



# THE HIGH PRICE OF EXTREME POLITICAL POLARISATION IN GEORGIA AND WHAT TO DO ABOUT IT <sup>1</sup>

## EXECUTIVE SUMMARY

In the realm of politics, Georgia is extremely polarised. The EU, the Council of Europe, the OSCE/ODIHR and NATO have all identified polarisation as an obstacle to Georgia's democratic consolidation.<sup>2</sup> The World Bank described it as a serious structural challenge.<sup>3</sup> But, unlike the political divisions that are opening up across Europe, in Georgia there is often no clear ideological distinction between the competing political interests and parties.

At present, the major confrontation occurs between Georgia's two major political parties: the ruling party Georgian Dream, whose division and internal disputes have led to the resignation of the prime minister, and the former ruling party United National Movement, which has recently split into two parties – the United National Movement and European Georgia. While programmatically they both occupy the centre of the political spectrum, they are consistently at loggerheads. Aside from the Labour Party and the new Alliance of Patriots of Georgia, neither of which has gained significant traction, all of the Georgian parties position themselves at the centre of the political spectrum. Most of the parties offer similar platforms and messages, speaking out in favour of pro-market reforms and declaring Euro-Atlantic integration to be a top foreign policy priority.

Extreme political polarisation has multiple negative effects on the quality of democracy in Georgia. It causes intense delegitimisation, which works to split Georgian society into hostile camps. Additionally, democracy and human rights have at times been sidelined and politically instrumentalised.

While many of the consequences of extreme polarisation create a sort of feedback loop, further reinforcing and extending Georgia's polarisation, there are historical and institutional root causes of Georgia's high level of polarisation. Issues such as the political culture and the difficult past must be addressed before Georgia can de-escalate extreme polarisation to strengthen a more issue-based political discourse.

This report is based on the findings of the project "Strengthening Political Pluralism in Georgia" implemented by Democracy Reporting International (DRI) and Georgian Young Lawyers Association (GYLA). The results were collected through media monitoring, consultations workshops and meetings with civil society and media representatives.

<sup>1</sup> This report has been prepared by DRI and GYLA based on research, fact finding and the outcome of the joint project implemented in 2016-2017.

<sup>2</sup> See, e.g., Resolution of the Parliamentary Assembly of the Council of Europe, "On the Functioning of Democratic Institutions in Georgia," 01 October 2014, <<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21275&lang=en>> (18 July 2018); and NATO Parliamentary Assembly Declaration 435, "On Supporting Georgia's Euro-Atlantic Integration," 29 May 2017 <<http://scara.gov.ge/en/2011-09-08-07-44-18/885-2017-05-29-13-28-22.html>> (18 July 2018).

<sup>3</sup> World Bank Group, "Polarisation and Populism, Europe and Central Asia Economic Update," November 2016, <<http://pubdocs.worldbank.org/en/278581479765753603/ECA-Economic-Update-Nov-2016-Eng.pdf>> (18 July 2018).

## 1. INTRODUCTION

Despite the fact that political pluralism is an established feature of Georgia,<sup>4</sup> the country has become one of the most polarised democracies in Europe.

Polarisation is not a new feature in Georgian politics. The country has experienced several waves of extreme polarisation over the last two decades of democratic transition since the breakdown of the Soviet Union.

After gaining independence from the Soviet Union in 1991, Georgia faced a decade of economic depression, a war and several conflicts.<sup>5</sup> This period was characterised by fierce rivalry between political forces, including armed confrontations and coups, as well as the use of repression against opponents' followers. From 1992 Eduard Shevardnadze acted as head of state through a series of positions, eventually with the title of President. Corruption, nepotism, and violent crimes characterised the period of his rule. At this time Georgia topped the list of the most corrupt countries in the world, according to Transparency International. The turning point came with the rigged elections in 2003, which led to the bloodless "Rose Revolution."

This period was followed by the United National Movement (UNM) rule under Mikheil Saakashvili's presidency from 2004 to 2013. The UNM was effective in combating low-level corruption, strengthening state institutions and diminishing both organised and petty crime. However, power was concentrated among a small circle of UNM personnel and they often resorted to serious violations of human rights and the rule of law.<sup>6</sup>

After a tense and violent pre-election period, the Georgian Dream (GD) opposition coalition won a victory at the ballot-box and ousted UNM in 2012.<sup>7</sup> Instead of bringing the nation together, this seemingly peaceful transfer of power (the first of its kind in Georgia's post-independence history) did not soften extreme polarisation. GD's goal seemed to be to destroy their predecessor, the UNM. In the 2016 parliamentary elections, GD gained the constitutional majority and this shift, along with the subsequent constitutional reform that they initiated, has further polarised Georgia.

