

Evaluating the Failure to Oppose:
Political Opposition in Post-Revolutionary Georgia.

by

Dr George Welton

georgewelton01@yahoo.co.uk

On the 31st March 2006 the three main opposition factions of the Georgian parliament declared a boycott on Parliamentary procedures. This action came in response to the exclusion of a member for the Republican Party, Valeri Gelashvili from parliament that same day. The boycott and the Gelashvili case that sparked it provide an interesting microcosm of Georgian political life.

Most obviously it highlights the weakness of the opposition and the tendency for them to resort to dramatic gesture that the government not only ignores, but uses to further marginalize them. More significantly, it also draws attention to the fact that an overwhelmingly powerful executive have convinced a weak political opposition that parliamentary engagement offers little hope for political change. The fact that the opposition is so readily prepared to disengage from day-to-day political procedure, and the possibility that they would boycott the local elections that will take place later this year¹, is a truly troubling sign for a state, the modern institutions of which are only 15 yrs old.

There are simple numerical reasons for opposition despondency. The United National Movement holds the Presidency and controls the 2/3 of parliamentary seats necessary to make constitutional changes and changes to election law. The government also remains fairly popular, having initiated some successful reforms in a fairly short period of time

¹ While it is commonly believed that the local elections will take place in November this cannot be determined since the current version of the election law proceeding through parliament only requires a 40 day notice period.

and, given current trends, it seems unlikely that they will lose their status as the most popular party in the near future.

However, in the process of enacting reforms the government has also produced the perception that they are happy to use their current power to force through changes that threaten the checks and balances of democratic politics. Like any country undertaking significant reforms the executive has both the means and a ready justification for an extension of its power. There are three obvious avenues for this. First, in a system where bribery has always formed part of the day-to-day political and economic process, where people have historically paid a small portion of their taxes and where nepotism and patronage have been ubiquitous, everyone is guilty. As a result it is possible for the government to use legal prosecution as a political weapon, applying the law selectively against their enemies.

Second, since reform often requires the ejection of old-style officials, we are continually left with questions about the political allegiances, qualifications and experience of their replacements. This is particularly troubling when the institutions in question, the judiciary or the election administration, rely on their perceived independence to work effectively.

Finally, legal and particularly constitutional reform usually has political consequences and the Georgian government has produced the perception that it is using its current political monopoly to bias the electoral game in its own favor in future.

The weakness of the opposition is not helped by a range of cultural, ideological and structural factors of Georgian political life. The personality driven political climate puts a premium on the strength of leaders. As a result, the government likes to make firm decisions, backed up, if necessary, with the use of force. At the same time, both sides often prefer inflammatory language to reasoned dialogue and compromise.

This failure to oppose arguably constitutes the greatest threat to the democratic transition of post-Revolutionary Georgia. Georgia has, so far, failed to transfer power through elections. Until the opposition is able to offer a credible alternative to the party of government popular dissatisfaction will have no avenue for democratic change. At the same time until the opposition are convinced that the government will facilitate a fair democratic process (in the broadest sense) credible opposition is unlikely to emerge. As a result rhetorical and physical conflict, street protests and the overuse of police force remain a part of Georgian political life and trust in personalities continues to take precedence over a trust in institutional processes.

This paper will assess the relative significance of structural and cultural problems in causing the weakness of the Georgian opposition. This will be done in three stages. First, the paper will give a broad overview of the political history of Georgian politics since independence. This is essential in order to understand the way in which the Georgian population and opposition interpret government behavior. Second, the paper will give an overview of political opposition in Georgia today, highlighting the main players,

relationships and commonly understood difficulties. Third, it will look at the various ways in which the government has acted to produce a perception (real and imagined) of executive domination.

The paper will conclude by balancing these concerns and will offer a fairly positive appraisal of the prospects for opposition in Georgia. In particular it will argue that while the current electoral system may favor the incumbent it is unlikely to exclude an increased role for the opposition. At the same time in spite of polarizing tendencies in Georgian polity many of the current problems with the opposition simply follow from post-Revolutionary weakness. There is enough capacity and potential capacity in the opposition that, barring the many potential hurdles for democratic development in the country, a more balanced political system is likely to emerge as ruling party popularity wanes.

The Political Environment

History

Although the Georgian imagination places the country's Golden age in the 11th and 12th centuries, the institutions of the modern Georgian state are about 15 years old. Building on the framework of the Georgian Soviet Socialist Republic that started to liberalize in the late 1980s, Georgia held its first multiparty elections in October 1990 and declared independence in April 1991, electing Zviad Gamsakhurdia President a few days later.

From the start the Georgian political process was strongly inclined towards personality and charismatic politics, particularly when it came to Presidential elections. While the nationalist and anti-Communist Round Table Coalition secured a 54% majority in the first Parliamentary elections, Gamsakhurdia, gained 86% in the presidential elections only 6 months later.²

A great deal has been written on the 14 months that Gamsakhurdia held power. This has particularly focused upon his behavior towards the government in Moscow and his role in helping to produce the war in South-Ossetia. As always in these situations it is difficult to establish cause and effect but it is clear that Gamsakhurdia's short office set the nationalistic and uncompromising tone for much of the political debate in the country to follow.

More importantly, for our purposes, one can argue that in spite of his considerable popularity the final source of his undoing was his inability to deal with his political opponents insisting, effectively, that you are 'either with me or against me'. As Ghia Nodia and Alvaro Pinto Scholtbach have argued,

Gamsakhurdia's greatest problem lay not in relations with the Communist government in Moscow or ethnic separatists but with his internal opposition. His

² Nodia, Ghia and Alvaro Pinto Scholtbach, *the Political Landscape of Georgia: Political Parties Achievements, Challenges and Prospects*, Eburon Delft, (2006), p16

radical opponents never recognized his legitimacy and were ready to challenge his rule. Accusations of authoritarianism was shared by an increasing section of society.³

A military coup that brought fighting to Tbilisi over Christmas and New Year of 1991/92 removed Gamsakhurdia from power. Following the coup, former Soviet Foreign Minister, Eduard Shevardnadze was invited to lead the new government. His position was democratically ratified when he was elected as Chairman of Parliament and head of state in October 1992 with 89% of the vote. The first three years of his government were particularly difficult. Shevardnadze forces fought a two sided war. Continued conflict with Gamsakhurdia supporters in the West of Georgia ultimately returned gun-fire to Tbilisi streets in May and June 1992. In July of the same year Abkhazia declared independence, starting a war that dragged on over the next two years claiming up to 10,000 lives and forcing 250,000 Georgians from Abkhazia.

However, for our purposes if Gamsakhurdia's time in power was most notable for his inability to deal with the opposition both inside and outside government, Shevardnadze was far more effective at bringing in those he needed. As Ronald Suny explains,

By character and experience Shevardnadze was the polar opposite of Gamsakhurdia. A consummate politician who had made a spectacular career in

³ Nodia, Ghia and Alvaro Pinto Scholbach, *the Political Landscape of Georgia: Political Parties Achievements, Challenges and Prospects*, Eburon Delft, (2006), p19

the Communist *apparat*, Shevardnadze was by nature a conciliator and negotiator.⁴

Even though Shevardnadze started his administration from a position of weakness he managed to outmaneuver many of his opponents and gradually consolidate his power. In the process he achieved some notable successes. He marginalized the influence of paramilitary groups in Georgian politics (ironically the very same groups that had brought him to power). In addition, whether out of a genuinely held desire for political reform or out of practical necessity, Shevardnadze did allow an independent media and a range of political parties and broadened participation in the political process generally.

