javakheti Region: Civil Integration and its Barriers, Political Document, 2016, 39.

¹¹ It should be noted that, in 1999 Georgia obliged to ratify “European Charter for regional or minority languages”, however I will not cover this document and the issues concerning it in this paper.

¹² Gogsadze G. et al., Minority Integration in Georgia: Main Challenges and Opportunities (Case of Javakheti), The Levan Mikeladze Foundation, Tbilisi, 2014, 21.

In 2012, Georgian Dream came to power and intensified attempts towards minority integration. The government announced that it would actively implement the ratified conventions signed by Georgia regarding minority protection. It took steps to improve the education level of minorities, the teaching of the Georgian language, promoting their participation in political life. The most important documents enacted since 2012 were:

- 2013 – Signing of Association Agreement with EU
- 2014 – National Agency for Religious Affairs
- 2014 – Adoption of the Anti-Discrimination Act
- 2014 – Adoption of the National Strategy for Human Rights for 2014-2020 (which emphasized freedom of religion and the protection of religious minorities)¹³.

V. Effective Participation

Effective participation in Social, Economic, Cultural and Political life are aspects of active participation and should be promoted and encouraged by the government¹⁴. The Guideline recommends that the state should be obliged positively, for the socio-economic participation to increase. Subsequently, the adoption of the National Concept of Tolerance and Civic Integration 2009-2014 was an essential step for socio-economic integration. As a result of the OSCE recommendations, the implementation of the action plan began, and positive changes were introduced in the legislation¹⁵.

¹³ International Report on Religious Freedom, Georgia, 2014, 11.

<<http://photos.state.gov/libraries/georgia/328671/pdfs/irfg14.pdf> [10.03.2019]

¹⁴ The Ljubljana Guidelines on Integration of Diverse Societies, Organization for Security and Co-operation in Europe: High Commissioner on National Minorities, November 2012, 46-47.

<<https://www.osce.org/hcnm/ljubljana-guidelines?download=true>> [12.05.2019]

¹⁵ ECRI Report on Georgia (fifth monitoring cycle), Adopted on 8 December 2015, Published on 1 March, European Commission Against Racism and Intolerance, 23.

There have been some instances of violation of participation in cultural and religious life. Religious minorities have encountered problems while trying to receive permission for the construction of religious buildings (sometimes from local municipalities). So far no steps have been undertaken to return property to them which had been confiscated during the Soviet period¹⁶. In 2013, the government dismantled a minaret on the premise that its construction was not authorized¹⁷, which resulted in tension and violence. Discrimination against religious minorities has increased since 2012. Muslims had been prevented from assembling and holding religious services¹⁸. While many buildings of cultural Heritage need repairing, the situation is relatively better in Tbilisi in this regard, where various monument restoration programs have begun (Such as the rehabilitation of Petros Adamian's theatre in 2016 by the Ministry of Culture of Georgia)¹⁹. Although the renovation of the Heidar Alieyev Theatre in Tbilisi still has yet to begin²⁰. It should be noted that the renovation of historical monuments requires considerable expense.

Even though representatives of government publicly condemned the cases of violation of rights of minorities, the perpetrators were unpunished²¹. Upholding the rule of law has great importance for protecting the right of minorities to participate in cultural and religious life, as well

¹⁶ Public Defender of Georgia, The Report on Protection of Human Rights and Freedoms in Georgia, 10 December 2016.

<<http://www.ombudsman.ge/uploads/other/4/4087.pdf>> [12.06.21019]

¹⁷ New report details obstacles for minorities in Georgia,

<<http://bit.do/fbLqM>> [12.06.21019]

¹⁸ Hamarberg T., Georgian Transitional Period, Report on Condition of Human Rights: Past Period, Steps Taken, Existing Challenges, September 2013, 39.

¹⁹ Public Defender of Georgia, The Report on Protection of Human Rights and Freedoms in Georgia, 10 December 2016.

<<http://www.ombudsman.ge/uploads/other/4/4087.pdf>> [12.06.21019]

²⁰ Ibid, 11.

²¹ The Implementation of European Neighborhood Policy in Georgia, March 2014.

<http://eeas.europa.eu/archives/delegations/georgia/documents/eu_georgia/progress_report_2014/enppprogress_report_2014_ka.pdf> [12.06.21019]

as, avoiding polarization of society and for the security of Georgia (in order to keep good relations with Armenia and Azerbaijan).

Georgian legislation creates a proper environment for minorities to participate in civic and political life. However, their representation in Local and Central state institutions is low and not proportional²².

The main reason for lack of participation is the low proficiency of Georgian language. The second is a lack of information about political parties that take part in elections. Political Parties rarely conduct electoral campaigns in the areas inhabited mainly by ethnic minorities. In order to eliminate this barrier for 2012 parliamentary elections, The Election Administration of Georgia (CEC) placed on its website information about the parties in languages of ethnic minorities²³.

Minority representation in the Parliament is insignificant and not proportional. In the current 2016-2020 9th term parliament, only 7.3% of deputies are members of ethnic minorities, (from this 7.3%, four are Azeri and 3 – Armenian deputies)²⁴. In the 2014 local elections, the Georgian Dream (GD) coalition had only had nine representatives of ethnic minorities on the party list; none of them were listed in the top 30 (The same can be said about the party list of the National Movement)²⁵. On most of these occasions, the election turnout amongst minorities was low. Minorities are not interested in Georgian politics, which is a significant challenge and hinders proper integration. In

²² Public Defender of Georgia, The Report on Protection of Human Rights and Freedoms in Georgia, 10 December 2016, 434.

<<http://www.ombudsman.ge/uploads/other/4/4087.pdf>> [12.06.2019]

²³ Mateu S.V., Armenian Minority in Samtskhe-Javakheti Region: Civil Integration and its Barriers, Political Document, 2016, 40.

