Institute of Social Studies and Analysis

Democratisation Processes, Regional Context, National Minority Issues and Conflict Transformation in Georgia

(Situational Analysis)

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Contents

Introduction: Common Conclusions and Recommendations

In July, 2011 NGO 'Institute of Social Studies and Analysis' (ISSA) launched a three month pilot project to support civil society efforts to promote participatory approaches to peacebuilding and development issues. The ultimate aim is to help create a framework for constructive, sustainable and systematic engagement between and among civil society, academia, policy makers and key international stakeholders through inclusive dialogue on issues of national importance.

In the frames of this project, the ISSA invited four leading Tbilisi-based national experts to establish and lead four inclusive thematic groups, each of which would analyse a different topic of national importance for Georgia's further peaceful development. The four topics chosen were: democratisation processes and values; national minority issues; confidence building and conflict transformation; and the regional context of challenges and opportunities for Georgia. These four topics were chosen for their comparatively broad-ranging scope and nature. All four papers, however, clearly highlight the need for further research and dialogue on more specific issues of national relevance, including election systems and legislation, role and effectiveness of Georgian media, and pluralism of domestic political dialogue.

In the course of the work of the thematic groups, the national experts closely cooperated with a parallel process, "Planning for Peace Together". Designed and facilitated jointly by three non-governmental organisations – the Georgian Young Lawyers' Association, the Caucasus Institute for Peace, Democracy and Development, and the UK-based conflict prevention organization Saferworld, this parallel initiative seeks to promote broader and more informed discussion on conflict, security and peace in Georgia by directly engaging local communities in four regions of Georgia. By taking part in some of these meetings, the national experts were able to incorporate the views and analyses of community-based groups and regional experts, in the process making wider and stronger connections between Tbilisi-based and community-based experts and NGOs. In total, within the frames of the Peace and Development project, the four experts conducted a total of 150 meetings (including thematic group meetings, in-depth interviews, focus group discussions, participation in various regional meetings and working groups, etc) in more than 20 locations throughout Georgia (including Akhaltsikhe, Batumi, Gori, Khurcha, Kobuleti, Kvariati, Kutaisi, Marneuli, Ozurgeti, Rustavi, Tbilisi, Telavi, and Zugdidi), which incorporated the views of more than 1,000 participants (including academics, business people, community members, ex-combatants, experts, IDPs, journalists, legal practitioners, media representatives, minority representatives, religious representatives, parliamentarians, politicians, and women's groups).

Whilst this study is not comprehensive in its scope and geography, and does not claim to cover all spheres of Georgian society, it does reflect the views and opinions of many diverse participants across the spectrum of Georgian civil society, including some governmental and parliamentary participants. The conclusions of this research and the recommendations generated by the experts and

participants of the discussions should serve as a starting point for further dialogue, study and joint action on the part of the various civil society actors and the authorities. In this regard, the following common conclusions and recommendations broadly reflect the findings of all four papers, although each paper also includes detailed recommendations specific to its respective theme.

Common conclusions

- Georgian **society is deeply polarized** over political issues and directions, in large part due to a **lack of transparency and inclusiveness** in the decision making processes and policy formulation.

- Large segments of the population are **not well informed** of many of the aims, policies and substance of government decisions and actions. At the same time, the authorities seem to be **unaware of the many community-level concerns** with regard to some main policies and policy directions.

- There is an **absence of public dialogue on most issues**, both with regard to national and regional media and in terms of local events, such as town hall meetings or public discussions or debates. This creates an information vacuum and prevents many people from making an informed opinion.

- Large parts of the population are **not well integrated and/or poorly represented** in Georgian political, economic and social life. This hinders the economic and socio-economic development of the country and, with specific regard to the conflict zones, seriously affects national consolidation and peacebuilding efforts.

Common recommendations

On the basis of these conclusions, and building on suggestions made during our wide-ranging discussions, we recommend the **urgent need for civil consolidation through participatory government-led processes** that address issues of national importance. The following general recommendations, common to all four reports, could serve as a guide on the way forward:

- Civil society organizations should play a more active role in building national consensus and fostering greater cooperation on issues of national importance. For this purpose, a **national civil society platform** should be established. Such an inclusive forum would create a participatory process for all civil society actors and open a two-way communication channel between the authorities and wider society. Some or all of the following would ensure that this national platform takes full advantage of the social capital within the country to strengthen sustainable development processes:

- under the auspices of relevant ministries and government agencies, standing **thematic working groups** comprising relevant experts, civil society and NGO representatives could address specific priority issues with a view to assisting the government to shape policies.

- some form of an **advisory body** to Parliament and/or the government could be created, drawing on a pool of experts (both Georgian and international) to work closely with the authorities in addressing issues of national importance as they emerge in the course of policy formation.

- The authorities and civil society actors should identify specific areas for **joint promulgation and implementation of initiatives**. For example, national awareness campaigns to better explain the recent *Amendment to the Civil Code on the Legal Status of Religious Minorities* in the context of Georgia's obligations to the Council of Europe could help create understanding of democratic principles in the wider society, whilst at the same time countering misconceptions on the impact of such laws. In this regard, the authorities could engage with the civil society national platform with a view to identifying specific areas where **decentralization of certain issues or functions to relevant civil society actors** engaged in specific spheres, such as environmental protection, civic education, specialized healthcare, economic development, etc would be to mutual advantage. This approach would help empower civil society while removing additional burdens from the executive;

- Media and civil society need **greater access to information** on government's activities. The authorities should engage with civil society in order to promote informed opinions by citizens through televised discussions on issues of national importance and contentious themes. For instance, issues such as Constitutional reforms, electoral code amendments, the transparency of media ownership, and judicial reforms could be promoted through media and other public events, including televised debates. In the lead up to national elections, the Public Service Broadcaster and local (regional) broadcasters could play an invaluable role by **creating space for public discussions and raising public awareness** of the importance of the processes and the civic responsibilities of the citizens.

- Civil society organizations, especially those working in the spheres of human rights, civil development, and conflict prevention and transformation should **develop projects aimed at raising awareness** among vulnerable and marginalized groups (such as national minorities, IDPs and populations of conflict zones) regarding their rights and other relevant issues to empower and encourage them to actively engage in civil activities. At the same time authorities should create further incentives for (re-) integration of such groups with a view to involving them more directly in national political, economic and social activities through employment, education and other incentives.

Chapter 1: <u>Democratization Processes: Culture and Values</u>

Iago Kachkachishvili

This paperexamines the development and current state of democracy in Georgia in the context of a political system informed by traditional Georgian cultural values. As reflected in the *Executive Summary*, this paper is the product of an inclusive and wide-ranging consultative process, which sought to incorporate and reflect the many diverse views prevalent in the different sectors of Georgian society. While neither exhaustive in scope nor conclusive in its findings, it does reflect views and opinions expressed by the many and diverse participants of this process, which presents a starting point for further dialogue, study and joint action.

Introduction

In understanding the course of Georgian democracy, we must understand what measures are used to assess progress. Political, economic and cultural/civil factors are critical stimulating factors of democratization. Each of these contains specific indicators, based on which the state of democracy of a society could be measured:

Political factors include the division of government into three branches and the existence of a system of checks and balances; existence of the rule of law and the protection of political and civil rights by legislation; the holding of free and fair elections; genuine competitiveness of multiple political parties; and public participation in decision-making processes. It is also widely accepted that democratization processes should be preceded by the creation of functioning executive institutions, including those that allow effective governance, including by providing security, economic order and delivery of basic services.