Following the adoption of a new constitution in 1995 Shevardnadze held the presidency and his political party, the Citizens Union of Georgia (CUG) gained a majority in the new parliament. The new constitution, while nominally modeled on the US system, avoided a bicameral division until ‘territorial integrity’ was restored. As a result it produced a ‘Super Presidency’. Nonetheless, Shevardnadze was also forced to share power with the very group that would subsequently replace him. This group of ‘young reformers’ centered around the future Prime Minister Zurab Zhvania and the team he built around himself, including future speaker of the Georgian parliament, Nino Burjanadze and future president Mikheil Saakashvili.

⁴ Suny, Ronald Grigor, *The Making of the Georgian Nation*, Indiana University Press, Bloomington (1994).

Partly through the efforts of the ‘young reformers’ a range of legislative changes were pushed through by the Shevardnadze government, overhauling the civil, criminal and tax codes. As a result, in 1999 Georgia became the first country in the South Caucasus to enter the Council of Europe.

However, at the centre of Shevardnadze's power base was an implicit trade-off. He provided stability and normality but in the process perpetuated the clientelistic networks of Georgian society. While this trade-off had been accepted in times of conflict, by the time of the 1999-2000 elections (which Shevardnadze’s party won once again) it was becoming clear that these clan interests were working to limit further reform.⁵

The first to split with the government, in 2000, were a group of businessmen who called themselves the ‘New Right’ faction. Minister of Justice, Mikheil Saakashvili, resigned in 2001 forming the National Movement. In June 2002 Zurab Zhvania was next to leave, competing in the Tbilisi City Council elections and forming the opposition United Democrats Party and a political faction in parliament soon afterwards. A year later Nino Burjanadze joined with Zhvania to form the Burjanadze-Democrats alliance.⁶

As a result, the CUG faced a credible, if fragmented, opposition in the local elections of 2002. In the Tbilisi City Council Elections, the Labor Party and the National Movement

⁵ I am grateful to Dr Timothy Blauvelt for this insight.

⁶ Wheatley, Jonathan *Georgia from National Awakening to Rose Revolution: Delayed Transition in the former Soviet Union*, Ashgate, Aldershot, UK, (2005).

gained about a quarter of the votes each and Mikheil Saakashvili gained the powerful position of chairman.

Following this poor performance and facing parliamentary defeat in November 2003, the CUG resorted to significant electoral fraud. The demonstrations that followed, since called the 'Rose Revolution', had two main effects. First, they provided the pressure that finally pushed Shevardnadze to resign from office. Second, they solidified support behind Mikheil Saakashvili. As Nodia and Scholtbach argue,

Before the revolution, three leaders and their parties – Mikheil Saakashvili, Nino Burjanadze and Shalva Natelashvili of the National Movement, United Democrats and the Labor Party respectively, enjoyed a similar popularity ratings without there being a clear lead among them. The invalidated event of the 3rd of November elections showed that many people had switched their support to the national movement at the last moment, but still-provided the votes on 3rd of November were counted fairly-Saakashvili would be the first among equals. However, during the days of mass protest he apparently displayed qualities that convinced most Georgians he was fittest to lead the nation.⁷

⁷ Nodia Ghia and Alvaro Pinto Scholbach, *the Political Landscape of Georgia: Political Parties Achievements, Challenges and Prospects*, Eburon Delft, (2006), p30.

As a result, in January 2004 Saakashvili won the presidential election with 96 percent of the vote and in March the National Movement and United Democrats combined, forming the United National Movement and taking 66% of the vote.⁸

Again, much has been written about the first two years of the Saakashvili government, and while the exact impact all of its reforms, particularly in the constitutional arena, will be discussed later there seems to be little doubt that they secured a number of notable successes. Significant changes have been brought about in the police service, the judiciary and education, Ajara has been reintegrated into the Georgian political system and tax receipts have risen dramatically. As a result, while their popularity has obviously waned from its revolutionary high, the government and Saakashvili personally have retained considerable public confidence.

In addition, while a number of United National Movement parliamentarians have defected to other parties the government comfortably retains control over the 2/3 majority necessary, not only to secure legislative change, but also to change the constitution at will.⁹

The Current Electoral System/System of government.

⁸ Ibid p23

⁹ This is possible because, while the United National Movement no longer have this many parliamentary seats, they can rely on considerable support from the Majoritarians.

The Georgian government system operates at a central and a local level. The 2004 constitutional amendment created the position of Prime Minister so that while there is now, formally, a division of powers between the Prime Minister and the President, (particularly regarding Cabinet appointments) the President now has the right to dismiss and appoint the Prime-Minister.

Parliamentarians are elected on a combination of majoritarian mandates and party lists (150 party list and 85 majoritarian). This is likely to change under the new electoral law to 150 seats (100 party list and 50 majoritarian). To qualify for a Party list appointment it is necessary for a party to gain 7% of the popular vote. This is extremely high by international standards and, as a result, in the 2004 election the only opposition group to appoint MPs was the New Rights/Industry Will Save Georgia coalition. Several other party members did gain admission to the parliament as majoritarians.

Within the parliament collaboration into 'factions' is encouraged. A faction requires at least 10 members. Factions are expected to act as a corporate entity but members of a faction have access to a wider range of possible parliamentary positions (and the Chairman of a faction gets a car).

In addition to national government, Georgian politics arranges around regional councils (Sakrebulo) that provide local government. Under the new constitution, regional councils have limited tax-raising powers and a minimum budget. If they fail to raise the required budget locally then central government will provide 70% of the deficit. Regional

parliaments are also elected through a mixed majoritarian/party list system and heads of local council (Gangebels) are elected by the council members.

Probably the most important part of the local election system is the Tbilisi City Council and this has its own rules. Most significantly the regions of Tbilisi have 2/3 of the council seats allocated between them but whichever party wins in each district gets all of the seats for that district. The other third are allocated proportionally. The Tbilisi City Mayor, under the current form of the election law, will also be elected by the City Council.

Opposition Parties

Though there are more than 180 registered political parties in Georgia¹⁰, very few of them have real political power. The current opposition is made up of maybe 6 main parties. The first five, the Industrialists, New Rights¹¹, the Republican Party, the Conservative Party of Georgia and the Labor Party have parliamentary representation (though not all on a party list). The only other party with significant support is the newly formed 'Georgia's Way'.

¹⁰ Nodia, Ghia and Alvaro Pinto Scholbach, *the Political Landscape of Georgia: Political Parties Achievements, Challenges and Prospects*, Eburon Delft, (2006), p99.

¹¹ The New Rights party feels that the term 'New Rights' makes them sound too much like a far right party when translated into English. As a result, they have taken to translating their name as the 'New Conservatives'. However, because most Georgian and international commentators insist in calling them 'New Rights' and to avoid confusion with the Conservative Party of Georgia, I will continue to call them the 'New Rights' in this paper.