²⁴ Ethnic Minorities in Georgian Parliament 2016-2020, Center for Ethnicity and Multiculturalism, January 2017.

<http://csem.ge/wp-content/uploads/2017/01/Infographics_minorities-in-parliament_Geo.pdf>

²⁵ New report details obstacles for minorities in Georgia,

<<http://bit.do/fbLqM>> [12.06.2019]

Ninotsminda²⁶ and Akhalkalaki city councils (sakrebulo), they are involved in decision-making processes; however, in other regions of Samtskhe-Javakheti Georgians hold prominent roles of administrative positions and Armenians are not represented proportionally²⁷. For the first time in 2017, an Azeri candidate was elected as a mayor of Marneuli²⁸.

VI. Knowledge of Georgian Language and Education

According to the "Georgian law on public service", every state and local self-government official should know the Georgian language. In 2015, the adoption of "the law on the Georgian language" gave a significant role to the Georgian language in all aspects of public life and a particular role to minority languages²⁹.

Ethnic minorities residing in Samtskhe-Javakheti and KvemoKartli have the opportunity to learn Georgian language. The situation has improved compared to Shevardnadze presidency period. In 2009, the program "Georgian as a Second Language" began, while in 2011 the Georgian president introduced a special program "Georgian Language for Future Success"³⁰.

Zurab Zhvania School for Public Administration (ZZPA) functions in Kvemo-Kartli, Samtkhe-Javakheti and Kakheti to teach minorities' Georgian language. Since 2014, ZZPA improved the methods of

²⁶ In 2017, for the first time an ethnic Armenian woman was elected as a Mayor of Ninotsminda.

²⁷ Mateu S.V., Armenian Minority in Samtskhe-Javakheti Region: Civil Integration and its Barriers, Political Document, 2016, 40-42.

²⁸ Huseynov R., Integration of ethnic Azeris starts with language, 24 March, 2017, Democracy and Freedom Watch, <<https://dfwatch.net/integration-ethnic-azeris-starts-language-challenges-economic-integration-access-public-services-media-political-participation-50142>>

²⁹ Mateu S.V., Armenian Minority in Samtskhe-Javakheti Region: Civil Integration and its Barriers, Political Document, 2016, 12.

³⁰ Ibid, 27-28.

teaching Georgian to its students and started teaching Georgian language to public service members³¹. ZZPA conducts training courses for its employees, although, its graduates cannot always obtain jobs³².

According to Ljubljana document, the state should strive to create an inclusive and integrated education area, which respects diversity³³. School textbooks do not reflect pluralism and the diversity of society. Also, Armenian and Azeri School native language and literature textbooks are brought in from those countries and do not correspond with the requirements of Georgian education system³⁴.

In the case where there are no bilingual teachers, it is almost impossible to study the parts of books that are in Georgian³⁵. Only 70% of textbooks have been translated, while teachers ignore the rest. Therefore, the degree of teaching Georgian language is problematic, which creates a barrier for minority employment and access to higher education³⁶. Recently, the Ministry of education and science announced that work is underway to create new bilingual textbooks³⁷.

In 2009, amendments in the “law on higher education” simplified the access to higher education for minorities (program “1+4”). It gave minorities who graduated from non-Georgian school an opportunity to

³¹ Ibid, 24.

³² Ibid, 37.

³³ The Ljubljana Guidelines on Integration of Diverse Societies, Organization for Security and Co-operation in Europe: High Commissioner on National Minorities, November 2012, 52.

<<https://www.osce.org/hcnm/ljubljana-guidelines?download=true>> [12.05.2019]

³⁴ Public Defender of Georgia, The Report on Protection of Human Rights and Freedoms in Georgia, 10 December 2016, 429-430.

³⁵ The Public Defender of Georgia. Report in the Parliament 2015. p. 500.

³⁶ ECRI Report on Georgia (fifth monitoring cycle). Adopted on 8 December 2015. Published on 1 March. European Commission against racism and intolerance. p. 25.

³⁷ Huseynov R., Integration of ethnic Azeris starts with language, 24 March, 2017, Democracy and Freedom Watch, <<https://dfwatch.net/integration-ethnic-azeris-starts-language-challenges-economic-integration-access-public-services-media-political-participation-50142>>

pass the unified entry exams in their native language (they only had to pass the “General skill exams”) and by this means they could enroll in Georgian state universities. Throughout the next year, they study Georgian language, which enables them to achieve necessary proficiency of Georgian language required to study a Bachelors program (Although, for some students one-year study program is not enough). Within the framework of this program 100 Azeri speaking and 100 Armenian speaking students are financed annually. In 2010 – 247 representatives of ethnic minorities were admitted in this program, while in 2017 - 1047 students³⁸. Bringing minority students to Georgian universities is an important and a positive step for civil integration.

VII. Security, Law Enforcement and Diversity of Symbols and Their Use in the Public Domain

According to Ljubljana principles, the relationship between different ethnicities will improve if security services will reflect the composition of society.³⁹ In Javakheti, most of the police officers are Armenian speaking. Job and skill requirements are not well defined (such as language knowledge), and this can lead to a communication problem between the law enforcers of Georgian ethnicity in the region and Armenian speaking population⁴⁰. Subsequently the government needs to address this issue.

The employment of Armenian speaking minorities in Ministry of Internal Affairs (MIA) is an achievement and a step towards integration.

³⁸ Programme “1+4”: A path for ethnic minority youth in Georgian Universities. Aliq Media,

<<http://www.aliq.ge/ge/14-programa-gza-ethnikuri-um/>> [28.03.2018].

³⁹ The Ljubljana Guidelines on Integration of Diverse Societies, Organization for Security and Co-operation in Europe: High Commissioner on National Minorities, November 2012.

<<https://www.osce.org/hcnm/ljubljana-guidelines?download=true>> [12.05.2019]

⁴⁰ Mateu S.V., Armenian Minority in Samtskhe-Javakheti Region: Civil Integration and its Barriers, Political Document, 2016, 39.