## 2. EXTREME POLARISATION AS A CHALLENGE TO DEMOCRACY

Polarisation is often conceptually thought of as a measure of the distance – either ideological or social – between different societal groups.<sup>8</sup> As such, polarisation is an inherent part of any democracy that is characterised by pluralism and diversity based on differences of identities, interests or attitudes. Indeed, a measure of polarisation is necessary in democracies to offer voters identifiable electoral options.

In a democracy, the principle concern is that the differences and competition between different groups, whether in left-right or other manifestations, should be peacefully managed, not eradicated.<sup>9</sup> Politicians often use extreme polarisation as a tool to legitimise themselves (at the expense of others), mobilise supporters and create a solid base of loyal support. If competition goes beyond universally accepted boundaries, democracy may be put at risk or its effectiveness diminished. When polarisation – because of its extent – becomes a challenge rather than a natural feature of democracy, it is referred to as pernicious or extreme polarisation. These are typical features of extreme polarisation:

**It goes beyond electoral processes and ordinary political struggle.** In situations of extreme polarisation, political competition is not just about mobilising supporters and portraying oneself as preferable to a political rival in the electoral context. Politicians delegitimise their opponents. Instead of policy debates or issue-based discussions, politicians use personal attacks and vilify opponents.

Pre-election rivalry becomes so fierce that trying to engage in dialogue and consensus with those 'others' after elections becomes tantamount to betraying one's own beliefs and supporters. Elections and politics turn into a zero-sum game, where the winner takes all while the loser not only loses power, but may also face retribution and persecution. This creates a risk that the losing parties will destabilise the country in order to impede governability and force out the winners,<sup>10</sup> which in turn pushes the winners to see the losers as a critical existential threat that needs to be vanquished.

**It affects citizens' daily lives.** When polarisation reaches a pernicious level, it is reproduced at the social level "It sharpens 'us-versus-them' identity politics and affects the interpersonal relationships and group interactions of ordinary citizens. Ordinary people internalise the partisan divide in their day-to-day life, society becomes divided between two camps that hardly interact with each other<sup>11</sup> and ordinary people start to put arbitrary labels on people who have different political attitudes. As DRI's [video campaign](#) showed, many Georgians cannot imagine dating somebody with another political belief.

<sup>4</sup> National Democratic Institute (NDI), "Final report of the NDI on Georgia's October 2016 Parliamentary Elections," <<https://www.ndi.org/publications/final-report-national-democratic-institute-georgias-october-2016-parliamentary>> (18 July 2018).

<sup>5</sup> Freedom House, "Nations In Transit, Georgia 2016," 14 November 2016, <<https://freedomhouse.org/report/nations-transit/2016/georgia>> (18 July 2018).

<sup>6</sup> Freedom House, "Nations in Transit, Georgia 2016."

<sup>7</sup> Freedom House, "Nations In Transit, Georgia 2016."

<sup>8</sup> Jennifer McCoy and Tahmina Rahman, "Polarized Democracies in Comparative Perspective: Toward a Conceptual Framework," Working Paper, 2016.

<[http://paperroom.ipsa.org/papers/paper\\_54556.pdf](http://paperroom.ipsa.org/papers/paper_54556.pdf)> (accessed 18 July 2018).

<sup>9</sup> McCoy and Rahman, "Polarized Democracies in Comparative Perspective."

<sup>10</sup> McCoy and Rahman, "Polarized Democracies in Comparative Perspective."

<sup>11</sup> McCoy and Rahman, "Polarized Democracies in Comparative Perspective."