Economic factors include economic strength, which sustains the political system. In democratic conditions, economic strength is manifested in a multi-structure, mixed market economy oriented on social issues, which is tolerant to different forms of property, including private ownership. While it is possible to have a socially-oriented, multi-structure, mixed market economy in a non-democratic political system, it is impossible to have a democratic system of governance without this. As basic individual rights are the basis of democracy in a political sense, individual property rights form the basis of democracy in an economic sense.

Cultural/Civil factors: at its core democracy stems from the equality of rights and freedoms, which ensure that supreme power is vested in the people and exercised either directly by the people or by their elected representatives. The origins of such ideas are to be found in the West, where the gaps between intellectual/academic thinkers and conservative State and Church actors gave rise to the first elements of civil society. Today, the *distribution of social capital* is widely accepted as a key

civil indicator of democracy. *Social capital* comprises both the resources generated by interpersonal links to achieve specific actions, and the level of trust in political and social institutions. A high level of social capital is most often found in societies that consider that the government is employed by the people and is directed by the people; while low social capital is usually found in societies that view themselves as a "child" and the government as a "parent" entrusted with its care.

Democracy is a European phenomenon, and there are differences of opinion regarding its application to other cultural contexts. One school of thought believes that democracy can be "learnt" if a country is willing to accept Western experience on which to build its own system of public management. Another line of thinking claims that democracy cannot be learnt without relevant "cultural ontology", e.g. in the Muslim world. For the purposes of this study, there was widespread consensus among all participants that development of democracy in Georgian culture is difficult but possible, and requires an evolutionary approach that must pass through all the stages that Western democracies passed through, which will take considerable time.

Georgia's democratization processes

Signs of democratization in modern Georgia first emerged during the last decade of Soviet era, in the 1980s. However, civil activities at that time were not carried out in the name of democratization, but rather in the drive for Georgia's independence. Despite the fact that the drive was fueled by ethnic nationalism, the process itself (i.e. *modus operandi*), was civil in nature - political parties were formed, public demonstrations were held, society was consolidated, and as a whole this movement was driven from below. From the 1990s to date, the process of democratization in Georgia has fluctuated, and in the post-Soviet period can be divided into two periods: 1) prior to the Rose Revolution (1990–2003) and 2) since the Rose Revolution (2003-present).

The first period begins with the coming to power of Zviad Gamsakhurdia (1990–91). Most academics do not consider this period as a legitimate democratization process, but rather view it as a strong wave of ethnic nationalism, which provoked a reaction that resulted in the overthrow of Gamsakhurdia's government and the coming to power of Eduard Shevardnadze (1991– 2003). Many participants considered Shevardnadze's term in office to have been even more democratic than the period after Rose Revolution, but they qualify this by highlighting the weakness of Shevardnadze's governance rather than any deliberate policy of democratic development. Under Shevardnadze, the influence of state institutions was very weak, allowing civil relations to be established without government interference, often exceeding the limits of the law. A view shared by most experts who took part in our research is that while Shevardnadze did not know how to build a democratic state, but as he took into consideration the interest of the West, he refrained from hindering democratic tendencies. As a result, Shevardnadze did not restrain the establishment of

civil society, freedom of speech or freedom of the media. A shared view among participants is that ultimately the political regime in Georgia under Shevardnadze was a hybrid one – a communist state in essence but with significant democratic elements. For instance, while citizens had freedom, at the same time this freedom was limited by strong influence of corruption and informal unions; elections were held, but their results were questionable. As noted in academic works on this period, Georgia was not an exception in this respect, as so-called "hybrid regimes" were established in the majority of post-Soviet countries, which were neither totalitarian, nor democratic.

In general, it is widely accepted that the democratic breakthrough of the 1990s was weak from the viewpoint of development of democracy in a newly independent country. The independent republic of Georgia lacked solid institutions that could support a democratic breakthrough. For instance, the Georgia armed forces, taxation system and police were too weak to be effective, and the trust of the population in these key institutions was very low.
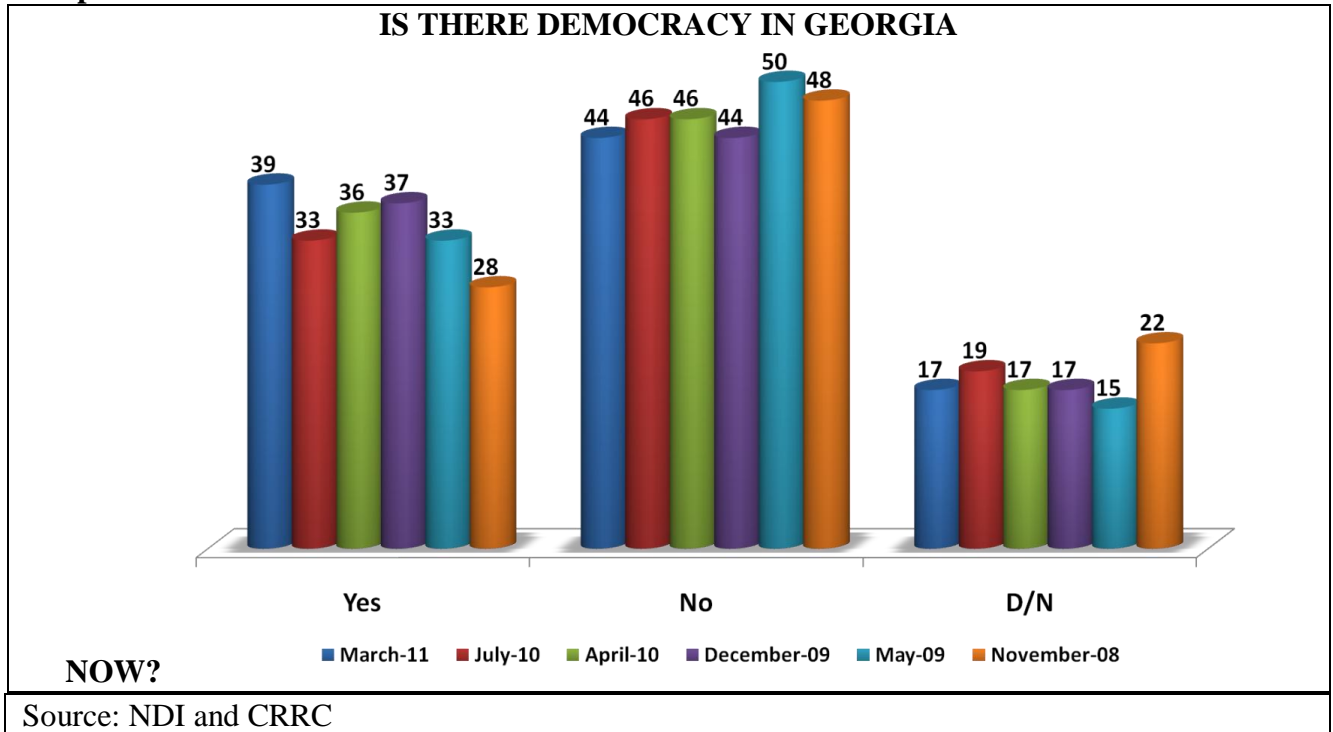
There was also broad agreement that the 2003 Rose Revolution was a democratic breakthrough, with the active involvement of civil society, supported by freedom of the media and freedom of speech. The leaders of the Rose Revolution received Western aid and bringing Western values to Georgia, which made the 2003 Rose Revolution possible. It should be noted, however, that some participants viewed the Rose Revolution more as an internal change of ruling elites in response to the degradation caused by Shevardnadze's retrograde last years of his term of office.