It is extremely difficult to assess the current popularity of the parties since most of the polls are either out of date, politically biased or (in the case of polling by the International Republican Institute) not publicly available. Certainly any polling information one might present would be contested by most of the parties. That said, there seems to be some consensus that the United National Movement probably have somewhere between 35 and 40 percent of the popular vote nationally (as they admit) with the Conservatives, Republican, New Rights, Georgia's Way, Labour and the Industrialists sharing most of the rest.¹²

Below I will briefly outline the history and main personalities of the top 5 opposition parties with parliamentary representation before discussing their collective attitude towards the international community. The initial analysis will be done in groups which connect the parties on the basis of their parliamentary factions since this usually symbolizes historical/ideological connections between them.

The Conservative Party of Georgia and the Republican Party (Parliamentary Democratic Front Faction)

¹² This is an extremely rough estimate which comes from a discussion with a number of international observers and an assessment of polls conducted by GORBI (the Georgian Representation of GALLUP) and the International Centre on Conflict and Negotiation as well as a discussion with the parties themselves.

The Conservative Party of Georgia (CPG) and the Republican Party are probably the two most popular right wing members of the opposition. Both parties joined the Parliament on the United National Movement party list but left the government soon after. They recently joined together to create their own faction (the Democratic Front) in the parliament.

As one of the youngest parties in Georgia the CPG has enjoyed considerable success in the polls. Itself a combination of the Conservatives and the Union of National Forces it is led by the former lawyer Koba Davitashvili who, according to one recent opinion poll is the most likely non-government figure to replace Saakashvili as President¹³ and who was recently the target of an assassination attempt.¹⁴ The party is socially conservative, focusing on the importance of national traditions. As such they want an established church, increased protection of the Georgian language and a strong central government with limits on regional autonomy. At the same time they claim to be economically right wing, favoring lower taxes and smaller government.

The Republican Party can be distinguished from the CPG in a number of important respects. For a start, while the CPG are one of the youngest parties in parliament, the Republican Party, founded in 1978 (as an underground movement), is the oldest. Also, while the CPG are socially conservative the Republicans are probably the most socially liberal group in the parliament. They voted against the removal of South Ossetia's

¹³ From the text of report by Georgian news agency *Kavkas-Press*, (23rd March 2006). The most likely replacement according to the same poll is Defence Minister Irakli Okruashvili.

¹⁴ I will discuss the assassination attempt later.

autonomous status in 1991 (one of the actions of the Gamsakhurdia administration that helped to trigger a war) and continue to favor a federal state in Georgia with a binational status for Abkhazia.

The Republicans take an even more extreme position on economics, suggesting that every possible facet of the economy should be provided by the private sector. They even advocate the provision of healthcare and pensions through private insurance. However, it is in the protection of property rights that the Republicans are most extreme. As leader of the party, David Usupashvili clearly states,

In Georgia property rights need to be guaranteed as much as the life of the citizens, with no exceptions. Even if an individual has committed a crime their property should not be touched.¹⁵

The connections between the parties are not just political. The Republican Party's leader, David Usupashvili, formed the influential Georgian Young Lawyers Association where Davitashvili also started his political life. In fact, the two leaders, along with now President Saakashvili, were extremely close before the revolution. Saakashvili is God-father to one of Davitashvili's children and the three of them went into the 2003 parliamentary elections in a party coalition. As a result, it was a particularly bitter blow when Saakashvili failed to give either man a senior position in his government.

¹⁵ Interview with David Usupashvili, Leader of the Republican Party, Tbilisi, Georgia, (11th May 2006).

The New Rights and Industry Will Save Georgia

The New Rights and Industry will Save Georgia were the only faction to enter the Georgian parliament on a party list outside of the United National Movement (clearing the bar for electoral registration by only 0.2%). IWSG emerged as a political group out of the Industrialists Union, in time to contest the 1999 parliamentary election and gain 7.5% of the vote (taking 15 seats). Alternatively, the individuals who were to form New Rights entered parliament on Shevardnadze's CUG list but were the first group to leave Shevardnadze's administration on the basis that the agenda of reform was not moving as quickly as they wanted. Perhaps surprisingly then, after the 2003 elections neither party supported the Rose Revolution, arguing that Georgia had already gone through enough revolutionary change.

Both parties have considerable ties to big business. The founder of the industrialists, Giorgi Topadze, is the owner of one of the largest breweries in Georgia, Kazbegi, and while he has now stepped down as head of the parliamentary party in favor of Zurab Tkemaladze, he remains the party's leader. Similarly, the leader of the New Rights, David Gamkrelidze started the largest insurance company in Georgia.

Ideologically, the industrialists and New Rights are fairly close to the conservatives, combining social conservatism with a belief in liberal economic reforms, a reduction in the size of the government and protection of property rights. However, as one might expect for a group that places Georgian business interests at the centre of their platform,

the New Rights are equivocal on the issue of open markets and the Industrialists are clearly in favor of government protection for Georgian businesses.

In spite of these similarities, and after 18 months working together in the parliament, the industrialists split from the New Rights to form their own faction. This has produced a conflict between the two parties. General Secretary of the Industrialists, Giorgi Tsagareishvili, argues that they only split with New Right because the shifting alignment of some of the majoritarians MPs made it possible for them to form their own faction. As a result, he says, 'This empowered the opposition in some ways because having an additional faction gives certain parliamentary benefits'.¹⁶

The New Rights see it entirely differently. As far as party secretary Manana Nachkebia is concerned the industrialist's behavior is not only a betrayal but also demonstrates the successful use of 'divide and conquer' tactics on the part of the government. As she says,

the government realized that a united right would pose a serious threat...They convinced the industrialists to form their own faction. They [the industrialists] are not really oppositional.¹⁷

¹⁶ Interview with Giorgi Tsagareishvili, General Secretary of Industry Will Save Georgia, Tbilisi, Georgia, (10th May 2006).

¹⁷ Manana Nachkebia, New Rights, quoted by William Dunbar, 'Finding Unity in the Opposition', *Georgia Today*, (28th April 2006).

While the industrialists vigorously reject this charge it is easy to see how it could be made since the decision to split occurred after Topadze went skiing with Saakashvili. Either way, in spite of their considerable history this split seems to make co-operation between them in the future difficult.

The Labor Party

The Labor Party are probably the greatest ‘odd one out’ of Georgian party politics. Formed in 1995, they have consistently failed to get past the electoral threshold for the national parliament and so have been forced to rely on their few Majoritarian MPs, their local government participation and the dramatic pronouncement of their populist leader, Shalva Natelashvili. However, this should not be seen as a reflection of their popular support.

As William Dunbar has summarized,

The Labor party-like to consider themselves the ‘real’ opposition, priding themselves on their long history of disagreeing with everyone in power. They point to the New Rights - tainted by association with Shevardnadze; the Republicans and Conservatives, who entered parliament on apostate National Movement lists; and the Industrialists who never get out on the street; and they see themselves as virtuously oppositional in comparison.¹⁸

¹⁸ William Dunbar, ‘Opposites Attract’, *Georgia Today*, (21st April 2006).

They are also the only self-classified left-wing party in Georgia. This does not mean that they are anti-market, at least on paper. Natelashvili is clear that his ideological associations combine the commitments to ‘free markets and social justice...like the German Social Democrats, the Labor Party of Great Britain or the Socialists in France’.¹⁹

Natelashvili is known for his extreme political pronouncements and his populist engagement with the issue of the day. Indeed, he is the one political leader who straightforwardly says that he thinks it is unlikely his party will rejoin the parliament or take part in the local elections in November. How then will they remove Saakashvili from office?