This program was implemented in 2012, and by 2013, there were 456 ethnic Armenians employed in the MIA⁴¹.

The fact that on the territories inhabited by minorities the Prosecutor's office, the Court and other state agencies function only in Georgian language is a problematic issue, which creates barriers for proper integration of minorities⁴².

Due to the absence of the Law on Religious Organizations, freedom of thought, conscience and religion of ethnic minorities is often violated. Religious organizations can register only as funds and associations and not as entities of public law, which does not provide them with proper legal status⁴³.

VIII. Media and Access to Information

According to the legislation, Georgian Public Broadcaster (GPB) is obliged to broadcast information to minorities in their native languages (7 languages). Since 2010, GPB broadcasts fifteen-minute duration news programs in minority languages. This event is a positive achievement; however, the problem is that in the regions populated by minorities, only small portion of the population uses so-called "Set-Top Boxes" necessary for digital broadcasting⁴⁴. In addition, the population residing in these areas receive information from Russian, Turkish, Armenian, Azeri and Iranian TV channels⁴⁵ and are largely unaware of events occurring in Georgia.

The program "ChveniEzo" on GPB was cancelled in 2015 (whose aim was to cover information about minorities living in Georgia, their traditions, history and their problems). In 2012, the Russian language

⁴¹ Ibid, 37.

⁴² Gogsadze G. et al., *Minority Integration in Georgia: Main Challenges and Opportunities (Case of Javakheti)*, The Levan Mikeladze Foundation, Tbilisi, 2014, 25.

⁴³ Ibid, 24

⁴⁴ Public Defender of Georgia, *The Report on Protection of Human Rights and Freedoms in Georgia*, 10 December 2016, 11.

⁴⁵ Ibid, 435.

channel “PIK”, which was quite popular among the minorities, was shut down.⁴⁶ Some local channels provided reporting in different languages, but they had low rating because of a restricted distribution area⁴⁷. In addition, regional media has few programs (local media channels include TV Marneuli, TV “12” Akhalkalaki, TV Parvana) and due to the lack of resources it cannot compete with international media⁴⁸.

GPB radio broadcasts from 5am to 6am in the morning (in minority languages), but Samtskhe-Javakheti and KvemoKartli regions are out of the coverage area. There are local radios such as radio Marneuli, radio “Nor” Ninotsminda. Armenian language internet web page “Jey-news” functions in Samtskhe-Javakheti, however, only few have an access to the internet in the villages⁴⁹. Armenian language newspaper “Vrastan” and Azeri language “Gurjistan” are published in Georgia, but their material resources are limited and circulation is quite small⁵⁰.

IX. Conclusion

Since independence, Georgia has taken important steps towards integration of ethnic minorities. Georgia has adopted several documents to guarantee the defense of minority rights. The adoption of National Concept on Tolerance and Civic Integration Policy and Anti-Discrimination Act are among these positive steps. This paper has tried to assess how the civil integration policy of Georgia comes in line with the basic principles of the Ljubljana document.

⁴⁶ Mateu S.V., Armenian Minority in Samtskhe-Javakheti Region: Civil Integration and its Barriers, Political Document, 2016, 27-28.

⁴⁷ New report details obstacles for minorities in Georgia, <<http://bit.do/fbLqM>> [12.06.21019]

⁴⁸ Gogsadze G. et al., Minority Integration in Georgia: Main Challenges and Opportunities (Case of Javakheti), The Levan Mikeladze Foundation, Tbilisi, 2014.

⁴⁹ All the information is taken from: Mateu S.V., Armenian Minority in Samtskhe-Javakheti Region: Civil Integration and its Barriers, Political Document, 2016, 28-29.

⁵⁰ Public Defender of Georgia, The Report on Protection of Human Rights and Freedoms in Georgia, 10 December 2016, 435.

The research has come up with the following conclusions: Even though the minorities have better opportunity to learn the Georgian language, this issue remains as one of the key challenges. The poor knowledge of Georgian language amongst minorities hinders their proper civic integration. Schools need to improve the quality of teaching in the Georgian language, including the quality of bilingual textbooks and increase the number of bilingual teachers in Schools.

Among the positive steps towards integration are the recent reforms in higher education, which has improved access to Georgian Universities for minorities and their number increased considerably in the universities. In addition, the employment of minorities in the public sector (MIA) will make the environment in state agencies more diverse.

Another challenge facing the minorities is their weak participation and representation in national and local politics, mainly due to the lack of knowledge of Georgian language. In addition, mainstream political parties are not actively engaged in the regions inhabited by these minorities; therefore, the local population has insufficient information about parties and political candidates. The government also needs to address cases where the right of religious minorities has been violated; this issue remains one of the important challenges.

Even though access to media has improved, GPB does not provide enough information in minority languages. Unfortunately, in recent years, several programs related to minorities were cancelled. Local media and press suffer from lack of resources. Most minorities receive information from Armenian and Azeri state channels and almost have no knowledge of events happening in Georgia.

In general, the results show that level of integration in key policy areas put forth by Ljubljana Guidelines is satisfactory, the government has achieved more progress in some areas (security, law enforcement and higher education), while other fields require more attention from the

government (knowledge of Georgian language, participation in political life, media and access to information). The Georgian government will have to address the above-mentioned challenges and act more effectively to integrate ethnic minorities in accordance with European standards.

Ekaterine Kardava*

Law-Making and Law Enforcement Specificities in Post-Soviet Georgia on the Example of Labour Law

Abstract

The article focuses on the explanation of the sense of legal approximation and European integration in post-soviet Georgia. With regard this, the problems and challenges are presented on the example of the labour law development. The study reveals characterizing nature and features of the law-making and law-enforcement legal practices in Georgia and based on the assessment, it elaborates the recommendations – how should be conceptualized the transposition of the European standards into the national legislation to achieve the visible Europeanization ensuring the real progress towards the AA/DCFTA implementation.