**Perceptions prevail over rational debates.** In cases of extreme polarisation, citizens start to respond to policy debates and external developments not through their own judgement, but through their group identities. This “camp-mentality” weakens independent public opinion and has a disinformatonal effect.<sup>12</sup>

As the camp-mentality grows stronger, citizens’ information becomes more biased and their picture of “political reality” grows less objective. The gap between the “political reality-perceptions” of groups with different political outlooks widens. Individuals with strong political views are more willing to listen to news that confirms their own political beliefs and the analyses of their own party leaders, while – through selective perception – they suppress and filter out information that makes them uncomfortable.<sup>13</sup>

**It threatens the middle ground.** In highly polarised contexts, there is no – or very limited space for – people who hold middle ground positions. People are forced to take sides. “Persons who do not hold your opinion become perceived as an ‘enemy’ who does not share any common trait with you (in terms of identity or interest or both).”<sup>14</sup> Who is not for you, must be against you. It does not matter whether or not one actually supports a particular camp; in a highly polarised society, individuals are seen as belonging to one side or the other and are forced to choose a camp.<sup>15</sup> The middle ground shrinks, and any attempt to compromise with the other side is seen as treason.<sup>16</sup> This eliminates any chance of dialogue between opposing groups and further contributes to polarisation.<sup>17</sup>

**It entails risks to political stability.** The break-down of social trust and normal interaction between different segments of society may create problems of governance, as the two camps are unwilling and unable to negotiate or compromise. The two camps see no point in socially interacting with individuals from the other camp or entering into a dialogue to solve common problems.<sup>18</sup> Instead of seeking and achieving some consensus over public policy issues or neutralising veto points, polarisation increases the motivation of the opposing side to block government policy in every possible way.<sup>19</sup>

**It reduces democratic accountability.** Democratic control and the accountability of politicians is weakened if most voters firmly belong to one camp.<sup>20</sup> When a government can count on the votes of its own camp in all circumstances and the number of swing voters is low, there is little incentive

for moderation or trying to win over voters from the other camp. The focus on the public interest will be low.

### 3. NATURE OF POLARISATION IN GEORGIA

Georgia’s political environment is characterised by an **extreme level of polarisation**. Polarisation between different political actors goes beyond the usual political competition and electoral processes. Demonisation and vilification of political opponents, as well as mutual accusation in past crimes have become common features of politics in Georgia.<sup>21</sup> Constructive discussions and debates about policy issues are overshadowed by personal attacks and arguments about the past. Political and social problems that affect society remain unsolved.

Polarisation in Georgia is **mainly political and personal, as opposed to ideological**. Traditionally, Georgian political parties are identified not with their ideologies, but with party leaders. Parties and leaders build their legitimacy upon the flaws and shortcomings of their political opponents,<sup>22</sup> rather than their party programmes or ideologies.<sup>23</sup>

Political party structures and internal decision-making processes in Georgia are viewed as underdeveloped, with parties often representing very small fractions of the population and failing to create unity around any set of values or ideology. Parties’ are ideologically weak and detached from issues that are of practical concern to the public.

Furthermore, polarisation in Georgia penetrates different social contexts and affects the daily reality of many people. One can observe that people often find it difficult or even unacceptable to stand up for a cause that is dear to them if they have to stand alongside representatives of the other camp.

Additionally, lack of trust within a society is believed to be among the most potent factors contributing to polarisation.<sup>24</sup> Georgian society is dominated by mistrust and the prevalence of conspiracy theories. Mistrust exists both towards the state and its institutions and at the interpersonal level. The World Value Survey (WVS) reported that only 8% of Georgians agreed with the statement “most people can be trusted,” which speaks directly to Georgian society’s low degree of “interpersonal trust.”<sup>25</sup>

<sup>12</sup> András Körösiényi, “Political Polarisation and Its Consequences on Democratic Accountability,” *Corvinus Journal of Sociology and Social Policy* Vol. 4, No. 2 (2013).

<sup>13</sup> McCoy, “Lessons from Venezuela’s Pernicious Polarization,” *Latin American Studies Association*, Vol. 4, No. 1 (2017) <<http://lasa.international.pitt.edu/forum/files/vol48-issue1/Debates-Venezuela-5.pdf>>.

<sup>14</sup> McCoy, “Lessons from Venezuela’s Pernicious Polarization.”

<sup>15</sup> McCoy, “Lessons from Venezuela’s Pernicious Polarization.”

<sup>16</sup> McCoy, “Lessons from Venezuela’s Pernicious Polarization.”

<sup>17</sup> McCoy, “Lessons from Venezuela’s Pernicious Polarization.”

<sup>18</sup> McCoy, “Lessons from Venezuela’s Pernicious Polarization.”

<sup>19</sup> Körösiényi, “Political Polarisation and Its Consequences on Democratic Accountability.”