‘Conduct protests with thousands of people to demand his removal’.²⁰

Natelashvili is even more coy than his political opponents in elaborating exactly what policy he would enact if brought to power. Asked his main political policy, he responds ‘to gain power’.²¹ Pushed on specifics and he starts to display the political versatility for which he is famous. In an interview for this article he suggested that he would ensure an increase in foreign investment by letting foreigners pay half the taxes of locals, a position clearly designed to please a foreign academic and not something that will ever find its way into his stump speech.²²

¹⁹ Interview with Shalva Natelashvili, Leader of the Labor Party, Tbilisi, Georgia, (10th May 2006).

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

Because of their populist excess Natelashvili and Labor are rarely taken seriously by international groups, implicitly written off as a piece of political history. However, this might be presumptuous. In the 2002 Tbilisi Council election, the Labor Party got a quarter of the vote. Following the falsified Parliamentary election of 2003 the Labor Party had 17% of the seats in parliament and Natelashvili, Burjanadze and Saakashvili were fairly level in popular support.

It is hardly surprising, in this context, that they did not take part in the Revolution, with more to lose than most. However, this political decision hurt them enormously with the electorate reducing their parliamentary vote to 6.9%, a figure so close to the election boundary that Labor claim deception. For this reason (or so they claim) they have clearly stated their refusal to engage in elections until Saakashvili resigns. They are continually organizing street demonstrations on the issue of the day, and in May started a hunger strike over increases in the electricity tariff.

However, according to Mark Lenzi, the Country Director of International Republican Institute, it would be wrong to under-estimate Natelashvili's influence over the other opposition parties. As he says

They are seen as the original opposition. Many people are sympathetic to the fact that he [Natelashvili] won't compromise or sell out. As a result he has more sway in the opposition at large than common perceptions would suggest.²³

Furthermore, while they may be loud and populist, several observers I have spoken to suggested that they have been useful up until now for incorporating into the political process some of the marginal and traditional groups that could become more extreme in their absence.

Georgia's Way

Georgia's Way, was started in March of this year by Salome Zourabichvili in an attempt to transform her considerable personal popularity into a credible political force. Zourabichvili, who is an ethnically Georgian French Citizen and used to be the French Ambassador to Georgia, was invited to take the position of Foreign Minister by Mikheil Saakashvili in 2004.

Her time in this position was characterized by notable successes, like the negotiation of Russian base withdrawals, but also considerable conflict between her and many other individuals in the Georgian government and parliament. When she was sacked in October 2005 it was widely perceived as a blow to the Saakashvili administration and a reflection

²³ Interview with Mark Lenzi, Country Director, International Republican Institute, Tbilisi, Georgia, (6th June, 2006).

of infighting in the United National Movement. A demonstration in support of her following her departure had between ten and twenty thousand people on the streets. Since that time she has been a vocal critic of the government particularly on issues relating to the rule of law and human rights.

Zourabichvil's place in opposition politics is not just determined by her popularity. Her position as a newcomer to the Georgian political scene makes her unusually neutral and, as such, a potentially unifying force. However, so far she has been determined to remain independent. When she recently declared her intention to run for Mayor of Tbilisi City Council many of the opposition offered to stand aside in order to support her candidacy. She declined, claiming that this would constitute a false opposition since it was not unified by ideological concerns. Instead she has argued that any connections would have to be based on ideological similarities.

She continues to be extremely popular, often ranking in the top three possible replacements for Saakashvili in the polls but it is unclear how this popularity will translate in the context of a real election particularly as she struggles to build a credible party institution in such a short period of time.

Attitudes towards the International Community

In their attitude to the international community, the opposition is fairly uniform, combining a policy that is remarkably similar to the government with consistent criticism

of it. Almost all the political establishment in Georgia is pro-Western favouring EU and NATO membership, and explicitly anti-Russian to the extent that they want to withdraw from the CIS and see Russian complicity in many of Georgia's problems.²⁴ Perhaps the most hesitant proponent of the West is the Labor Party. Natelashvili is clearly highly suspicious of western involvement in Georgian politics and cites numerous examples where western political institutions and individuals have allegedly worked to exclude him from political dialogue.²⁵ However, this suspicion never translates into statements that are directly pro-Russian.

That said, all groups, including the Government, believe that a normalised relationship with Russia is essential for Georgian political and economic development and for the resolution of the regional disputes. However, they do not accept that their pro-Western stance inherently conflicts with Russia interests. Their criticism of the Governments, therefore, usually focuses on the Government's handling of the Russians rather than its stated policies. In particular, the opposition often blame the Government for their undiplomatic language.

There is no doubt that they have a point. The Georgian Governments responses to its many problems with Russia have often been rhetorically inflammatory. Saakashvili's preparedness to blame the Russian Government for gas disruptions in January were certainly premature since they were made with no evidence (even if suspicions seemed reasonable). Equally, Irakli Okruashvili, admitting that considerable wine sold to the

²⁴ Interviews with Tina Khidasheli, Member of National Committee of Republican Party, Giorgi Tsagareishvili, General Secretary of Industry Will Save Georgia, Giorgi Mosidze, Secretary International, New Rights and Kakha Kokhreidze, Secretary International, Labor Party, Tbilisi Georgia, 29th June. The Conservative Party and Georgia's Way offered no comment on this issue but their public pronouncements are consistent with the other parties.

²⁵ Ibid.

Russia was boot-legged did not help to resolve the recent wine dispute when he said that 'by cheating, the majority of Georgian winemakers tried to conquer the Russian market and bring in wine that could not be sold in Europe, because in Russia one could even sell - excuse me for this expression – excrement'.²⁶

However, it seems unlikely, given the oppositions extreme language on other issues, and their inclination to nationalist pronouncements in particular, that one would expect them to be more moderate. And if the response to Saakashvili's recent meeting with Putin is anything to go by, the Government is unlikely to lose support by strongly criticising the Russians.

This is hardly surprising. Georgians feel that history dating back to the Russian Empire demonstrates that the Russians will be satisfied with no less than utter capitulation. To this end, it is commonly believed that Russia is routinely involved in trouble-making in the region, engaging in a divide-and-conquer policy in Abkhazia and South Ossetia and trying to undermine the Georgian Government at every turn. An illustrative example of this occurred last week when an apparent assassination attempt against on Koba Davitashvili of the Conservatives was effectively blamed on the Russians.

Time will not allow an investigation of this case, though many people in the international community and Georgian polity are treating it with scepticism. However, it is representative of the collective concern over Russia as a ubiquitous source of harassment

²⁶ Irakli Okruashvili, quoted on Channel One TV, Moscow, 25th April 2006.

and intimidation that their complicity is claimed, even where it takes a form that is more suitable for a John Grisham novel than modern politics.

Opposition weaknesses

Ideological clarity in the opposition

All of the major parties are ostensibly, democratic, nationalist, western and market oriented (with certain qualifiers for labor) while at the same time wanting support for local businesses, Georgian culture and strong social welfare provision. As a result many commentators complain that they lack an ideological focus.

However, this difficulty can be exaggerated. In some ways it is relatively easy to classify the parties. If one were to look at the general divisions in terms of economic liberalism/conservatism and social liberalism/conservatism then, on both counts, the Republicans are the most liberal. With the other right wing parties combining social conservatism, with varying 'qualifiers,' to their openness to free-markets and free trade.