Key Words: European Integration, Legal Approximation, Labour Law, Georgia, EU.

I. Introduction

After the dissolution of the Soviet Union and recognition of the Independence of the state of Georgia by the global community, in 1996, Georgia signed the Partnership and Cooperation Agreement with the EU (PCA). From this date, Georgia legally and officially declared the start of European Integration, which should have been realized through legal reforms aiming to reach political partnership and economic cooperation with the EU. Since then, the European Integration policy has been undergoing.

What is European Integration indeed? It should be stressed that there is no understanding of the European Integration without the capacity of implementing EU laws and policies (so-called *acquis communautaire*). The EU places these conditions on those partner countries which have an aspiration to reach political association and deep eco-

* Associate Professor at Sulkhani-Saba Orbeliani University.

conomic Integration. Assessment and interpretation of the AA provisions, especially the DCFTA, shows that the implementation of more than 300 EU laws is the only way towards meeting EU standards and entering the Common Market.¹ Besides, AA directly and explicitly emphasizes that the EU market will be opened for Georgia if it conducts this legal approximation process.² In this term, legal approximation means not only transposing EU standards into the national legislation but enforcement of these standards in Georgian practice and establishment of European-like administrative practice.³

The abovementioned issues make it highly valuable to understand how Georgians feel about European Integration and how this has adjusted the Georgian way of law-making policy in the post-soviet era. In order to respond to this specific task, the following method is chosen – to demonstrate the dynamics of Georgian labour law and policy developments during the European integration process. The outcomes and conclusions of this detailed study should serve to give an overview of the whole process of European Integration and understanding of law enforcement specifics in the Post-Soviet era. This would illustrate and emphasize the primary challenges facing Georgia in its new democracy and transitional economy.

2. Labour Law and policy Reforms towards European Standards

2.1. Labour Law-Making and Law-Enforcement Developments in the Post-Soviet Era and the Beginning of the European Integration

Many legislative changes and amendments to the Georgian Labour Code have been the subject of various discussions since the dissolution of the Soviet Union and the signing of the PCA. Ongoing and implemented legal reforms over more than 20 years have been carried

¹ Kardava E., Importance of the DCFTA in the Association Process with Europe, *Caucasus International University Herald*, No. 12, Tbilisi, 2017, 32-33, 36-37.

² Association Agreement between the European Union and the European Atomic Energy Community and their Member states, of the one part, and Georgia, of the other part, Articles 147, 272, 273, 274.

³ *Ibid*, Articles 417, 418, 419, the AA.

out on behalf of the democratization, modernization and European Integration. Freedom of labour has been recognized as a fundamental constitutional approach and new legal doctrine in Georgia.⁴

Reforming Georgian labour legislation was the inevitable and unavoidable process as soviet labour legislation did not entirely and adequately correspond to the market economy demands and Georgian reality. New institutions and forms of labour relations existed in the modern labour market required to be legally regulated (for example labour contracts). Furthermore, the reform of labour legislation was also a condition of the European Integration process. From the 90s the European Integration comprised of different formats of Integration, so obligations for gradual legal approximation with the EU law and implementation of ILO conventions were reflected in the PCA, ENP AP⁵, GSP and GSP+ and the Eastern Partnership Initiative.

In a new democracy and transitional economy, labour legislation should orient to social security and social justice with solid protective guarantees for employees via restricting the abusive power of employers and with an active state administration practice of controlling mechanisms leading to employers' liabilities and financial costs. Alternatively, a mobile and flexible approach oriented to investors and entrepreneurs' interests with less binding legal instruments for employers and minimal interference from the state apparatus via executing the principle of deregulation.⁶ This inevitable and irreplaceable question continuously and consistently was the subject of political discussion in the post-soviet period and throughout the whole period of European Integration. The formation of conceptual and balanced social-economy policy in order to tackle this dilemma has been extremely prolonged, causing and resulting, on the one hand, to the legal environment contradicting European standards and on the other hand, tense dissatisfaction because of disrupting the Soviet system of protection without the creation of new replacement mechanisms.

⁴ Constitution of Georgia, 24 August 2015, Art. 26.

⁵ EU/Georgia Action Plan, European Neighbourhood Policy, 2006, <https://cdn1-eeas.fpfis.tech.ec.europa.eu/cdn/farfuture/6Y6OfbR3KoCAnMTRuOR-wyeKkE_mSsY43qf6iwYEe_1M/mtime:1468838212/sites/eeas/files/georgia_enp_ap_final_en.pdf>

⁶ Kardava E., Georgian Labour Law Reform in the Context of European Integration and Association Agreement, Ph.D. Thesis, Tbilisi, 2018, 11.

According to the obligations arising from the PCA⁷ the Government of Georgia approved the Harmonization National Program of Georgian Legislation with the European Union Legislation – Guideline Principles for the Action Plan.⁸ NHP emphasized that the acting Labour Code of Georgia in 2004 (which was the Soviet law of 1973 with recent amendments⁹) complied with the EU labour directives and even in some cases the standards of employees' protection were higher than in EU directives.¹⁰ HNP touched the aspects to be changed and modified according to the EU law. So, it was planned to start with drastic legal reforms in 2004, but in fact, the law-making and law-enforcement processes were very controversial with European Integration.

By the 2004 law enforcement mechanism - labour inspectorate - did not respond to democratic values and concept of institutional capacity because of the corruptive system. The government of Georgia and the parliament of Georgia, characterized by ultra-liberal views and extremely pro-business positions, decided not to modernize but eliminate the labour inspector and fully deregulate labour policy. The ruling party developed a very subjective and partial interpretation of the constitutional provisions "Freedom of Labour should be guaranteed... Freedom of enterprise shall be guaranteed"¹¹ contradicting the principle of social justice and the will of Georgian people to build the social state¹². This gave impulse to the adoption of a new anti-European labour code in 2006.¹³ Even though post-soviet independent Georgia

⁷ Article 43, PCA, 1996.