There is much academic literature and analyses on the Rose Revolution and its effects, however the central question before us now is what is the state of Georgia's democratisation process eight years after the Rose Revolution? There are many different assessments, and many points of contention. The Economic Intelligence Unit's 2010 Democracy Index, for instance, categorizes Georgia as 'Hybrid Regime', ranking it 103rd of 167 countries (scoring 4.59 out of 10). Freedom House categorizes Georgia as 'Partly Free. However, Georgia fares much better specific international indexes, such as on the ease of doing business, promoting significant reforms, and fighting against corruption.

Due to such inconclusive and often seemingly contradictory data, Georgia is most often characterized in a binary manner - Modernization versus Democratization. Indeed, the Georgian government itself has on occasion acknowledged this paradox, for instance in citing Singapore as a model for Georgia's development. Perhaps the most authoritative opinion is that of the Georgian people, however, and according to a series of public opinion surveys conducted by the National Democratic Institute over the past three years, more respondents consistently believe there is no democracy in Georgia as opposed to those who think that there is democracy in Georgia, although

the margin between the two groups remains narrow. *(See graph 1).* Overall, opinions expressed throughout our research also reflected this dichotomy, which can be best summarized as follows.

Graph 1

IS THERE DEMOCRACY IN GEORGIA

NOW?

Legend: March-11, July-10, April-10, December-09, May-09, November-08

	Yes	No	D/N
March-11	39	44	17
July-10	33	46	19
April-10	36	46	17
December-09	37	44	17
May-09	33	50	15
November-08	28	48	22

Source: NDI and CRRC

Supportive position

Those who believe democratization in Georgia is developing in a strong and sustainable manner note the following:

✓ the government is divided into three branches (legislative, executive and judicial), with the distribution of competencies enshrined in the Constitution and anchored by a system of checks and balances;

✓ state institutes are sustainable and strong; they fulfill their functions competently and there are no overlapping responsibilities, which prevents chaos in state management;

✓ ethnic and religious nationalism in the country has been overcome and appropriate legislation has been adopted within the over establishment of the rule of law; e.g. legal status of different religious confessions;

✓ all citizens are granted equal constitutional rights (right of speech, right of voting, right of conscience, etc.).

In the opinion of this group, the main shortcoming of the current government with regard to democratic development is insufficient responsiveness to public opinion. However, the participants place the blame primarily with the constituents, who do not demand greater accountable on the part of the Government. Broadly speaking, they believe that society does not know how to talk to the Government; it lacks civil activity and organisation and as a result does not exert sufficient influence on the authorities due to a lack of awareness of their own rights and responsibilities. Some participants who subscribe to this view believe that Georgian people have not yet cultivated the culture of democratic governance, which is due to the lack of opportunities to do so prior to 2003. By the same token, Georgian officials did not have experience of running a state, as opposed to ruling a country. In other words, there was a lack of democratic experience and competence on the part of both society and the ruling party. After Rose Revolution, they conclude, officials involved in public management have begun to quickly develop practice and experience. The high turnover of staff from one ministry to another is cited as one example, which helps to develop broad experience of how a democratic state works by exposing personnel to different fields of public management.

Critical position

Those critical of the current Government and the level of democratic development in Georgia tend to regard public management structures established after the Rose Revolution as autocratic, or even oligarchic. Some note that although the "body" of a democratic State has been established in the form of state institutions, the problem lies in how state structures perceive themselves, namely as omniscient authorities rather than responsive public servants accountable to their citizens. Two frequently cited examples of where the Government often exceeds its legal rights are the use of force against its own citizens and the prescriptive position on a range of social and cultural issues.

Another critical viewpoint expressed by participants is since the Rose Revolution the government has effectively adopted modern socialism. Proponents of this view argue that the present Government rests on four pillars characteristic of socialist regimes: 1) single party governance; 2) powerful police regime; 3) control of business; and 4) control of the media. The present government, they conclude, has preserved these socialist pillars but masks them in a democratic facade to meet western expectations. Common to all critical positions is the view that the current ruling party completely dominates the political space, as is apparent by the following three facts:

- members of the ruling United National Movement hold an absolute majority in both legislative and executive branches, both on the central and municipality levels;

- the government is more powerful than ever, despite the low level of social capital (i.e. the Government is not supported by the majority of citizens);

- the political opposition is extremely weak despite the numerous and wide-ranging grievances being voiced by the wider society.

Recent public opinion surveys (for instance, the survey done by the International Republican Institute in May 2011) show that around 60% of the Georgian population does <u>not</u> support the current government. This suggests that the majority of the population would support political opposition parties critical of the government. However, the loss of public credibility on the part of political opposition parties serves to undermine their views and messages, even when those messages reflect the dissatisfaction or grievance of the people. This has created a situation in which both the government and the political opposition have a problem of legitimacy in Georgian society. However, the result is that while the opposition is further weakened, the Government only gains strength. Notwithstanding the fact that political opposition parties in Georgia have become largely marginalized, the resulting situation is one in which the government is essentially free to decide any course of action without taking into account views of either the political opposition or civil society.

Social indicators of democracy

One of the social indicators of democracy is the general attitude towards elections which, in the Georgian context, is also a measure of people's readiness to take part in protest actions. Elections in Georgian society are not yet entrenched as the primary instrument for the legal change of government. Since independence, there has not been a single change of government by election. Moreover, every election so far has been disputed by one segment of society or another, which has not helped to build general confidence in elections as an effective tool for change. At the same time, revolutionary changes have lost their credibility, in large part due to the fact that in recent years street protests involving hundreds of thousands of people have borne no result. The result is a lack of both consensus and confidence in any method of political change – both elections and more revolutionary methods are widely seen as illegitimate. The failure of political dialogue over changes to the electoral code is a case in point.

In this regard it must be noted that there is also widespread belief following this year's constitutional changes that the authorities intend to prolong President Mikheil Saakashvili term in office beyond his second and final presidential term by preparing the way for him to become Prime Minister, with increased power. At the same time, there were various concerns expressed over the issue of centralization of power, especially with regard to regional self-governance. Many participants, in particular from Adjara, felt the rights of the Adjara Autonomous Republic as a self-governing unit have been consistently infringed by the current government. Changes to budgetary arrangements were cited as an example of such infringements, with taxation revenues now transferred to the central government and returns distributed in parts. The majority of participants from Adjara (and

others) felt that while some attributes of self-governance have been created, they have not been adequately developed, as a result of which the local government has lost its functions and the local political elite its credibility.

Public confidence in the judicial system, in particular in the independence of the courts, is another important social indicator. In recent studies on judicial fairness, Georgia scored 4.75 on a scale of 7 (with 1 indicating fair and 7 indicating unfair). In a democracy, courts adjudicate private disputes as well as disputes between the individual and the state. Most participants in our study noted various shortcomings in the Georgian judicial system, from its apparent failure to restrain the authority of the executive branch, to the high rate of imprisonment and large number of individuals charged with administrative or petty crimes, to the widespread perceptions that the plea bargain system is used as an additional revenue-raising mechanism. At the same time, it must be noted that many participants also highlighted the widespread lack of knowledge on the part of many citizens as to their individual rights.