In this way the political parties in Georgia are not significantly different to those in the West since, as small parties, they find it convenient to make promises and claims which may often appear contradictory. An obvious example of this is the commonly stated commitment to 'open markets,' on the one hand, and a commitment to protecting

Georgian business from foreign competition, or a desire to provide considerable tax cuts, while offering huge social coverage.

In the West this political/economic two-step has always been a common feature of political rhetoric. However, it has a particular significance in a post-Soviet context for a number of reasons. First, the presumption of government corruption amongst opposition parties and the public at large allows all political parties to attribute government under-spending and social poverty to misappropriation and theft rather than low taxes. As Nodia explains, this is why the successful parties continue to be right wing in spite of the poverty of the population at large,

No political party can achieve serious success in Georgian elections unless it attracts the votes of a large part of those who lived below the poverty line. However, attracting such votes does not involve the nostrums of the traditional left, such as supporting social equality against market forces. Instead, the stress is on fighting corruption. It is corruption rather than specific economic policies that is considered responsible for poverty.²⁷

As a result, even where political parties talk about reducing government expenditure, their first target are the areas where the government allegedly use large ‘reserve funds’ to

²⁷ Nodia Ghia and Alvaro Pinto Scholbach, *the Political Landscape of Georgia: Political Parties Achievements, Challenges and Prospects*, Eburon Delft, (2006), p16.

produce political patronage. As Kakha Kukava, a prominent MP from the Conservative party, says,

We are a centre-right party so we favor smaller government. There are hundreds of state institutions that should not be paid for by the state budget. For example, libraries, musical and artistic groups and the patriot program and its camps (Georgia's national youth organization). These are all paid for through a reserve fund amounting to \$60 million. The state should not finance camps when state employees make 60 Lari a month.²⁸

In addition to this a number of other elements encourage the political opposition in Georgia to avoid clear expression of policies. In the simplest terms this might be explained by historical experience. As Nodia again explains,

Recent Georgian history teaches them (or that is the lesson they draw from it) that if the state power implodes, the group that has been most radical in denouncing the government has the best chance of coming to power, while the moderate and considerate ones lose out.²⁹

²⁸ Interview with Kakha Kukava, Conservative Party of Georgia, Tbilisi, Georgia (11th May 2006).

²⁹ Nodia, Ghia, *Heading for a New Revolution*, Kvali Online Magazine, <http://www.kvali.com/kvali/index.asp?objektivi=show&n=456> (8th September 2005)

One effect of this calculation is that it discourages reasonable opposition and the presentation of alternatives in favor of issue-based populist demonstrations and extremist tactics. This is clearly part of the calculation of the Labor Party and as always in Georgian politics it is open to two interpretations. As far as the government is concerned opposition behavior is all about producing and fighting over the ‘hate vote’. As Bokeria says, ‘there is a lot of competition over the, roughly 25%, hate vote and, as a result, they are continually fighting to show who is toughest on the government’.³⁰

From the point of view of the opposition, reliance on public protests is understandable, given the belief in much of the opposition that the conventional electoral process will be unavailable to them because of biases in electoral law and even electoral fraud. Equally, popular demonstrations are a good way of raising one’s profile in a situation where one is politically under-represented. This can start to explain why the Labor Party has been so successful in setting the opposition agenda on a range of issues. Even with the best intentions in the world, other opposition parties may feel obliged to join some of the popular demonstrations for fear of appearing ‘out of touch’.³¹

The failure to express clear and consistent policies and the tendency to engage in populist action can also be explained by the inclination in Georgian politics towards the cult of the personality, where leaders are elected for their charismatic personality rather than their policy prescriptions. As a result many, including the government, seem to believe it is

³⁰ Interview with Giga Bokeria, United National Movement, Tbilisi Georgia, (14th June 2006).

³¹ Although, even in this environment, it has to be pointed out that the involvement in public protests has not been constant across parties. While labour and Conservatives have been involved in most of the protests, the Republican New Rights have attended far less often.

more important to appear strong than it is to appear reasoned and consistent. In the government being strong seems to translate into a penchant to police responses to protests. For opposition leaders strength lies in unqualified condemnation of the government and demands for resignations over almost any issue. Again, the labor party commonly refers to the United National Movement as, ‘a one-party, totalitarian, rule-by-terror government which engages in the social genocide of its population’.³² Even the Republicans will use extreme language, referring to the Government's attitude to the law as ‘neo-Stalinist’.³³ And the Government is just as bad. Minister of Defense, Irakli Okruashvili, for example, in attacking the association between the Republican party and the popular and well respected Georgian Young Lawyers Association suggested they had become ‘a family political party's appendage that supports criminal kingpins’.³⁴

Whatever the reasons (and the paper will discuss government complicity in this below) opposition involvement in public protests and popular issues have made it even more difficult to clarify their position ideologically. For example, opposition support of the protests against increases in electricity prices seem to undermine their espoused free-market values. They have also missed several opportunities for more reasoned public engagement. For example, when the New Democratic Institute invited opposition parties to attend a round-table discussion on the proposed amendments to the election law last summer (with NGOs and press in attendance) the only opposition member to arrive was the Kakha Kukava from the Conservative Party. This has perpetuated the view in some

³² Shalva Natelashvili, quoted by William Dunbar, ‘Opposites Attract’, *Georgia Today*, (21st April 2006).

³³ William Dunbar, ‘Opposites Attract’, *Georgia Today*, (21st April 2006).

³⁴ Irakli Okruashvili, quoted by *Imedi TV*, 10th January, 2006

quarters that they would rather avoid engagement on electoral reform so that they are left free to condemn bad results as unfair.

Equally, the government feel that on the few occasions they offer concessions these are simply seen as a sign of weakness, rather than as a starting point in negotiations. Bokeria, for example, claims that in the discussion over the electoral law he offered a compromise with the opposition. In this compromise he said the government would accept a fully proportional system over the election of the Council in exchange for opposition acceptance of Council (rather than directly) elected Mayors. ‘They saw compromise as a sign of weakness’, Bokeria said. ‘Not only did they reject our proposal but they pushed us with outrageous claims suggesting that this was ‘the end of democracy’’. He continues, ‘Now there are certainly arguments on both sides, but there is no consensus on this [Which is more effective and democratic]. To suggest that the Council electing a Mayor rather than direct election is ‘the end of democracy’ is just ridiculous.’³⁵

That said, the tendency of the government to dismiss all public protest and to marginalize opposition for their involvement in it seems equally unreasonable. For example, in relation to a range of different protests against the government use of force, Usupashvili has argued,

It is the policy of the government to present our actions on human rights as involvement with criminals. Well, everyone in prison or in the courts is a criminal

³⁵ Interview with Giga Bokeria, United National Movement, Tbilisi, Georgia, (14th June 2006).

or potential criminal but we do not believe that the world divides into ‘good guys’ and ‘bad guys’. Everyone has human rights that need to be protected under the law.³⁶

In each of these cases it is impossible to attribute blame without a consideration of the detail of the situation. Unfortunately, whoever is right, it is clear that both sides have been happy to facilitate the political polarization that this kind of interaction creates.