<sup>20</sup> Körösiényi, “Political Polarisation and Its Consequences on Democratic Accountability.”

<sup>22</sup> Participant at DRI/GYLA fact-finding workshop, “Mapping Political Polarisation,” Tbilisi, Georgia, 18–19 July 2016.

<sup>23</sup> Participant at DRI/GYLA fact-finding workshop, “Mapping Political Polarisation,” Tbilisi, Georgia, 18–19 July 2016.

<sup>24</sup> Ghia Nodia, Álvaro Pinto Scholtbach, *The Political Landscape of Georgia Political Parties: Achievements, Challenges and Prospects*, Institute for Peace, Democracy and Development, Netherlands Institute for Multi-Party Democracy, and the OSCE Office for Democratic Institutions and Human Rights, 2006.

<sup>25</sup> Daryna Grechyna, “On the Determinants of Political Polarization,” *Economic Letters*, Vol. 144 (2016), p.10–14.

<sup>25</sup> World Value Survey “Self-Reported Trust in Others,” 2016, <<http://www.worldvaluessurvey.org/WVSDocumentationWVL.jsp>> (18 July 2018)

At the institutional level, there is a strong distrust that the state, especially law enforcement bodies and the judiciary, will perform its functions effectively and based on the principles of rule of law and political neutrality. Furthermore, distrust and cynicism are fuelled by the regular reforms of state institutions that consistently fail to produce desired results. The failure of these institutions to act as neutral and objective arbiters that can reduce the political temperature in tense situations further fuels the already potent polarisation.<sup>26</sup>

## 4. THE EFFECTS OF EXTREME POLARISATION

Extreme political polarisation has had multiple negative effects on the state of democracy in Georgia.

### 4.1 MIDDLE GROUND UNDER RISK

On the one hand, one can observe a shrinking middle ground – evident from election results and the constant verbal attacks against people who try to not belong to either of the leading political parties.

On the other hand, there is a growing number of disillusioned citizens who do not want to belong to either side. Instead of seeking a third option, this group is distancing itself from the political process altogether.

Public opinion polls demonstrate that confidence in political institutions is weak. Most Georgians do not believe that political parties are making changes that matter to them. They feel neglected by their elected representatives, particularly at the national level. Thus, many voters were undecided in the 2016 parliamentary elections. Eventually turnout was only 51,6%, suggesting a degree of discontent with the choices presented.<sup>27</sup>

### 4.2 MEDIA FURTHER POLARISED

Georgia's media environment is characterised as the most "free and diverse" in the region. Yet it is often seen as being tied to and instrumentalised by partisan interests.<sup>28</sup>

Polarisation of the media, their involvement in political disputes and the lack of a popular press with truly independent editorial policies all undermine the prospects of media freedom taking hold in Georgia.

A number of pervasive media practices violate journalistic standards. Examples include republishing of politician's social media posts without any analysis or context, failing to provide balanced perspectives on critical issues and

using misleading aggressive headlines all reinforce political antagonisms.<sup>29</sup>

Loyalties stretch beyond the news media and into daily forms of entertainment as well. Prominent TV channels are notorious for their biases and political affiliations which are evident in the shows that they host.<sup>30</sup>

### 4.3 HUMAN RIGHTS AND RULE OF LAW SIDELINED

NGOs and other groups working for the protection and promotion of human rights and the rule of law indicate that they often struggle in this highly-polarised environment.<sup>31</sup> It generates significant obstacles in their work to promote trust and respect for rights as universal principles. "In Georgia there is a proven tendency by many to conflate criticism [of the government] with sympathies for the 'other side' – the political opposition".<sup>32</sup> Given that these organisations are often responsible for voicing such critique, there is a broad sense in the civil society sector that individual NGOs 'belong' to a particular party, movement, or personality.

However, political parties also do not shy away from instrumentalising NGOs to serve their interests. One example is the noticeable number of fake observer organisations that usually emerge right before an election to "monitor" it. During the 2016 parliamentary election campaign, for instance, GYLA observed certain NGOs (about which very little information was known or available in public information sources), who portrayed themselves as neutral. In reality, however, they clearly overstepped the mandate of election observers, attempting to foster the interests of certain political parties. Use of such proxies can be identified on the side of the government and of the opposition.