Freedom of the media and freedom of political expression is another important indicator. While freedom of information in Georgia is enshrined in its laws, implementation is not guaranteed. For some years Georgia was distinguished among the countries of the Southern Caucasus for its media freedom, but most participants believed that the situation changed dramatically in 2007–2008 with the closure of several television channels widely regarded as "pro-opposition". Most participants agree that the handful of television stations with national coverage openly favors the government, with many respondents believing that national news coverage and political shows were "openly bias" in favour of the government. On freedom of expression, numerous respondents shared the view that many citizens are uncomfortable with the idea of freely expressing their political opinions and attitudes, including in public settings. In recent years the Ministry of Interior has repeatedly broadcast recordings of private conversations as part of various government cases against alleged criminals and/or terrorists, fuelling public concern that their privacy may be invaded (in particular in public venues). Additionally, freedom of opinion and expression are also restricted, with citizens discouraged to express freely their political opinions and attitudes. The results of some recent public opinion polls reveal that many respondents who oppose the government either refuse to participate in the polls or hide their political preferences. This critically diminishes confidence in such public surveys and compromises their operational value as a tool for social changes.

Civil society and civil values in Georgia

In defining the term "civil society", the majority of our participants agreed that the term applies to any active and motivated group of citizens which tries to reach a common goal through self-organized groups. It should be noted that a number of academic experts viewed civil society as

being in the center of the traditional society-state-business triangle. Many also believe that civil society includes local self-governing structures and political parties, since these meet the qualification of functioning local self-governing units that draw on citizens to address needs in their local environment by assuming active responsibility. Specifically with regard to political parties, these can only be considered members of civil society before they come to power. Normatively political parties work with individual citizens and citizen groups in sharing ideas and developing programs, which qualifies political parties as civil society actors. Most participants agree that Georgian civil society emerged during Shevardnadze's presidency. To some extent, this was due to the fact that before Georgia's independence there was no private ownership in Georgia and a low level of individual rights, which are an important basis for democracy, so organised civic activities were initiated mostly around national identity issues. Since the 1990s, talk of civil society has become increasingly popular. However, since there was no real activity of motivated and self-organized citizens in Georgian society in Georgia, creation of civil society began artificially from outside, in the first instance through international NGOs. The self-organization of citizens around western liberal values was initially difficult, as these values were inorganic and unpopular in a society driven by ethnic nationalism. For this very reason local NGOs were established to mitigate these dynamics. Shevardnadze considered the civil sector so insignificant, that he did not impede its activity, which contributed to the further development of this sphere. Under Shevardnadze's reign, the public sector was highly corrupt, and the academic sphere lacked finances, so people from these two sectors were attracted to the emerging NGOs.

While several academic experts highlighted the strength of the NGO sector under Shevardnadze's presidency, there is consensus that this cannot be considered as real development of civil society, because the NGO sector is just one fragment of civil society and has no influence on the wider population. However, NGOs were critical to introducing liberal ideas into Georgian society. From the outset, the term "civil society" was linked to western values, and since the 1990s NGOs have been equated to the institutions supporting democracy. Their values and objectives included, for instance, the establishment of rule of law, adequate management, protection of human rights, support to democratic reform, strengthening the positions of women and minorities, among others.

There is wide ranging consensus that following the Rose Revolution the Georgian NGO sector has been weakened, primarily because of the personnel drain from this sector to governmental institutions. Due to the movement of many individuals from civil society into government positions, strengthened state institutions were established, which further weakened the civil sector. At the same time, after the Rose Revolution international financial support was reoriented to a large extent from the civil society sector towards state projects, further weakening the Georgian civil society sector. Another view, shared by a number of NGO and academic participants, is that civil society

was also weakened under the current government by increasingly limiting access to media sources through which to spread their messages into wider society.

Additionally, following the Rose Revolution some segments of civil society were effectively marginalized by the government which had a negative impact on the activism of a number of NGOs – some of which have since refrained from activities other than foreign-funded projects, others are reluctant to become actively engaged for fear of being branded "radicals" and being marginalized. Since 2003, civil society has become both highly politicized and polarized, and the absence of objectivity and impartiality is overwhelmingly evident in the critical overt political positions of most NGO reports. For their part, the authorities seek to criticize NGO reports for their "political agenda" and other real or perceived shortcomings rather than to consider and respond to the observations and recommendations in such reports. That is particularly noticeable in the case of NGOs working in the sphere of human rights. In final analysis, the government came to view most NGOs as opponents rather than partners in dialogue, and the polarization created by this political context further hinders civil sector development in Georgia.

There are also cultural constraints to the further development of civil society in Georgia. While there are many examples of organised civil activity, these tend to be restricted to traditional cultural events or rituals (weddings, funerals, and other traditional events) rather than addressing daily problems (neighborhood clean ups, maintenance or repair of common areas in apartment blocks, etc). Many academics and experts explain this low level of social capital by recalling Georgia's long-standing history of feudal rule. Following centuries of monarchic rule, in which the regent was accepted as the benevolent caretaker (parent) of the people (child) and entrusted to take care of all their needs, the Soviet period deepened this attitude by replacing the regent with a singular state apparatus. Over the centuries, Georgians have developed expectations that the regent or state will take care of their needs, resulting in a low level of social capital beyond informal (family, kindred) relations within a narrow circle of people (such as cultural rituals, etc). Recent public surveys reveal that approximately half the population still expects the state to meet all their needs, including in defining the direction and model of further political and economic development. This further undermines the expansion of civil activity among Georgia's citizens. Indeed, some participants even expressed the view that government efforts to devolve responsibility for civic activities are often met with resistance from below, citing difficulties in implementing rural programs or establishing body corporate systems in urban residential areas.

Finally, and in addition to the above obstacles, there is also an issue of civil society elitism. While elites in politics or business are a natural phenomenon, elites within civil society should not exist by definition, since civil society needs to be truly reflective of the views of the people while at the same time being able to engage with the authorities in an effective and responsive manner. A number of

participants in our process felt that the NGO sector in Georgia does not truly represent wider society since most NGOs are either an external initiative (foreign donors) or have become partial due to the political polarization of society.

Recommendations

Based on the inclusive and wide-ranging consultations undertaken within the framework of givent project, the following measures and concrete actions by the various key stakeholders could help strengthen and better support sustainable development of democratic processes in Georgia:

- to build national consensus and foster greater cooperation on issues of national importance, a **national civil society platform** should be established. Such an inclusive forum would create a participatory process for **all civil society actors**, facilitating better national communication among civil society actors throughout Georgia, and increasing joint effort/advocacy on issues of national concern, including in approaching Government and/or international donor organisations for financial, technical and other forms of support as required;

- promotion of social justice and consolidation could be strengthened by drawing on members of the national civil society platform to create an **advisory body to Parliament and/or the government**. Such a body could draw on a pool of experts (both Georgian and international) to work closely with the authorities in addressing issues of national importance with a view to building consensus on the way forward on the basis of professional and expert analysis;

- to generate stronger identity with and support for western democratic values, the authorities and civil society could **jointly pursue civic education initiatives** on sensitive, controversial issues. For example, national awareness campaigns to better explain the recent *Amendment to the Civil Code on the Legal Status of Religious Minorities* in the context of Georgia's obligations to the Council of Europe could help create understanding of democratic principles in the wider society, whilst at the same time countering misconceptions on the impact of such laws;

- to help overcome the social and historic obstacles to the development of a strong, responsible civil society in Georgia, the authorities could engage with the civil society national platform with a view to identifying specific areas where some **"responsibilities" could be devolved from the government to relevant civil society actors** engaged in specific spheres, such as environmental protection, education, healthcare, economic development, etc. This would ensure that strategic decisions on key policy directions are based on wide-ranging consensus, while at the same time generating broader awareness of and interest in civic responsibility, particularly at the community level. This approach would help empower civil society while removing additional burdens from the executive;

- controversial or sensitive issues directly related to democracy and democratisation should be jointly addressed by in a constructive, non-confrontational manner. For instance, issues such as Constitutional reforms, electoral code amendments, the transparency of media ownership, judicial reforms, etc could be **promoted through media and other public events**, including nationally-televised debates, discussions in regional and/or village centres, etc. Where appropriate, participation of international experts could help to facilitate an informed issues-based debate, generating grass-roots understanding and interest.