Failure to co-operate

Another area where the Georgian opposition are often criticized is their failure to co-operate with each other. The significance of the alleged failure to cooperate is that, particularly in the current climate, a unified opposition may have greater opportunity for electoral success. Mark Lenzi from the International Republican Institute, argues that a unified opposition in, for example, the Tbilisi City Council elections could create some surprising results. As he points out, ‘Unified opposition would send a signal to the electorate which might strengthen their numbers and gain further support’.³⁷

³⁶ Telephone interview with David Usupashvili, Chairman of the Republican Party, Tbilisi, Georgia, (16th June 2006).

³⁷ Interview with Mark Lenzi, Country Director, International Republican Institute, Tbilisi Georgia, (6th June 2006).

One of the possible reasons why political cooperation may be difficult in Georgia is that ideology only provides one cleavage for dividing political groups. Equally important, it is often suggested, is the division over who supported the Rose Revolution and who did not. The implication of this analysis is that the New Rights, Industrialists and Labor are unlikely to cooperate with the Conservatives and the Republicans. At the same time, conflict between New Rights and the Industrialists makes their cooperation unlikely.

However, there seems to be little reason to believe that these cleavages will create real barriers to opposition where it is seen to be politically expedient. There has, for example, been a consensus that in the Mayoral elections the opposition would be prepared to stand behind Zourabichvili (though she is not interested). In addition, they have been unified in their boycott of the parliament as a result of the Valeri Gelashvili case and many of the parties unified in last November's bi-elections by using a primary system to present one opposition figure in each district.

Equally, there is tension between the desire to offer an ideological and policy oriented party platform and the aspiration to unite. As Tamuna Karosanidze, Executive Director of Transparency International Georgia argues,

Under Shevardnadze most people supported the unity of the opposition because the desire to remove him was strong. However, facing a government that remains fairly popular it is unclear that this strategy would be effective. If the opposition

unified now they could potentially lose seats as some opposition groups could be tainted by association to others.³⁸

For this reason, not only is it untrue to claim that the political opposition in Georgia is incapable of coordinating their activities where it is useful, it is far from clear whether a unified opposition would be beneficial to the opposition or Georgian polity generally, particularly in the longer term.

Administration and capacity of Political Parties

The final main concern with the political opposition is that they may lack the administrative and communicative structures of the modern Western political parties and, consequently, the capacity to compete. This concern can also be overstated. There are clear signs of organizational improvement in most of the main opposition parties.³⁹ With the help of international organizations like the International Republican Institute and the National Democratic Institute they are all trying to expand their regional party administration and design structures to clarify their message and communicate it to the population.

³⁸ Interview with Tamuna Karosanidze, Executive Director, Tbilisi Georgia, (5th June 2006).

³⁹ Interview with Mark Lenzi, Country Director, International Republican Institute, Tbilisi, Georgia, (6th June 2006).

The Conservatives and the Republicans in particular seem focused on expanding their base and using innovative methods to make their internal structure more effective and transparent. The Conservatives, are very proud of their internal democracy and their attempt to use primary elections and cross-party candidates in the bi-elections. The recent attempt to unify behind a single mayoral candidate in Tbilisi, suggest that these innovations are set to continue.

That said, structural problems persist. Fund-raising and party participation are always difficult for small parties, and the opposition feel this problem is made worse by the government's abuse of its executive power (to be discussed below). However, new legislation providing government provision of limited electoral funding and access to the media for qualified political parties should help.

Common Concerns with Government Behavior

While a range of concerns are leveled at the opposition in Georgia for being unconstructive, populist and disorganized, the opposition are nearly uniform in the characterization of the governments faults. In essence these complaints amount to two charges. First, they claim that the government is using its unquestioned current power to change the rules of the electoral game in its own favor, either by centralizing power in the executive or by changing the electoral process to facilitate ruling party dominance.

The second complaint is that they are using their power to intimidate the little dissent that might exist in society ignoring the rule of law in order to pursue questionable reforms and in so doing, perpetuating the worst and most manipulative elements of Soviet politics.

Both of these charge are potentially devastating to the government, not only because of the impact they have on the opposition, but because they support a broader societal perception that the new government is just engaging in the same old abuses as previous governments. In this way the behavior of the government towards the opposition parties is a considerable litmus test of their liberalizing aspirations. As Nodia again states,

At the end of the day, his [Saakashvili's] presidency will be considered successful if he hands over his power to the successor with due ceremony, at the appointed time, and with a broad smile on his face. If this successor turns out to be one of his political rivals, that will be an important precedent for democracy in Georgia.⁴⁰

In the analysis below I will argue that while electoral changes are likely to benefit the ruling party, particularly in the local elections, they do not seem likely to exclude wider opposition involvement. Similarly, while legal and human rights abuses by the government (real or perceived) may be devastating to the political process at large, they

⁴⁰ Ghia Nodia, *Heading for a New Revolution*, Kvali Online Magazine, <http://www.kvali.com/kvali/index.asp?objektivi=show&n=456> (8th September 2005).

also do not seem set to crush potential opposition and if anything have galvanized opposition support.

Electoral Reform

One of the biggest concerns of the opposition parties is that the electoral system itself, already biased against them, is getting worse. The most obvious example of this is the 7% election threshold for the Georgian parliament. The logic behind this threshold is that it should encourage consolidation of political parties but since it almost excluded all opposition from the parliament in 2004 it could produce problems for 2008. Mark Lenzi of International Republican Institute puts the point most clearly,

the 7% barrier is a giant obstacle to political participation in Georgia. I cannot stress that enough.... In the last [parliamentary] election the Labor party were excluded by 0.1% and if the New Right/Industrialist coalition had gained a 0.2% lower vote then there would have been no opposition parties entering the parliament.⁴¹

Curiously, this issue does not gain a lot of attention from the opposition parties, probably because it would require them to tacitly accept their relative weakness. Nonetheless, the Council of Europe, has recommended that the election threshold be lowered to 3-5% (in

⁴¹ Interview with Mark Lenzi, Country Director, International Republican Institute, Tbilisi, Georgia, (6th June 2006).

line with most common practice in the international community.⁴² Another concern with the amendments to the election code is that majoritarians, many of whom were previously independent, will now have to be affiliated with a political party. This strongly favors the government since majoritarians want state patronage for their districts and because the ruling party have the best national party network.

Changes to the local election law (currently going through their second reading) constitute a more pressing concern. This concern takes three main forms; the composition of the election commissions and election administration, the structure for assigning seats in the Tbilisi City Council and the election of the Tbilisi Mayor by council members.

First, the Central Election Commission and the Regional Election Commissions previously had representatives from different political parties. The government has abolished the old system and replaced it with commissioners who have no formal political affiliation. The justification for this is simple, as Nina Khatiskatsi, Parliamentary Program Director with Transparency International argues,

Having political participation in the election commissions did not work to balance political bias. Instead the partisan groups would cut deals with each other essentially saying, if you let us take one seat then we will let you take another.⁴³

⁴² Venice Commission and OSCE/ODIHR, *Draft Joint Opinion on the Election Code of Georgia: as amended up to 23 December 2005*, Strasbourg/Warsaw, (10 April 2006).

⁴³ Interview with Nina Khatiskatsi, Parliamentary Program Director, Tbilisi, Georgia, (5th June 2006).