### 4.4 FOCUS SHIFTED AWAY FROM MATTERS OF PUBLIC CONCERN, DEMOCRATIC REFORMS SUFFER

Political parties sometimes utilise polarisation to avoid finding solutions to matters of public interest. Polarised debates help political parties avoid responsible political behavior. Instead of addressing public needs, the debate turns into a forum to vilify the opponent and thereby obtain easy gains in the eyes of the electorate. This often causes the protraction, and even the failure, of important democratic reforms or the work of important state institutions.

<sup>26</sup> A clear example of such an institutional failure is in the court case against a top opposition-affiliated TV channel Rustavi 2 – when, instead of depoliticising the issue and ensuring distancing it from political context, the national court system further fueled the polarisation of the matter.

<sup>27</sup> NDI, "Final statement on Parliamentary Elections 2016."

<sup>28</sup> Freedom House, "Nations In Transit, Georgia 2016;" and see EU and UNDP, "Results of Media Monitoring of 2016 Parliamentary Elections in Georgia 2016," 16 December 2016

<http://www.ge.undp.org/content/georgia/en/home/presscenter/pressreleases/2016/12/16/eu-undp-summarise-parliamentary-election-media-monitoring-present-recommendations-to-georgian-media-.html> (19 July 2018).

<sup>29</sup> DRI-GYLA, "Media coverage of local elections adds to political polarisation in Georgia," October 2017, <<https://democracy-reporting.org/partisan-media-coverage-of-local-elections-adds-to-political-polarisation-in-georgia/>> (19 July 2018).

<sup>30</sup> DRI-GYLA, "Media coverage of local elections adds to political polarisation in Georgia."

<sup>31</sup> Participant at DRI/GYLA fact-finding workshop, "Mapping Political Polarisation," Tbilisi, Georgia, 18-19 July 2016.

<sup>32</sup> Freedom House, "Nations In Transit, Georgia 2016."

## 5. THE CAUSES OF EXTREME POLARISATION

Several factors causing extreme polarisation in Georgia can be identified.

### 5.1 SYSTEMIC AND INSTITUTIONAL FACTORS

**a) Electoral system.** Democracies can become polarised independently of their electoral systems, forms of government or levels of party institutionalisation. However, many analysts believe that Georgia's use of a mixed electoral system with a heavy majoritarian component has contributed to the build-up of two hostile camps with a limited middle ground.<sup>33</sup>

Georgian politics features a powerful, popularly elected head of state (president "First-term" presidential elections in Georgia consistently returned large majorities in the first round (87.6 in 1991; 77% in 1995; 82% in 2000; 96% in 2004; 54.8% in 2008; 62.1% in 2012).<sup>34</sup> Such strong popular support of the presidents, and parliamentary majority for their parties have emboldened presidents to flout constitutional divisions of power, push their agendas and reinforce the winner – takes it-all principle.<sup>35</sup>

**b) Weakness of political parties.** Over the 25 years of independence, political parties have been unable to firmly establish ideological profiles and become genuine representatives of different social groups (and their needs/rights). Thus, they have difficulties in offering attractive platforms for a political society. Party programmes are usually weak and inconsistent. Wanting to obtain maximum support through minimum work with the electorate, parties are often seen as lacking capacity in many fields and not working consistently or hard enough to create a solid electorate base. Internally the parties are weak, dominated by powerful leaders rather than democratic institutional structures and decision-making processes.<sup>36</sup>

**c) Political culture.** The political culture in Georgia is influenced by the Soviet legacy: the strong is leader is almost expected to suppress his opponents. Compromise and consensus are not respected political goals.<sup>37</sup> This makes the political fight fierce, as all methods to avoid defeat and, thus, obtain victory are seen as acceptable.

Each party sees itself as the exclusive owner of the truth regarding what is good for the country and the people and how processes should develop.<sup>38</sup> The other side is often portrayed as being evil. This approach also makes it more difficult to admit defeat and recognise the winner.

### 5.2 HISTORIAL FACTORS

**The role of trauma and insufficient reconciling with a 'difficult past.'** Georgian society has gone through numerous traumatic events, including conflicts, Soviet repression, wars and human rights violations. Society cannot process these events without justice and truth seeking. Georgia's recent past has not been subjected to a balanced analysis and self-reflection.<sup>39</sup>

Both interactions with stakeholders and DRI-GYLA's media monitoring in 2016-2017 demonstrate that one of the key factors polarising Georgian society at present is its recent and highly contested past: the period from 2003 to 2012 when UNM and President Saakashvili ruled the country.<sup>40</sup>

For some, this time is associated with vibrant, much-needed reforms and the modernisation of the country. For others, it is a time of flagrant and widespread human rights violations and torture which remain largely unacknowledged and unaddressed.