Chapter 2: Regional Context: Challenges and Possibilities

Mamuka Areshidze

This paper identifies some of the major issues within the wider region of direct relevance to Georgia's further development and, in this context, examines the main internal challenges and opportunities facing Georgia. As reflected in the *Executive Summary*, this paper is the product of an inclusive and wide-ranging consultative process, which sought to incorporate and reflect the many diverse views prevalent in the different sectors of Georgian society. While neither exhaustive in scope nor conclusive in its findings, it does reflect views and opinions expressed by the many and diverse participants of this process, which presents a starting point for further dialogue, study and joint action.

Introduction

Historically, the Caucasus have attracted international interest due to its combination of strategic geographic location, range of natural resources and favorable communication systems. At the same time, the ethnic and religious diversity has and continues to be used by neighboring countries seeking to control the region. In addition to the three main "traditional" players – Russia, Turkey and Iran – following the collapse of the Soviet Union and the emergence of three newly independent countries, the Caucasus have also become an area of strategic interest for two relatively new players – the USA and the EU. The resulting clash of interests between these powerful players, combined with unresolved regional conflicts, conditions the different directions and pace of the political development of the three countries in the South Caucasus. This, in it turn, sustains their dependence on strong geo-political actors, which increases the regional risks and dangers.

Of all the major players present in the region, Russia plays the most active and critical role in regional processes. Moscow still considers the entire post-Soviet space, including the South Caucasus, as its sphere of influence, and as part of its "retaining policy" seeks to maintain pressures surrounding regional unresolved conflicts. This is also strengthens Moscow's efforts to gain exclusive control over energy corridors between Central Asia and Europe, which transit the three Caucasian countries.

Despite their various differences, the three South Caucasus countries have a very similar approach to state building - an eclectic mixture of Soviet management, traditional relations and western principles. Such an approach to state-building hampers proper communication between each society and its respective authorities. This, combined with the pressures of external interference, has

resulted in a conditional strengthening of the governing vertical in all three regional countries at the expense of their long-term internal stability and short-term development. Given the present absence of formal relations between Armenia and Azerbaijan, Georgia has a chance to lead by example on both internal and regional development. In this regard, it is important to well understand Georgia's current internal situation and processes to rate its ability to influence and lead on a regional level.

Post-independence achievements, 1991-2008

After gaining independence, Georgia passed several important stages of development, culminating in the 2003 Rose Revolution. By 2003, a number of important achievements had been reached, most notably:

- Georgia's sovereignty had been established and internationally recognized
- Georgia had become a full member of leading international organizations
- Georgia had established increasingly closer relations with the Western world
- a number of important trans-regional economic projects had been initiated
- Georgia had become an important transit corridor for energy supplies

At the same time, however, by 2003 Georgia had also experienced a number of setbacks, and had inherited or produced some chronic problems that stifled further development, including:

- the experience of civil war and two unresolved conflicts with Abkhazia and South Ossetia
- an ineffective system of governance, paralyzed by widespread corruption, management through clan relations and fraudulent elections
- a dire socio-economic situation, compounded by a devastated economy and huge state debts
- absence of the rule of law, which fostered increased criminal activity
- an electoral system, which is unable to create conditions for free and fair elections
- weak law enforcement and military structures

Comparing these lists of achievements and problems, it is clear that while the latter directly affected the everyday life of Georgian people, the former meant very little to the people and did not reach the overwhelming majority of Georgia's population. Ignorance of public interests by the authorities bred public support for a group of young energetic politicians determined to change the situation, which consequently made the Rose Revolution possible. The active involvement of wider society in the Rose Revolution can be directly attributed to the declared aims of the revolutionary leaders to fight against injustice, which inspired hope among the people of a change for the better. There is also an evident link between such aspirations and the strong support provided to the leaders of the

Rose Revolution by the West, which was explicitly aimed at changing the Soviet legacy by establishing democratic values.

The leaders of the Rose Revolution came to power on the back of civil activism, and consequently built the government on the basis of the civil society that had made revolution possible. As a result, Georgia's civil society was significantly weakened. More importantly, however, a revolutionary style was entrenched in the government from the very beginning, causing dismay and irritation among various segments of society. In the fervor of democratic triumph, these critical voices were quickly marginalized and overlooked, and the aggressive style of the new government was justified by the radical reforms needed to deal with the various crises facing the country. As these subsided, however, this style of governance also came to be known for a lack of transparency in decision making processes and consultations, eventually leading to increased discontent throughout society and confrontation. This also had a negative impact on conflict resolution processes, prompting increased divergences in the positions between Tbilisi, on the one hand, and Sukhumi and Tskhinvali on the other. Russia took advantage of this situation to further its own interests, which culminated in the August 2008 conflict. Without delving into the reasons for the August 2008 conflict, which have been comprehensively addressed elsewhere, there is no denying that this approach by the Georgian government was also instrumental in creating conditions favorable to conflict. If 2008 was the culmination of growing internal and external disagreements, since 2008 the positions of the various parties – both internal and external – have become further polarized and entrenched. Within Georgia, this means that the government and the various segments of society that oppose its policies and style of governance have become estranged. This division poses a threat to Georgia's stability, and combined with the post-2008 geopolitical situation, in which parts of Georgia remain occupied and relations with Russia remain hostile, poses a risk to the security and stability of the wider region.

Current situation - domestic

In the course of our wide-ranging discussions and research, it became clear that Georgian society has become very polarized, and the active segment of society has also become highly politicized. The overwhelming majority of participants in our process fell into two general categories:

1. Supportive of the government and its policies. These persons unconditionally support all government actions and decisions, and were dismissive of all opposition views; and

2. Critical of the government and its policies. These people consider the government and all its actions, including "positive steps", to be unacceptable and even illegitimate.