However, as she also states, for this reform to be accepted, particularly in a post-Communist context, where the presumption of corruption is ubiquitous, it was essential that the government took extreme steps to ensure transparency in the process. Not only have they failed to do this, but on the national and regional level they have acted in a way that fuels suspicions about the government filling the commission with its own supporters.

At a national level, the requirements for commission membership were extremely vague, and several of the commissioners (ultimately selected by the President) have clear government connections. At a local level, while all applicants were required to sit an exam it was not the case that the highest scoring applicants were appointed.⁴⁴ One prominent international observer told me, ‘the CEC is not independent, pure and simple’.⁴⁵

The government, of course, don’t see it this way. Bokeria, argues that all of these changes have been done to facilitate a system that is as reliable and unbiased as possible. ‘Sure’, he says, ‘since a lot of people in this society are supporters of the government, opposition to the government could not be a criteria for selection. What matters is that these people [members of the CEC] are now politically untouchable’.⁴⁶ In addition there is clearly a

⁴⁴ Ibid.

⁴⁵ Off the record interview with Senior international assessor.

⁴⁶ Interview with Giga Bokavia, United National Movement, Tbilisi, Georgia, (14th June 2006)

sense in the government that there is nothing wrong with putting people they know and trust in these positions since the government will be held responsible for the fairness of the outcome. As Bokeria continues,

the ultimate test for this will be the assessment of the international community after the elections...The opposition will complain either way. In the recent bi-elections the opposition claimed that it was the worst case of fraud ever, but after a couple of days they shut up because the election observers said it was the cleanest election in Georgia's history.⁴⁷

The new election code has incorporated some of the recommendations of the Council of Europe, removing residency requirements for candidates (which may have excluded Salome Zourabichvili) and turn-out requirements (which had in the past allowed the government to keep re-running the election if it did not like the result). Nonetheless a number of elements have remained that clearly benefit the government. Perhaps, most important, is that the government have actually reduced the notice period for the elections from 45 to 40 days. Therefore, not only can they call an election at a time that is politically expedient but the opposition will be given very little time to prepare.

⁴⁷ Ibid. While it is true that the elections were deemed free and fair by *International Society for Fair Elections and Democracy* and *New Generation – New Initiative* both organisations still accepted there had been problems with the voter lists. See, 'Ruling Party Leads in the Polls, *Civil Georgia*, (2nd October 2005)

A similar problem of timing exists for voter registration. The government itself acknowledges that up to twenty percent of the electoral list could be wrong but the current system will only allow two weeks after the publication of the final list for it to be corrected. Even if the political parties had the resources to be able to check the list (which they do not) there is no possible way that they would be able to do so.⁴⁸ This is worrying, not simply because it is biased in favor of the United National Movement (who have more resources for checking voter registration) but runs the great risk of creating the perception of fraud. If one in five people who turn up to vote are turned away then (given Georgian predilection for conspiracy theory) this could create the perception of massive fraud even if none exists.

The second concern relates to the election of Tbilisi's City Council and Mayor. Under the new constitution, to be passed in the next few weeks, the elections to Tbilisi City Council takes on an extreme form of majoritarianism, where ALL of the seats for each Tbilisi's districts are given to the party with the highest vote in that region (so all three seats in a district could go to a party with only 25% of the vote if its closest rival had 24%). There is common consensus amongst the parties and the international community that this is a simple ploy on the part of the government to weight the electoral math in their favor.

This is made particularly problematic since the government has continued the practice whereby the Mayor is elected by the City Council rather than by a direct vote of the

⁴⁸ Off the record interview with senior international assessor.

electorate. Again, though the government argues that the Council elected Mayors will be more effective with the Council backing, the consensus seems to be that this is a political maneuver to ensure United National Movement control over the Tbilisi Council and Mayor. This argument is further supported by the fact that Saakashvili himself, when in opposition, argued for directly elected Mayors. Another senior observer of the Georgian political system told me,

Saakashvili is aware that the mayor of the Tbilisi City Council is arguably the second most important political position in Georgia. After all, Saakashvili effectively used his time in this position to oppose Shervadnadze. He therefore considers it vitally important that this position is held by one of his guys.⁴⁹

It is clear, therefore, that the changes to the electoral law have two negative consequences. First, they do create a bias in favor of the ruling party. Second, they create a perception that the government is manipulating the political process in all its forms, for their own ends. They justify this excessive control over the electoral process by saying that since they are the ones judged by the results, they should be given latitude to construct the process as they see fit. Unfortunately, the demand of the government to ‘trust us’ is not only unrealistic given the history of politics in the region but fails to understand that the seat of trust should be in the process and not the result. All of that said, while the proposed system does benefit the ruling party, it is unlikely to exclude

⁴⁹ Ibid.

opposition from regional councils. Equally, while the parliamentary elections also currently benefit the ruling party this largely results from opposition under-representation in the regions, rather than anything about the electoral system *per se* and may change dramatically by 2008.

Extension of Executive/Ruling Party Power

A second concern of the opposition is that the government is using its current power to centralize political authority and increase the prospect of its own re-election by abusing government resources. This concern, again, takes two forms. First, it is believed that the constitutional changes that help encourage the defection of some government supporters were designed to increase the power of the ruling party. In particular, they argue that government changes to the constitution in 2004 that formally produced a division of powers between the parliament and the presidency actually acted to enhance the power of the a super-President since the President (who is still the leader of the political party) can ensure the appointment of his chosen cabinet, and if things go wrong, can now use the dismissal of the Prime-Minister as a scape-goating strategy.

Second, the opposition worry that the executive will be able to use its financial and political influence in government as a tool for securing electoral support. They object to the President's involvement in local election campaigns particularly since he has considerable discretionary funds for public works that could be used as pork for buying political patronage.

The governments response to this charge is that it is simply politics, as practiced in large parts of the world. As Bokeria again argues,

Elected political figures are a natural part of any campaign. The important test is whether the government uses funds for political purposes, printing election documents or financing candidates. However, if we are being criticized for keeping our promises, for repairing schools and building roads in electoral districts then this is what the political process is about. We get to use our successes to our advantage and they get to use our failures against us.⁵⁰

This is perhaps a little simple, particularly given the large discretionary funds that the government has at its disposal, which could be used to target marginal constituencies. In addition it, again, fails to take account of local political history where this behavior could be seen as old-style clientelism. All of that said, these changes are hardly the destruction of democratic politics since they are still strategically dependant on the successfulness and popularity of the United National Movement.

Judiciary, the Rule of Law and Human Rights

Perhaps one of the most serious charges placed against the current administration is that they have consistently come to accept as standard practice their own exception from the

⁵⁰ Interview with Giga Bokeria, United National Movement Tbilisi, Georgia, (14th June 2006).

rule of law and their political involvement in the legal process. This has been seen in a number of different areas. First, following the Rose Revolution, the government dismissed many of the Judges on the basis that they were believed to be corrupt. This has created a number of concerns regarding the experience of their, largely very young, replacements. More significantly for the opposition has also been the concern that the new members of the judiciary, as political appointments, understand that they owe patronage to the government and has, therefore made them susceptible to political pressure.