Reports by national and international organisations and human rights mechanisms have testified to the unlawful deprivation of liberty, abnormally high conviction rates, and psychological and physical torture.

Other serious violations included arbitrary killings, misuse of the plea bargain system to pressure individuals and their families to "donate" property to the state, other heavy-handed behaviour by prosecutors and other officials, restrictions on freedom of media, expression and free assembly, forceful dispersal of demonstrations, pressure on courts, and illegal surveillance over opposition activities and journalists.

*"The Saakashvili administration prioritised what it considered to be a strong state over human rights, which resulted in abuses of power, high rates of arrests and violations of citizens' rights."*<sup>41</sup>

Over time, the repressive policies of UNM led to growing popular dissatisfaction and split society. Bidzina Ivanishvili, the richest man in Georgia, brought the opposition together into GD, which defeated the ruling party in the 2012 parliamentary elections. The election

<sup>33</sup> See, e.g., C. Berglund, "Georgia," in *The Handbook of Political Change in Eastern Europe*, eds. S. Berglund, J. Ekman, K. Deegan-Krause and T. Knutsen (Cheltenham: Edward Elgar, 2013); and F. Casal Bértoa, "Effective Number of Parties," *Who Governs in Europe and Beyond*, 2016, <<http://whogoverns.eu/party-systems/effective-number-of-parties>> (19 July 2018).

<sup>34</sup> In 1992, Shevarnadze was also elected Chairman of Parliament, which was then equivalent to the position of head of state, with 96% of the vote.

<sup>35</sup> This does not hold relevant for the current president, whose powers are limited according to the Constitution.

<sup>36</sup> The relative simplicity of the Georgian party system is well illustrated by the fact that the post-communist history of the country's government and party politics can be retold with no more than four party names, namely, Georgian Dream (GD), United National Movement (UNM), Union of Citizens of Georgia (GCU), and Round Table-Free Georgia (MM-TS).

<sup>37</sup> Participant at DRI-GYLA fact-finding workshop held in Tbilisi in July 2016.

<sup>38</sup> At the DRI-GYLA fact-finding workshop in July 2016, David Usupashvili, former Speaker of the Parliament, quoted Soviet Constitution, Article 6 which frames the ruling party as the leading force of society. He noted that this mentality is still alive in Georgian politics. Later, the President of Georgia in his live interview with Rustavi 2 TV company stated the same.

<sup>39</sup> Conclusion from DRI-GYLA fact-finding workshop held in Tbilisi in July 2016.

<sup>40</sup> It is interesting that throughout its recent history of independence, Georgia has gone through several developments which would encourage it to deal with the past. However, Georgia does not have a tradition of – or experience with – doing so, as even its Soviet-era violations and injustices remain largely unacknowledged and unaddressed.

<sup>41</sup> Howard Varney, author of the report and Senior Program Adviser at ICTJ.

itself was largely peaceful and the ruling party admitted defeat. However, the nine previous years of UNM ruling indicated that the period after the elections would not unfold as the peaceful and smooth transition of normal electoral cycles.

A cohabitation period between the new ruling coalition and the incumbent leader of the defeated party followed the parliamentary elections until the 2013 presidential elections gave GD control of the presidency as well.

After the relatively peaceful transfer of power, many leaders of the UNM have been arrested or prosecuted, and the party activists and supporters have suffered from intimidation and numerous attacks.<sup>42</sup>

The EU adviser on Georgia, Thomas Hammarberg stressed: **“This is not only a matter of law and legal procedures; the political dimension is obvious...Whilst on the one hand it is important to fight impunity not least in relation to crimes committed by public officials, it is on the other hand necessary to ensure absolutely transparent and fair proceedings free from political interference.”** Hammarberg further urged the government to engage in “a wise and rights-based review of the past.”<sup>43</sup>

The government failed to define a policy based on respect for human rights and rule of law principles for dealing with the past. This lack of policy in conjunction with the weakness of the country’s justice institutions, the political temptations of the ruling party and the vibrant PR tactics used by the opposition have created a strong perception of a political witch-hunt, especially in the eyes of Georgia’s western partners, which has largely overshadowed the demands of justice: to seek truth and acknowledge and redress victims.