The views of these two groups are mutually exclusive, creating contradictions in discourse that prevent the possibility of consensus on any issue. Their conflicting views on a broad range of issues – including elections, media freedom, judicial independence, human rights, the situation of internally displaced persons (IDPs), foreign policy, and every sector of government policy – show that there is a large degree of alienation, both between the government and large segments of society as well as between various segments within wider society. This, in turn, hinders social and democratic development by creating a sense of mistrust, mutual suspicion and even fear, which escalates the risk of confrontation. As an illustrative example of the mutually-exclusive views of these two groups, the first group focused exclusively on the achievements of the current government, such as:

- increased worldwide recognition of Georgia's achievements and international image
- the government's uncompromising internal and external policies, including its firm policy positions towards Russia
- significant economic reforms and increased standard of living in Georgia
- a liberal taxation system that attracts foreign direct investment and promotes business
- improved infrastructure and use of modern technologies throughout Georgia
- the booming construction sector and advances in other economic sectors and spheres
- high rate of tourism development
- major reforms in social spheres and improved basic social services across the board
- far-reaching police reforms and the success of combating the criminal situation, including eradicating public corruption

At the same time, the second group focused exclusively on the problems facing society and what they perceived to be social injustices perpetrated by the current government, including:

- high rate of unemployment
- regular increases in the cost of living and creeping poverty, especially in rural areas, as well as the increasing wealth gap between different segments of the population
- increasingly unaffordable medical services for the majority of the population
- demographic problems due to falling birthrates and rising mortality
- unreliable electoral system and inadequate/unfair dispute resolution mechanisms
- partial judiciary and problems in the penitentiary system, which allows for violations of constitutional and human rights
- encroachment on private property and elite corruption, including economic monopolies
- sale of national strategic objects, particularly sales of such assets to Russian interests
- pressure on free media
- continuous reforms in the educational system, which weakens national education capacities

- increased centralization of powers at the expense regional self-governance
- lack of a sustainable and clear agricultural development strategy
- increasing foreign debt
- unresolved conflicts and little prospects for restoring territorial integrity

In order to better analyse the reasons for this counterposition and identify possible ways out of this negative situation, it is important to note two important sub-groups that emerged in the course of our work:

1. an <u>alienated</u> segment of society, which mainly comprises intellectuals, academics, experts and NGOs that feel that their constructive recommendations and offers of service to the Government have been ignored and their potential to contribute to further development of the country overlooked.

2. a large segment of society expressed a <u>sense of hopelessness</u> over the situation, including various sections of urban participants and the overwhelming majority of regional participants, who are dissatisfied with their socio-economic situation but feel powerless and/or afraid to express their dissatisfaction before the authorities.

In trying to understand the roots of these concerns and reasons for the polarization of our society, we sought to indentify the most contentious aspects of the relationship between the government and society. One of the main aspects is the communication deficit between the government and active segments of society, which comprises a number of important elements. First, there is a lack of awareness and understanding – at times even ignorance – on the part of many segments of society, in particular in the regions, with regards to certain government activities and policies. One vivid example is the high-level government visits to Latin America and the Oceania region. Such visits had a very specific aim – to counter international recognition of the separatist regions by establishing active diplomatic relations with these distant countries. The majority of people, however, were not aware of this and expressed irritation at seemingly extravagant travel to exotic distant locations. This example illustrates how a lack of transparency and adequate information allows misinterpretation, suspicion and mistrust, which has an adverse impact on the relationship between the authorities and wider society. Many government reforms, and in many cases important government strategies and sectoral policies, have not been adequately communicated to society at large. Over time, this has broadened the gap between them.

This is closely related to the second element, freedom and capacity of the national media. Many participants considered Georgia's media to be only partially free, noting that journalists often face pressure to report issues in a particular manner, or not to report on other issues. Aside from political interference and pressure on media sources, there is also a lack of access to information on the part

of media representatives. Despite a number of Presidential instructions to this end, information distribution remains inadequate, especially in the regions, and officials are not very responsive to such requests, which reinforces suspicions and mistrust.

The third element is the government's insufficient use of civil society's function to play intermediary between the authorities and broader society, as well as the use of experts, specialists, and NGOs as a tool for the development of informed public policy. While there are several NGOs that share the government's views on specific issues (economy, ecology, election issues, etc), there is a number of experts and NGOs, whose knowledge and experience are not utilized. This selective approach prevents different NGOs and other civil society actors from sharing both knowledge and experience. More importantly, it creates an artificial division within civil society based on real or perceived loyalties, which only fosters conflict between them and detracts from strengthening national development.

A second key contentious aspect of the relationship between the Government and society is the different perceptions of the judicial, law enforcement and penitentiary systems. Without making a value judgment on current situation, it is important to recognise that a large number of citizens believe that the courts represent the interests of the State and justice is applied selectively, that the dominant role of the Prosecutor in the court system and the limitation of powers imposed on lawyers reduces crime at the expense of human rights, and that the policy of *Zero Tolerance* is a form of exemplary punishment and coercion rather than an effective means of crime prevention.

Current situation – regional factors

There was a far greater confluence of views with regard to regional (external) factors that pose a threat to Georgia's national security and stability, with the overwhelming majority of participants identifying a range of challenges to Georgia's territorial integrity and other issues of concern. First and foremost among these is the role of Russia, which manifests itself in a variety of ways. All participants cited Russian occupation of Abkhazia and South Ossetia and the large military presence there. Whilst the fear of new aggression from the Russian side has subsided since 2008, residual concerns have a negative influence, in particular on the psychological state of communities living close to or along the Georgian-Russian border, the occupied territories, and the so-called "buffer" zones along the administrative boundary lines. While these dangers are undoubtedly realistic, many participants believed that they are exaggerated by both the Government and various media sources, which serves to perpetuate the syndrome of fear and easily rule over an intimidated population. In particular, claims of a Russian "fifth column" in Georgian society have received wide coverage in recent years, but there has been little substantive evidence to date. Aside from the Russian factor, other concerns include:

- the government's active policy towards the North Caucasus. It is important to note, however, that while most participants supported the government's policies (visa-free entry, opening Larsi check-point, recognition of the genocide against the Circassians), they were concerned by the sudden and seemingly spontaneous nature of the decision-making process, which suggests an inadequate risk assessment;

- developments within the zones of conflict (Abkhazia and South Ossetia) and also within other regions that have potential for different levels of conflict (Pankisi, Samtskhe-Javakheti) that may have a security spill-over effect on neighboring communities;

- unresolved border disputes with both Armenia and Azerbaijan, set against a background of difficult multi-ethnic and inter-confession relations with minority groups in Georgia, and taking into account the complicated relations between the Georgian and Armenian Churches;

- the interests of Turkey and Iran in the Southern Caucasus, and particularly in Georgia, and the possible influx of Islam leading to a clash of cultures; and

- Georgia being used as a corridor for international terrorism, illicit drugs and weapons.

In addition to the Russia Government's regional policy, the political situation and processes in the North Caucasus deserves specific attention due to a range of linkages with the Southern Caucasus region that can threaten the stability of the entire region both in the short and longer terms. A number of North Caucasian people are present in the South Caucasus, e.g. Chechens and Ossetians live in Georgia, while Daghestanis are present in Azerbaijan, many of whom are directly or indirectly involved in the processes in the North Caucasus.

The current situation in the North Caucasus threatens Russian internal stability and even unity in a number of ways. Throughout the various republics one can find varying degrees of religious (Islamic) extremism and terrorism, an aggravated criminal situation and lawlessness, widespread and entrenched corruption, a clan-based system of governance presiding over populations with low living standards and high rates of poverty and unemployment, violations of human rights and stagnation of any democratisation processes. Underlying these problems is a long-standing unresolved Ossetian-Ingush ethnic conflict and tense Balkaro-Kabardin and Karachai-Circassian relations. The Russian government is attempting to keep this volatile situation under control through a combination of forceful measures and financial incentives. All seven republics are subsidized by the central government, and some of them exist almost exclusively on central financial support. The local leaders are appointed on the basis of their loyalty to Moscow, which neither represents the will of the local population nor bodes well for long-term security or stability. The strong and varied connections between the North Caucasus people and their kin living in Georgia carries an explicit risk to Georgia's security in the event of conflict in the North Caucasus.