⁸ Order N22 of the Government of Georgia on the Unified Action Plan of the Implementation of the National Harmonization Program of the Georgian Legislation with the European Union Legislation and Elaboration of the New Agenda of the Cooperation with the EU, 8 May 2004.

⁹ Code of Labour Laws of Georgia, Statements of the Supreme Council of the Soviet Socialist Republic of Georgia, 7, 30/07/1971 (currently repealed by the Labour code of Georgia of 2006).

¹⁰ Harmonization National Program of Georgian Legislation with the European Union Legislation – Guideline Principles for the Action Plan, Tbilisi, 2003, 154, <<http://www.parliament.ge/uploads/other/18/18483.pdf>> [21.06.2019]

¹¹ Constitution of Georgia, 24 August, 1995.

¹² Ibid, Preamble.

¹³ Progress Report of the implementation of the National Harmonization Program of the Georgian Legislation with the European union legislation, Georgian-European Policy and Legal Advice Centre (GEPLAC), June, 2006, pp. 4-5, 20-21, For the time, when GEPLAC experts, in cooperation with the State

recognized the vital importance of protection of human rights, justice, democracy and the rule of law, in reality, the freedom of economy prevailed. Human dignity and entrepreneurship came into conflict with each other, and new labour law diverged from legal doctrine.

The European Integration policy became the subject for only political declarations, which in reality contradicted the essence of European Integration.¹⁴ Furthermore, the Post-Soviet labour law, to some degree, impeded the development of judicial law and homogenous judicial practice. This political and legal context caused and led to concerns and recommendation from the ILO and the EU side. Every year the European Commission officially stated in annual progress reports that Georgia faced problems in labour law and policy.¹⁵ The adoption of the new Labour Code coincides with the period when Georgia became the beneficiary of the European Neighbourhood Policy. Based on the PCA, recommendations regarding the labour field were included in the ENP AP too. The annual assessment report on the ENP AP implementation by Georgia and the current situation in the country drafted by the European Commission described the existing situation

Commission analyzed the existing legislation (Labour Code adopted in 1973), they in parallel studied the draft Labour Code, which had to replace the old law. The new Code had to take into account new realities of the labour market and labour relations, the current socio-economic situation and, at the same time, requirements of the EU laws and European standards. Of course, as a result of the analysis, recommendations were prepared that had to be reflected in the new Code. Despite the fact that the new law included many universally recognized principles in the labour field and implemented new institutions relevant to the modern labour market, it was still far from the standards set by the EU laws. It did not take into consideration results of the experts' analysis, ignored the recommendations and somehow created a problem related to the pro-European regulation of labour relations. <<http://www.parliament.ge/uploads/other/18/18477.pdf>> [21.06.2019]

¹⁴ Kardava E., Georgian Labour Law Reform in the Context of European Integration and Association Agreement, Ph.D. Thesis, Tbilisi, 2018, Chapter III.

¹⁵ Commission staff working documents accompanying the communication from the Commission to the Council and the European Parliament, Implementation of the European Neighbourhood Policy Progress Report Georgia, Brussels, 2007, 2008, 2009, 2010, 2011, 2012, <http://www.eeas.europa.eu/archives/delegations/georgia/eu_georgia/political_relations/political_framework/enp_georgia_news/index_en.htm> [21.06.2019]

and underlined the following problems: Georgia has opted for total liberalization of employment and labour relationships in which the market is the single regulator. There is a predominance of long-term unemployment. A lack of productive employment and labour market policies and disrupted social safety nets has exacerbated labour market distortions. The 2006 Labour Code, which was prepared without prior consultation with trade unions, is not in line with the International Labour Organisation (ILO) standards. Furthermore, the labour code contradicts both the EU standards and the European Social Charter ratified by the country in July 2005. No progress can be reported concerning social dialogue.¹⁶

Only in 2013 after substantial legislative reform of Georgian labour code, the EU declared that Georgia had brought its labour legislation closer to the EU standards but alongside stressed the significance of law enforcement: "A new Labour Code in line with the ILO standards was adopted. This had been a longstanding EU request, but its proper implementation remains problematic".¹⁷

To summarize and conclude: In the post-soviet period during the European Integration process, Georgia's law-making and law-enforcement policy was characterized by contradicting a) the sense of Europeanization of law and practice on the one hand; b) the rule of law democracy, freedom and justice on the other hand. It was the era when governments themselves pose a threat to liberty by repealing the regulatory legal framework and abolishing of controlling mechanism by a full deregulation policy and by breaking the balance between human rights and freedom of entrepreneurship.

¹⁶ Commission staff working document accompanying the communication from the Commission to the Council and the European Parliament 'Implementation of the European Neighbourhood Policy in 2007 Progress Report Georgia, Brussels, 03 April 2008, SEC (2008) 393, 11, <http://www.eeas.europa.eu/delegations/georgia/eu_georgia/political_relations/political_framework/enp_georgia_news/index_en.htm> [21.06.2019]

¹⁷ Joint staff working document implementation of the European Neighbourhood policy in Georgia, progress in 2012 and recommendations for action, accompanying the document joint communication to the European Parliament, the Council, the European economic and social committee and the committee of the regions, European Neighbourhood Policy: Working towards a Stronger Partnership, Brussels, 20.03.13, SWD (2013) 90, <http://www.eeas.europa.eu/delegations/georgia/eu_georgia/political_relations/political_framework/enp_georgia_news/index_en.htm> [21.06.2019]

2.2. Labour Law and Policy in AA/DCFTA Era

In 2009 the EU offered the most ambitious project of foreign policy – Eastern Partnership aims to deepen and strengthen relations between the EU, its Member States and six Eastern neighbours.¹⁸ AA/DCFTAs, signed by the EU and Eastern partner countries (Georgia, Moldova, Ukraine) within the framework of the EaP, replaced PCAs. New political, economic and social agenda defined massive obligations in almost in all fields, among them in labour. Most of these obligations require conduction of a legal approximation process.