Georgia has often been criticised for its selective justice approach, including violations of the rights of ex-officials and repression of UNM, but almost never – for its failure to establish truth and redress victims.<sup>44</sup> State policy in redressing violations has been vague, fragmented, inconsistent (hence the appearance of selective justice) and ineffective.

At the institutional level, several failed or ineffective reforms have demonstrated that pouring old wine into new bottles will not solve the problems at hand. If the individuals in the law enforcement bodies, security services and judiciary remain largely the same, new regulations alone cannot transform the old, problematic practices.

### 5.3 SOCIAL AND ECONOMIC REASONS

Income inequality and the fight for scarce economic resources have been cited as important contributing factors to polarisation.<sup>45</sup> Income inequality has been a

problem in Georgia since independence. According to the World Bank’s World Development Indicators (WDI),<sup>46</sup> Georgia has the second highest inequality rate in Europe, just behind Macedonia. Income inequality in Georgia continues to worsen. One of the practical issues that demonstrates the winner-takes-all dynamic of Georgian politics is the mass dismissal of public servants and redistribution of public offices among the activists and followers of winning parties after elections. This is a particularly painful process in the regions, where jobs are especially scarce. Thus, every election in Georgia turns into a battle for scarce resources.

## 6. CASE STUDY: CONSTITUTIONAL REFORM PROCESS OF 2017

The 2017 constitutional reform process turned out to be another polarising developments in Georgia. Not only did it divide the political parties (the ruling GD against the entire opposition political spectrum), but it also deepened tensions between the ruling party and the government, as well as amongst civil society and the expert community, who became divided over involvement in the Constitutional Commission and views on the process. The process also divided the ruling party itself, especially over the abolition of the mixed electoral system and the introduction of a fully proportional system. Positively, for the first time discussion also focussed on ideological, programmatic issues.

Several amendments have become the centre of major political debate and a matter of fierce contestation between the ruling GD, on the one hand, and the opposition, civil society and the ruling President, on the other.

**Elimination of direct presidential elections.** The new Constitution envisages that presidents will be elected by a college of voters rather than directly by the public. The college of voters will include MPs and delegates from representative bodies of Adjara, Abkhazia and local self-governments. The constitution provides that this change will be effective as of 2024; thus, it does not affect the 2018 presidential election, from which the president will – exceptionally – be elected for six years.

**Powers of the president – transition to a full parliamentary system.** The president will lose powers related to foreign and domestic policy and will be seen as an arbiter between the branches of government. However, many in the opposition and civil society see the current semi-presidential system as a guarantee against the over-concentration of power in the hands of one party.

**The system for parliamentary elections – transition to a fully proportional system.** The timing of this change is the main issue of contestation, as it will be effective as of 2024,

<sup>42</sup> COE GA Resolution “On the functioning of democratic institutions in Georgia”, 2014.

<sup>43</sup> Thomas Hammarberg, “Georgia in transition: Report on the human rights dimension: background, steps taken, and remaining challenges,” EU Special Adviser on Constitutional and Legal Reform and Human Rights in Georgia, September 2013, <[http://gov.ge/files/38298\\_38298\\_595238\\_georgia\\_in\\_transition-hammarberg1.pdf](http://gov.ge/files/38298_38298_595238_georgia_in_transition-hammarberg1.pdf)> (19 July 2018).

<sup>44</sup> For exceptions, see Georgia’s Ombudsman’s Report, 01 April 2016 <<http://www.ombudsman.ge/en/news/public-defenders-report-on-situation-of-human-rights-and-freedoms-in-georgia-in-2015.page>> (19 July 2018).

<sup>45</sup> A participant at DRI-GYLA fact-finding workshop in Tbilisi, Georgia, 18-19 July 2016.

<sup>46</sup> World Development Indicators, “GINI Index,” World Bank, 2016; World Bank <<http://databank.worldbank.org/data/reports.aspx?source=world-development-indicators#>> (19 July 2018).

so that the next parliamentary elections will be held under the current mixed system. The Venice Commission has indicated that this decision is “regrettable.” The new constitution bans blocs and envisages a 5% threshold (2020 elections will be an exception, as electoral blocs will be allowed and the threshold will be 3%).