By the same token, the other two countries that make up the South Caucasus – Armenia and Azerbaijan – do not have any relations as a result of the oldest and largest regional conflict over Nagorno-Karabakh. Large military expenditures and increasingly militant rhetorics on both sides carries a very serious risk that this conflict could reignite on short notice, which would have significant implications for Georgia, from the expected inflow of refugees to the potential spill-over effect on Georgia's ethnic minorities.

Despite these risks and the different political and cultural orientation of the three South Caucasus counties and the peoples of the North Caucasus, there is a long common history and numerous points of cultural affinity. Here, Georgia is centrally placed – both geographically and politically – as a natural centre of gravity for the wider region. Georgia's relations with both Armenia and Azerbaijan not only creates an economic and political bridge between them, but also provides an indispensible service to the various trans-Caucasian economic and energy corridors to Europe.

Finally, with regard to the major foreign players in the region, it is worth nothing that our study revealed some interesting attitudes among many Georgians towards the West, in particular the USA and the EU. Broadly speaking, many regional participants and those with limited access to information have a negative attitude towards the Western international community due to their belief that the West is not sufficiently active in reunification efforts while, at the same time, it appears to unconditionally support the government. On the former, there is widespread awareness of the government's stated aim of "de-occupation" and its claims of Western support, but no visible results. On the latter, the government gives significant airtime to positive and supportive Western statements or assessments on issues such as free and fair elections, but does not publicise negative or critical comments. The result is widespread mistrust, especially in regional areas and communities, of Western international actors in Georgia, which further alienates large parts of society from the government and increases the risk of instability by creating fertile ground for hostile external actors.

Conclusions and recommendations

The current polarization of Georgian society over political issues and directions is, to a large extent, the result of the government's lack of transparency and an inclusive approach to decision making and policy formulation. While formulation of policy is the prerogative of the government, a democratic and responsive executive makes policy that is truly reflective of the views of its citizens. The lack of adequate communication compounds this problem. In addition to many in civil society feeling excluded from the decision-making process, large segments of the population are not well informed of many of the aims, policies and substance of government decisions and actions. This, in turn, fuels further divisions within society, which increases risks of internal confrontation and, therefore, national stability. Civil consolidation through participatory government-led processes that address issues of national importance is critical to Georgia's peaceful development.

Based on the views and suggestions of most participants, we recommend the **establishment of a civil society forum/platform**, to address and help resolve these concerns. In our opinion, such a mechanism could:

- be dedicated to the advancement of Georgia's peaceful and democratic development through **consultative partnerships** within civil society and with the government, thereby increasing mutual confidence and creating a two-way channel for dialogue between the authorities and wider society

- in the first instance, this could comprise **a network of national and regional NGOs and active citizens** – individuals not affiliated with any organisation or political party who have the knowledge, experience and willingness to participate in such processes

- in the second instance, the creation of **systematic dialogue mechanisms with the government**. Such formal cooperation between the forum/platform) and the authorities would create a **mutually beneficial system of alliance**, which would make work on issues of national importance more inclusive, transparent and efficient

- under the auspices of relevant government ministries and agencies, **thematic working groups** comprising relevant experts, civil society and NGO representatives could address national priority issues with a view to **assisting the government to shape policy** while at the same time **disseminating information and coordinating regional activities** through a national civil society network

- such increased consultations conducted through established structures would enable relevant members of civil society to make effective contributions in their specific areas of expertise

- it is crucial that participation in such working groups is open to all members of the forum/platform with relevant expertise and interest in the specific theme/issue

- this approach can also help to improve the effectiveness of foreign funding to civil society activities by ensuring a more coordinated approach, both on the part of civil society actors and in conjunction with government programs and objectives, as well as better dissemination of information on identified priorities and relevant actors to the international donor community.

Chapter 3: Vulnerable Groups: National Minorities

Giorgi Sordia

As reflected in the Executive Summary, this report is based on a series of focus group and other meetings held in Tbilisi and several of Georgia's regions with various representatives of civil society, minority groups, the authorities and other civil participants, which sought to incorporate and reflect the many diverse views prevalent in the different sectors of Georgian society. While it is not exhaustive in scope and geography, the report does reflect the many and diverse views and opinions prevalent in Georgia, and the conclusions and recommendations are intended to serve as a starting point for further research, discussion and joint action.

National Minorities in Georgia - general overview

Historically Georgia is home to many diverse ethnic and religious groups. According to the latest census, conducted in 2002, ethnic minorities constitute 16% of the population, the largest ethnic groups being Azerbaijanis (6.5%), and Armenians (5.7%). Other ethnic groups, which together account for 4% of the population, include Ossetians, Russians, Greeks, Kurds, Assyrians, Chechens (also known in Georgia as Kists), Jews, Ukrainians, and Poles. Azerbaijanis and Armenians are mostly concentrated in the regions of Kvemo Kartli and Samtskhe-Javakheti, respectively. However, they are also well represented in the Kakheti and Shida Kartli regions, and the cities of Tbilisi and Batumi.

The level of civil integration of ethnic minorities varies from region to region. In the districts where ethnic minorities are settled compactly, the problem is directly related to the degree of knowledge of the Georgian language. As a Soviet heritage, ethnic Armenians living in Akhalkalaki and Ninotsminda districts of Samtskhe-Javakheti and ethnic Azerbaijanis living in Marneuli, Bolnisi, Dmanisi, Gardabani and Tsalka districts of Kvemo Kartli normally communicate in Russian when outside their communities. Russian is also the language of the local administrations, however official documents sent to the central authorities are usually translated into Georgian. The situation has barely changed in two decades since Georgia's independence, and the overwhelming majority of residents in both regions cannot speak the official State language. This remains the main factor hindering their integration.

In the areas where the national minorities are dispersed, especially in Tbilisi, the situation is relatively better. More people are fluent in Georgian and in many cases their level of knowledge is the same as of their native languages. This, however, does not ensure their full integration. While knowledge of the official language is useful for various economic activities national minorities continue to face significant problems in the main cities with respect to their civil and political participation and representation

In recent history, the attitude of the State towards the national minorities has not been consistent. In the Soviet period, civil integration was not deemed urgent, as ethnic Georgians and national monitories all were Soviet citizens and the Russian language was their *lingua franca*. Following the collapse of the Soviet

Union, the new Georgian state faced the problem of civil integration of national minorities, but was not able to address this in a constructive manner. Zviad Gamsakhurdia's government not only was unable to implement the politics of civil integration, it identified national minorities as a threat for the newly formed Georgian statehood, forcing thousands of people of various ethnicities to migrate from Georgia. This process was particularly extensive in case of the Ossetian population, many of whom were forced to leave their homes, villages and settlements. Statistical data from two consecutive censuses (1989 and 2002) unequivocally shows that the percentage of national minorities dropped from 23% to 16.2% in little more than a decade.

The intolerant attitude towards national minorities changed significantly after Eduard Shevardnadze came to power in 1992, though his Government did not develop any consistent policy for the process of civil integration. Many communities of national minorities became largely isolated, remained non-represented in the political life of the country and their cultural heritage was inadequately protected. Some communities, such as the Roma, were effectively marginalized and became highly vulnerable.