Labour related aspects are regulated in different parts of the AA/DCFTA, namely, chapter 13 of the title IV (trade and sustainable development), chapter 14 of the title VI (social policy and employment), annex XXX (EU labour laws).¹⁹ Obligations related to Europeanization of Georgian labour law and policy were formulated not only

¹⁸ When Russia cuts gas supplies to Ukraine in January, EU households suffered. The EU found its quality of life directly affected not just as a result of its own energy supplies, but by the political and commercial landscape in its eastern neighbourhood. There could be no more telling example to demonstrate that the EU's interests – of all its Member States alike - are tightly bound up with developments in the countries on its eastern border. Member States discussed the Commission's proposals for an ambitious, new "Eastern Partnership" with Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. It offered more concrete support than ever before to encourage reforms that are essential to build peace, prosperity and security, in mutual interest, <http://eeas.europa.eu/archives/docs/eastern/docs/eastern_partnership_article_bfw_en.pdf> [21.06.2019]

¹⁹ Association Agreement between the European Union and the European Atomic Energy Community and their Member states, of the one part, and Georgia, of the other part, <https://cdn1-eeas.fpfis.tech.ec.europa.eu/cdn/farfuture/VjycjKJ-ii28659l8FYZ8Phir2Qqs0f2jZUoh4un5IE/mtime:1473773763/sites/eeas/files/association_agreement.pdf> [21.06.2019]

in AA/DCFTA but VLAP (2013)²⁰, Association Agenda for 2014-2016,²¹ Association Agenda for 2017-2020 as well.²²

According to the AA/DCFTA and other related documents, the following goals should be achieved:

- full and productive employment and decent work for all;
- Sustainable development policy (recognition that economic development, social development and environmental protection are its interdependent and mutually reinforcing pillars).
- Adoption of the legal framework defining the supervision functions of the Labour Inspection system in the Occupational Health and Safety area; establishment of the effective labour Inspection with adequate competencies and capacities for the inspections of all working conditions and labour relations according to ILO standards.

It necessarily should be stressed that the EU directives, which currently are prescribed in the AA (Annex XXX), had to be implemented during PCA times.

According to the AA/DCFTA, Georgia must implement fundamental and urgent ILO conventions in Georgian legislation and practice and approximate about forty EU labour directives, among them eight directives relating to labour law, six directives - to discrimination and 26 directives - to labour safety and health. The AA determines the deadlines for the implementation of each directive. Currently, Georgia delays the performance of its obligations. For example:

²⁰ Visa Liberalisation Action Plan for Georgia, 2013, <<http://migration.commission.ge/files/vlap-eng.pdf>> [15.07.2019]

²¹ Association Agenda between the European Union and Georgia, 2014, <https://cdn5-eeas.fpfis.tech.ec.europa.eu/cdn/farfuture/VpFNbT2nyuY-TELME765zUYe7hDOqWZydCtbu-PUiu8AE/mtime:1468838431/sites/eeas/files/associationagenda_2014_en.pdf> [17.07.2019]

²² Association Agenda between the European Union and Georgia, 2017, <https://cdn1-eeas.fpfis.tech.ec.europa.eu/cdn/farfuture/vPC8CCL_R7r6sb6dRefYxMUTHAW-bkmfN321tPBtP4rk/mtime:1511177255/sites/eeas/files/annex_ii_-_eu-georgia_association_agenda_text.pdf> [17.07.2019]

- Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship;
- Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC - Annex: Framework agreement on part-time work;
- Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community – Joint declaration of the European Parliament, the Council and the Commission on employee representation;
- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation;
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation;
- Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services;
- Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).
- All abovementioned directives had to be implemented by 2017 and 2018.

After 22 years of European Integration only in 2015, Georgia created the first instrument of labour inspection with very feeble competences, namely - department of labour monitoring under Ministry of labour, Health and Social Affairs. Georgia did this because in order to receive a visa-free regime in the Schengen Area. Only in 2018, Georgia adopted the law on Labour Safety, but still, there are no instruments created for law enforcement and execution. Still, the Labour Code of Georgia does not envisage a mechanism of implementation, monitoring and liability in case of breach of the law (only private dispute and litigation between the parties (employer and employee)). These facts

illustrate that the European integration process still, even in the AA/DCFTA era, are hard to carry out in a form and way close to the sense of the legal approximation and European practice.

To summarize and conclude: the era of AA/DCFTA is characterizing by three specific features taking shape currently and getting prominence in the law-making and law-enforcement policy: a) delaying implementation of obligations; b) meeting obligations when the EU draws attention and emphasizes the shortfall explicitly and strictly or when Georgia exceedingly wants to get certain benefits from the EU side; c) Transposition of European standards into Georgian legislation and adoption of pro-European laws but without offering administrative and enforcement mechanisms like European practice.

3. Conclusion

The brief assessments stated above suggest that for a period, the labour legislation was stagnant. This suggests that in the field of labour law, the gradual legal approximation did not take place and the challenges faced by the country were not met from year to year despite the firm publicly declared will regarding the EU integration policy.

The reforms and new stage related to Georgian labour legislation started in 2013. The EU notes that Georgia is progressing in Labour policy. However, the issue of the establishment of a strong labour inspection institution, which will supervise the execution of the Labour laws, is still a problem.

Legal reforms towards the European standards still are not fully conceptualized and conscious process in Georgia. The Legal approximation requires not only transposition of European standards into Georgian law, but into Georgian practice, which should be guaranteed by enforcement and execution mechanisms. Positive achievements towards the EU law are visible, tangible and effective when the EU addresses the robust monitoring tools. So, Georgian law-making and law-enforcement policy still do not meet the will and expectations of people of Georgia. After demolishing the Soviet regime and obtaining freedom, new laws of Independent Georgia should guarantee real freedom, dignity, liberty and justice.