Second, is the concern that corruption charges have been selectively applied. The selective application of laws in a society where everyone is at least partially tainted, is a consistent characteristic of post-Soviet politics generally and the opposition have almost certainly been right to highlight its debilitating effects. Again, the Valeri Gelashvili case is a clear example of this. Gelashvili's exclusion from Parliament on the basis of his business dealings looks like it was motivated by politics. Gelashvili had been involved in disputes with the government, and Saakashvili in particular, and had also made serious government enemies when he publicly insulted the President and his wife. However, excluding him from the government (after he had already been beaten to within an inch of his life in suspicious circumstances – which I will discuss below) has moved his case into the political centre stage and has supported the consensus in society that the government will use the tools of executive office to pursue its political enemies.

Finally, this impression, created in the Gelashvili case has been supported by a number of other incidents, which have led many people to believe that even violence will not be excluded as a tool of political intimidation. Within two weeks of Gelashvili's insult of the President, he was attacked and severely beaten in broad daylight. Given the history of political practice in the Caucasus, where such beatings were a common part of political life, as Ghia Nodia has argued, it is not unreasonable that the opposition and the population at large operate under the presumption of government guilt.⁵¹ Whether or not the government was directly involved, the fact that the assailants have not been captured or even, apparently, relentlessly pursued, has served to perpetuate this impression. At the same time, excluding a politician for his business activities when numerous other members of the parliament fail the same test can only encourage the belief that the decision was politically motivated.

Many other cases have acted to support the same belief. One obvious example of this was the beating of Conservative Party Leader Koba Davitashvili. In the summer of 2004 there was a protest concerning the proposed relocation of a market in Batumi. As William Dunbar explains,

Davitashvili, fighting the corner of the humble trader (not for the last time), claimed that the decision to relocate the market had been made illegally, and submitted a lawsuit to that effect. Arguing that no municipal ruling can be carried

⁵¹ Ghia Nodia, *Heading for a New Revolution*, Kvali Online Magazine, <http://www.kvali.com/kvali/index.asp?objektivi=show&n=456> (8th September 2005).

out while there is a suit pending, he held the line with the traders, saying that the authorities had no right to expel them. Unsurprisingly, the authorities took a rather different view, and moved in wielding truncheons. Davitashvili was beaten-up and severely concussed (along with several others).⁵²

Again, regardless of who exactly gave the order for the police to move in, this has perpetuated the belief that the government are prepared to use violence as a political tool and perhaps one of the reasons why Davitashvili has such high opinion poll ratings to this day.

Space will not allow the investigation of other instances of intimidation. Interior ministry involvement in the use of excessive force has worked to undermine faith in the government. And there seem to be plenty of examples of this kind of abuse, against prisoners, in the case of the recent riots, against political opponents, as appears to be the case with Valeri Gelashvili or Koba Davitashvili, or simply out of personal malice as has been suggested in the death of banker Sandro Girgvliani. In each of these cases the Public Defender of Georgia (the equivalent of the parliamentary Ombudsman) has argued that there exists a justified concern about possible government complicity.⁵³ On the best conceivable interpretation (and not one that most Georgians would believe) the government has been far too unprepared to pursue crimes in which it might be

⁵² Dunbar, William, 'Friends, Foes and the Conservative Party', in *Georgia Today*, (11th May 2006).

⁵³ Telephone interview with Sozar Subari, Public Defender, Tbilisi, Georgia (17th June 2006).

implicated. In the worst case scenario the government has regularly abused its power to harass and assault its enemies and opponents.

All of that said, for the purposes of this paper the question is not whether the Government have behaved badly but whether their behavior has undermined the effectiveness of the opposition. On the face of it, perceived human rights abuses seem to have done the reverse. While the impact of government infractions, whether real or imagined, may be debilitating to the Georgian polity generally, if anything it has galvanized support behind the opposition and solidified their ability to act together.

Conclusion

It is clear that the political opposition have a range of problems. In the aftermath of the Rose Revolution, the political mandate given to the government has allowed it to act without the usual parliamentary checks and balances, and has even allowed it to change constitutional and election law at will. In the process, even with the most positive interpretation of government motives, this paper has argued that they have failed on at least three counts.

First, they have failed to show the appropriate level of sensitivity to Georgia's political past and the cultural assumptions this creates. The opposition and the population at large are not unreasonable to assume suspicious motives in government actions and it is incumbent on the government, particularly in relation to constitutional issues and charges

of political intimidation, that it maintains the highest possible standards of accountability and transparency. In failing to do this it has allowed the impression to grow that the current government are just engaged in 'business as usual'.

Second, the government has systematically ignored the truism of constitutional and electoral law that the value of the law is not about results but faith in the process. Again, even with the best interpretation of its motives, it has forced through changes to the constitution that clearly benefit its electoral prospects. At the same time it has failed to assure the opposition, the international community or the public at large that certain key institutions are independent. This may be expedient for pushing through much needed reform but can potentially make it open to charges of political abuse and therefore damage faith in the electoral process.

Finally, its treatment of the opposition has encouraged political extremism. This may have a Machiavellian logic. As Nodia again argues,

Opposition radicalism is advantageous for the government because it makes it easier to dismiss the opposition as an irresponsible and destructive force. The legitimate opposition should be listened to and accorded at least the outward signs of respect. A radical, criminal opposition, however, can simply be written off.⁵⁴

⁵⁴ Ghia Nodia, *Heading for a New Revolution*, Kvali Online Magazine, <http://www.kvali.com/kvali/index.asp?objektivi=show&n=456> (8th September 2005) , p12

At the same time, the government uses the alleged ‘criminality’ of the opposition, and those with whom they are associated as a justification for their strong-arm tactics.

Whether or not this has been the motive for government action it has polarized the political process in Georgia and makes it very difficult for a credible opposition to emerge. This is, of course, understandable. No political party organizes its behavior to actively facilitate its own demise. However, if the government behavior persists, then the process as a whole runs the risk of dying a death by a thousand cuts, undermining faith in the political process as a whole.

In many ways the opposition have not helped their own situation. The inclination of some to engage in outrageous accusations and mercurial populism has undermined their ability to offer credible policy alternatives. This is unfortunate since, even though issues of corruption and government abuse are important to the voters, these issues consistently rank lower than economic concerns like unemployment in popular concerns.⁵⁵ To move out of the political margins, opposition parties will have to deal with the government on issues beyond constitutional law and human rights. They will also have to do so beyond policy documents, incorporating a consistent ideological line into stump speeches and day-to-day political engagement.

All of that said, there seems to be basis for optimism. While the local elections are probably biased in favor of the government this is only because the ruling party are still

⁵⁵ ‘Georgian National Voter Study 2006’, *International Republican Institute* (April 2006).

very popular and have a better national network than their opponents. Majoritarian systems benefit the most popular party but this need not necessarily be the party of Government. In addition, parliamentary election law is nowhere near as biased (though the party requirements for majoritarians is still a source of concern) and as long as the opposition parties are effective in building their national party institutions there is good reason to believe they will do better than current polls suggest in 2008.

Finally, while there are considerable concerns about the activities of the government vis-à-vis the rule of law and human rights there seems little evidence to date that this has pressed the opposition into submission. Far from it, if the government has one lesson to learn from its activities on human rights and the judiciary it should be that abuses, or even perceived opportunities for abuse, encourage support against them. As Bokeria is keen of saying, the ultimate judge of their activities will be the election results and the perception of them by the international community and the population at large. If they are not careful, by allowing themselves to be seen as just another heavy handed and self-serving administration they may obscure the good work they have done and face a judgment they do not expect.