**Definition of marriage.** The new Constitution defines marriage as a union between a man and woman. This definition has raised objections from civil society organisations and was criticised by the Venice Commission, which is concerned that the text should not close the possibility of legal recognition of same-sex partnerships (even if not called marriage).

**Selling land.** According to the new Constitution, agricultural lands cannot be sold to foreigners, with some exceptions determined by the organic law. The law was criticised as having no ground. A similar moratorium was introduced in 2013, but it was declared unconstitutional as “the defendant could not present enough evidence to demonstrate a link between the prohibition of acquisition of agricultural land by foreign citizens and registration of agricultural land or development of a state policy on state-owned land management.”<sup>47</sup>

In contrast to the previous reform and election processes, one novel feature of the political divisions accompanying the constitutional reform process was that the fierce discussions were not only triggered by personal issues, but divisions around ideologies became a vivid part of the public discourse. Both inside and outside of the Constitutional Commission, there were intense discussions over issues of the economy and rights, such as labour rights and labour inspection, the right of the people versus that of the parliament to introduce new taxes, and the legality of purchasing Georgian agricultural land by foreign citizens.

## 7. RECOMMENDATIONS

To reduce the current level of polarisation, the following measures should be considered:

- A rights-based approach and rule-of-law perspective should be applied to past and present human rights violations.
- Adopt and promote policies directed to not only increase economic development, but also to reduce Georgia’s high levels of economic inequality.
- Continue rigorous anti-corruption policies, emphasising respect for the rule of law and a separation of powers.
- Put a greater focus on building/strengthening independent institutions and on judicial reforms, ensuring proper respect for their independence and autonomy.
- Put an end to non-consensual constitutional and major legislative reforms.

- Strengthen the internal democratic mechanisms of the political parties and ensure parties campaign on issues rather than engage in personal attacks. The media should hold political parties to account equally in this respect.
- The emergence of a less partisan media needs to be promoted without undermining media diversity.
- Conduct awareness campaigns to explain public policy and promote pluralism and tolerance.
- Increase public awareness that extreme polarisation can be a political method: Instead of reflexively responding to any new controversy it would often be useful to have a public debate about why that controversy is taking place.

## METHODOLOGY

This report summarises the findings of the project, “Strengthening Political Pluralism in Georgia” implemented by Democracy Reporting International (DRI) and Georgian Young Lawyers Association (GYLA). The project aims to provide Georgian civil society with a starting point to think about both the root causes and effects of extreme political polarisation as well as possible approaches for working together to address it. The above findings are based on media monitoring results, research on diverse legal and political aspects of polarisation, and the views of civil society and experts in Georgia.

Four consultation workshops on mapping political polarisation were organised by DRI and GYLA in Tbilisi, Kutaisi and Batumi in 2016. Some of the questions addressed in the workshops included: *What drives polarisation and what are its effects (short and long-term) on Georgia’s democracy? Is polarisation a serious problem? What are the potential solutions to polarisation? What is the role of civil society and institutions in a polarised political environment? Can political parties, civil society and the media promote political convergence and social understanding?*

Over 80 people participated, including civil society leaders and activists, academics, journalists, and policymakers. The project also commissioned research to map out existing studies and reports on political polarisation in Georgia, assess the institutional arrangements of the legal-political system favouring polarisation, and put the problem in comparative perspective. Based on these insights, this report offers recommendations for aligning work moving forward.

<sup>47</sup> Transparency International, “The new moratorium on the sale of agricultural land to foreign citizens is also unconstitutional,” 28 June 2017, <<https://www.transparency.ge/en/blog/new-moratorium-sale-agricultural-land-foreign-citizens-also-unconstitutional>> (25 July 2018).

## DEMOCRACY REPORTING INTERNATIONAL

Democracy Reporting International (DRI) is a non-partisan, independent, not-for-profit organisation registered in Berlin, Germany. DRI promotes political participation of citizens, accountability of state bodies and the development of democratic institutions world-wide. DRI helps find local ways of promoting the universal right of citizens to participate in the political life of their country, as enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

<http://www.democracy-reporting.org>

## GEORGIAN YOUNG LAWYERS ASSOCIATION

The Georgian Young Lawyers' Association (GYLA) is a non-governmental, non-partisan membership-based organisation dedicated to protecting and promoting human rights and the rule of law, increasing legal and human rights awareness among public and engaging in free of charge legal aid and strategic litigation at national and international levels.

<http://gyla.ge>

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