If politicians and legislators still are not confident concerning freedom of labour and freedom of entrepreneurship, they should approach the question and look for an answer in the history and experience of the EU and EU member countries, among them former Soviet countries recently welcomed into the EU. As well, the solution for effective law-making and a law-enforcement policy requires the sustainable development and balancing of trade and social policies as introduced in the AA/DCFTA.

Law-making and law-enforcement policy have the most significant task and assignment before the progress of the state and society. Only the rule of law can end the protracted and overextended Post-Soviet phase in Georgia.

Higher Education System in Georgia after the Collapse of the USSR

Abstract

At the end of the twentieth century and with the abolishment of the USSR, independent Georgia inherited the Soviet education system. Some of these inherited features from the Soviets were a tendency towards totalitarian rule, extreme centralization, uniform ideology and educational programs with a weak assessment system. Incompetent management of financial and human resources, limited participation by the community and absence of the private sector compounded these issues. Democratic movements in the political and social life of Georgia have finally led to significant changes in the education system.

The education system of the newly independent Georgia has undergone considerable changes over the past few years in social, economic and political life. The period since the collapse of the Soviet Union has been one of extreme turbulence. In education, it has been marked by dramatic reductions in government budgetary allocations, rapidly decreasing academic standards and increasing levels of administrative, institutional and academic corruption.

Key words: Education, HIEs, Soviet System, Changes, Programs, Corruption, Accreditation, Changes, Admission, NAEC, Collapse.

I. Education Reforms

After the collapse of the USSR, independent regulated and enacted laws for the education system. The Ministry of Education and Science managed the process and had oversight. As it was no longer under

* Ph.D. Candidate, Assistant at Sulkhan-Saba Orbeliani University.

the Soviet control, universities had freedom in terms of designing teaching program and curricula, and in establishing tuition fees. However, government quotas determined the number of students admitted. Public HEIs (higher educational institutions) relied on centralized control, which was absent or weak due to poor governance. Indeed, the absence of a consolidated unified vision and coherent national policy was a defining feature of Georgian higher education development during the first transition stage, until 2003. Restrictions placed at the institutional level prevented substantial reforming of this structure.

The system remained unchanged until the late 1990s. The course duration in all universities and all departments remained at five years. A graduate then received a specialist diploma in their particular field. For the academically inclined, provisions allowed for students to remain at the university and specialize further or to move to a research institution.

As early as 1996, Universities began changing towards a two-tier system consisting of a four-year bachelor and a two-year master cycle—this was an attempt to bring the structure closer to the standards of the Bologna Process. However, for a prolonged time, the official formal change did not translate into a central reorientation of the system. In the initial level of system transformation, the previous single-track five-year study program was divided without consideration to content (Lorentzen 2000)¹. It took almost ten years for the country to become part of the Bologna Process officially.

In general, the admissions system remained the same as it was during Soviet times. Applicants had to pass compulsory university-level, subject-specific competitive exams. Until 2000 there was no feasibility to register for examinations at different universities, hence limiting applicant chances to enroll in higher education. Once accepted, students

¹ Lorentzen J., *Georgian Education Sector Study – The Higher Education System*, Background Paper, Washington, DC, 2000.

also had minimal opportunities to move to a different field of study HEI or even to a different HEI field of study.

HEIs were classified by field of study and were usually narrowly specialized. There was only one HEI, Tbilisi State University, which offered programs in different fields disciplines ranging from humanities to hard sciences. All other HEIs were specialized in a specific set of disciplines. The primary classification of these HEIs was into technical, medical, agrarian, teacher training and art institutes. As all HEIs were previously institutes, with narrow specializations, most changed their status from institute to university to offer trendy modern disciplines. For example, the Polytechnic Institute became the Technical University of Georgia, and Tbilisi Medical Institute became Tbilisi Medical University.²

Like other HEIs pedagogical institutes were transformed into universities and started to offer undergraduate and graduate programs in a broader range of fields. Since most of these pedagogical institutes were situated outside the capital city of Tbilisi, they effectively became regional universities. The broadening expansion of higher education into the regions was further enhanced by the establishment of eight TSU branches in various cities throughout Georgia. As previously pointed out, HE sector development was not strategized or planned in detail at the national level. Institutional-level changes were initiated by HEIs themselves and negotiated with the government, often through personal connections.

Academic Corruption – Georgia was part of the Soviet Union for more than 70 years – the fact that shaped practices and norms that contributed to corruption. In the education sector, “cheating the system” was an acceptable social norm. The perception among the population was

² See: Sharvashidze G., *Private Higher Education in Georgia: Main Tendencies*, Paris, 2005; Pachuashvili M., *The Politics of Higher Education: Governmental Policy Choices and Private Higher Education in Post-Communist Countries*. Budapest: Department of Political Science, Central European University, 2009.

that the system was corrupt and unjust. This corruption resulted in individuals doing whatever was necessary to prevail.

After the demise of the Soviet system, academic corruption flourished in Georgia. The over-centralized education system dominated by former apparatchiks. The University admissions process was the biggest money-making machine. Bribery in entrance examinations was rampant³ that some places seats were sold to students, whether they qualified or not. The price of admission ranged depending on the university. After being admitted, it was possible for students to bypass the system and graduate by bribing university instructors. With the subsequent collapse of the Soviet Union, new education laws were introduced, and independent private schools proliferated. However, institutional inertia and the legacies of the past threatened to curb real educational progress. According to numerous surveys, reports and interviews, the root cause of the problem for many countries lies with widespread, endemic corruption stemming from a decreasing in public funding for education. With academic salaries falling to anemic levels, the acceptance of bribes by faculty and administrators had, for most of them, become a matter of survival.

Another problem was corruption in the accreditation of academic institutions, following the privatization of education in Georgia. On the one hand, privatization had some positive effects, as it allowed better-quality, mostly foreign-sponsored institutions, to enter the Georgian market. These institutions charged high tuition fees and were able to pay professors 30 times as much as public universities, a fact that contributed to better education.

From 1991-2002, Georgian students went through their education under this corrupt system. Universities still produced capable graduates,

³ Orkodashvili M., *Corruption in Higher Education: Causes, Consequences, Reforms*, Online Submission, 2009.; Lorentzen J., *Georgian Education Sector Study – The Higher Education System*, Background Paper, Washington, DC, 2000.

of course, and students who wanted to study had opportunities to acquire knowledge. Success in higher education was often not based on merit, sadly, but bribes and nepotism. Georgia's education system was in urgent dire need of reform.

II. New Accreditation Procedures

A new Higher Education Law in Georgia, accepted in 2004⁴, introduced new accreditation procedures. According to the Law on Higher Education passed in December 2004, all higher education institutions should change move to the three-cycle system (bachelor/master/doctorate)⁵. Another law on "Education Quality Enhancement" (EQE) adopted in 2010, further enhanced Georgia's quality assurance mechanisms. The licensing and accreditation of academic institutions were transferred to a more decentralized process overseen by a dedicated quality assurance agency separated detached from the Ministry of Education. Quality assurance was now under the apprehension purview of a new National Center for Educational Accreditation, and later, the National Centre for Educational Quality Enhancement (NCEQE), founded established in 2010.⁶

III. Other Reforms

Georgia also made significant changes in academic staffing, addressing the archaic practice of hiring relatives and friends. These changes were not easy to achieve. The plan was to ensure that academic positions were being filled exclusively based on open competition.

From 2004, a new government of Georgia came into power after the Rose Revolution and entered on a comprehensive reform program. Reforms in public governance aimed at fighting corruption, inefficiency

⁴ Law of Georgia on Higher Education, (2004) Tbilisi, Georgia.

⁵ Bakradze L., Strategic Development of Higher Education and Science – Integration of Teaching and Research, Tbilisi, EPPM, 2013.

⁶ Darchia I., Strategic Development of Higher Education and Science in Georgia – Quality Assurance, Tbilisi, EPPM, 2013.

and inflexibility. Many public institutions were radically transformed in a very short period.

The changes occurring in the higher education system in Georgia at the same time were no less dramatic. The system was entirely revamped. The most notable changes were in higher education funding, admission mechanisms and quality control. All the changes were closely connected and took place simultaneously. Effective as the changes were in improving efficiency and eliminating corruption, they were truly top-down reforms; they were, therefore, part of broader reform efforts not driven by the HEI community.

Real change did not come until after the 2003 Rose Revolution, when the government made education reforms a top priority. By that time, it was clear that corruption was a significant deterrent to the development of Georgia's economy in general and its education system in particular. Georgia's parliament had in 2002 approved a draft reform package for "Higher Education Development in Georgia." Substantial reforms were not implemented until the beginning of 2004, when the new government, elected in January 2004, reshuffled Georgia's university leadership, curtailed the influence of the powerful university rectors, and imposed far-reaching changes in university admissions and accreditation procedures that rooted out different forms of corruption⁷.

An essential element of the reforms was to take away admissions decisions from the universities in favor of a unified and centralized entrance examinations system. While universities had far-reaching autonomy in acceptance decisions under the old system, university admissions since 2005 determined in a much clearer process without involvement of the universities. Entrance examinations are now administered by a "National Examination Centre (NAEC)," which is a

⁷ Karosanidze T., Christensen C., A New Beginning for Georgia's University Admissions, In *Stealing the Future, Corruption in the Classroom, Ten Real Life Experiences*, Transparency International Georgia, 2005.

semi-autonomous institution under the purview of the Ministry of Education. The NAEC manages several testing centers throughout the country where applicants sit for written examinations, the results of which determine eligibility for admission. Test forms now have a barcode for personal identification, rather than the applicant's name, which further reduces the capability of corruption.

Introducing centralized standardized examinations – Unified National Examinations (UNEs) – in 2005 was the single most crucial element implemented by the government in fighting corruption during the admissions process. Another major goal of introducing UNEs was to improve access for disadvantaged but talented students, as acceptance would be meritocratic. It was believed that the previous system disproportionately favored those coming from families with ample financial resources and social status. UNEs replaced exams previously administered by individual universities and became the sole admissions criterion. Places are allocated based on the results. Another novelty of UNEs is that applicants became free to apply to several universities and various departments at the same time, unlike the previous system under which they had only one choice. Since the introduction of UNEs, the number of admitted students, the percentage of the total number of school-leavers, has grown. The number of students applying to universities has risen as well.

Furthermore, the lack of HEI involvement in the acceptance process is a serious issue. UNEs presently provide a necessary and sufficiently deemed channel to enroll in any HEI. Therefore, HEIs themselves have no authority to choose students based on their criteria and preferences.

IV. Ongoing Changes

The small country of Georgia has achieved impressive results in overcoming corruption and establishing a more transparent and superior educational structure. This structure can function as the bedrock of

constant democratization in Georgia. Ongoing reform objectives include greater autonomy for universities and the internationalization of accreditation procedures, a step that would further strengthen quality assurance. According to some officials, improvements in higher education are such that Georgia could be made more attractive for international students and could become a hub for international education in the region. The number of international students in Georgia has indeed been growing substantially in recent years. According to Georgia's National Statistics Office, 10,061 international students are receiving education in the country's institutions of higher learning⁸.

Today, Georgia is in a transitional cycle. It is under the process of rebuilding civil society and democratic institutions. However, the outcomes of these processes depend on the success of the education system. Fortunately, that framework is already in place.

⁸ See: <<https://www.geostat.ge/ka/modules/categories/61/umaghlesi-ganatileba>> [18.04.2019]