With respect to the improvement of the integration of national minorities, the most important is implementation of the adequate and effective State policies and development of the institutional mechanisms for management of cultural diversity. The need for the implementation of such policies from the side of the government was especially apparent after the Rose Revolution, though, at the initial stage, the policies directed towards the promotion of integration of national minorities was characterized with inconsistency, including the establishment of several parallel structures, frequent changes of their obligations and mandates, and the absence of a comprehensive plan or program for integration.

The first serious and consistent steps were made after 2006, when the Council of Europe Convention for the Protection of National Minorities entered into force, giving significant momentum to the formation of the state strategy and improvement of institutional management of the national minorities. From 2008, the Office of the State Minister for Reintegration is in charge of implementation of the policies of integration of national minorities. In 2005, a consultative body - the Council for Tolerance and Civil Integration – was established, which is coordinated by the President's advisor on the issues of civil integration. Another important step in the direction of integration of national minorities was the adoption of the National Concept and Action Plan for Tolerance and Civil Integration by the Prime Minister's Order #348 of 8 May 2009, which is a result of joint efforts of the State Minister on Reintegration and the Council of Tolerance and Civil Integration. Adoption of the Concept could be regarded as a decisive step in providing relevant conditions for development of the national policy in the issues of national minorities and integration, and for the creation of consistent mechanisms on multilateral decisions.

The Concept and the Action Plan are based on both the Council of Europe Framework Convention for the Protection of National Minorities and the Constitution of Georgia. The main goal of the Concept is the "creation of democratic, consolidated civil society based on the common values, which regards versatility as the source of its strength and provides to each citizen, maintenance of his/her identity and opportunity for development". The Concept focuses on six directions: rule of law, education and the state language, availability of media and information, political integration and civil involvement, social and regional integration, maintaining culture and originality. The activities of the action plan are funded by the state

budget. The concept was created as the result of wide-ranging participatory and consultative processed and involvement of various stakeholders, including representatives of national minority communities and national civil society organizations. The Concept is quite flexible and can be amended or expanded to meet emerging needs.

In addition, the role of Public Defender of Georgia has increased significantly in the sphere of protection and integration of national minorities. The Public Defender, as one of the main guarantors of the protection of human rights in Georgia, has always been involved in resolving the problems of protection of the rights of national minorities. Though, in this respect, his mission expanded significantly in December 2005, when the special permanent consultation body – the Council of National Minorities - was established. The Council of National Minorities unifies most organizations of the national minorities operating in the country, especially those that operate in Tbilisi and seek to provide consultations and promote collaboration between the national minorities and the Government. The role of the Council of National Minorities further expanded with the adoption of the National Concept for Tolerance and Civil Integration. As the overall structure unifying the national minorities, as well as the main advisory body, the Council of National Minorities is regarded as the monitoring body for the process of implementation of the action plan and the advisory body for the current issues of integration and protection of the national minorities with the government.

Political and Civil Participation and Representation of National Minorities

Political participation and representation is one of the key criteria determining the level of integration of the national minorities in the society. Georgian legislation provides a number of norms guaranteeing equal rights for national minorities. The Constitution, the Civil Code, the Law on Political Associations provide for affiliation of citizens in any public and political organization, regardless their ethnic or religious background. The only restriction imposed by the Law on Political Associations, Article 6, is the prohibition of establishment of a regional political party.

In addition, Georgian legislation does not provide for any quotas for the participation of national minorities in government bodies and agencies. According to Article 15 of the Law on Civil Service: "Any citizen of Georgia has the right to be a public servant, provided that he or she has adequate command of the official language (i.e. Georgian), has required knowledge and experience, and is 21 years old." The same norms apply to the participation in self-governing bodies: according to Article 2 of the Law on Local Self-government, Georgian citizens have the right to be elected in local self-government bodies, irrespective of their race, color, language, religion, national or ethnical belonging, though, on the basis of Article 9 of the same law, the working language of local self-government bodies is Georgian.

According to the legislation, knowledge of the official language is a necessary condition for any citizen for employment in the public service, both at the central and regional levels. Lack of knowledge of the official language in the regions, where ethnic minorities live in large numbers, poses significant problems with respect to employment. Though, it should be noted that the language requirement of the law is not met to the full extent in these regions, especially those requirements dealing with use of Georgian as the working language in the administrative bodies. Actually, in Akhalkalaki and Ninotsminda districts of the Samtskhe-

Javakheti Region, the language of records management is Russian, though documentation sent to the capital is translated into Georgian. If we measure representation of national minorities in public and administrative bodies at all levels against their overall number in the country, we can conclude that they are not adequately represented.

National Minorities in the Parliament

In the current Parliament there are six national minorities representatives, which is a significant decrease compared with the previous parliaments. For example, the Parliament convened in 2004 had twelve ethnic minority MPs, while the 1999 Parliament had sixteen. Such low representation is one of the factors why the problems of national minorities and the regions of their settlement are not considered in a due manner. In addition, the MPs from national minorities are not participating actively in the work of the Parliament and rarely take part in political debates. The main reason is their lack of knowledge of the official language.

It should be noted as well that the national minorities are not properly involved in the public political processes at the national level and their membership and active participation in the political parties of national significance is minimal. This is reflected in the virtual absence of national minorities in the election lists of all political parties. For example, political parties participating in the 2008 elections had a total of 55 national minority representatives in all of their lists combined. One party – the Christian-Democratic Movement – did not have a single ethnic minority representative in their 161-member list. The United National Movement had the highest representation of national minorities, a total of 8 people, although the first was 29th on the list, the second 31st, and the rest below 50. This effectively meant that the probability for national minorities to win mandates was very low. In this respect, the party list of the Republican Party was relatively better, with 5 national minority representatives, of whom 3 were placed at competitive positions on the list.

In addition to the lack of motivation and a proactive approach from the side of the national minorities, Georgia's political spectrum is passive in encouraging their involvement and, in more general terms, in supporting civil integration policies. The analysis of the election programs and charters of the political parties participating in the 2008 general elections shows that 2 out of 12 parties addressed the issue of engagement of national minorities and their civic integration. These parties were: Republic Party and Christian-Democratic Movement, though, paradoxically, the latter did not include a single minority representative in its election list. Moreover, Georgian political parties make very weak attempts to implement their political and elections activities in the regions compactly populated with national minorities, as these regions are traditionally regarded as supporters of the party currently in power. The lack of attention to these regions contributes to the creation of a tense pre-election environment, hindering the formation of a modern political culture in these regions.

Though there are no legal barriers preventing the political involvement of national minorities, the degree of their participation in the socio-political life of the country is extremely low. The representation of national minorities is extremely low in the Parliament of Georgia and in the regions of settlement of the national minorities, at the level of local councils. As a result, their capacity to influence the decision-making process

is very low. The national minorities are less involved in the executive power, political parties and civil society life.

National Minorities in Local Councils (Sakrebulos)

At the level of the local councils the political representation of the national minorities is not adequate either. The data on the composition of Tbilisi city councils of 2006 and 2010 indicates that the minorities are poorly represented, with ethnic minority representatives making up only 9.2% of total local representation. At the regional level, national minorities were represented only in Samtskhe-Javakheti, Kvemo Kartli, Kakheti, Shida Kartli and Mtskheta-Mtianeti, while in the large cities with ethnically diverse populations – Rustavi, Batumi, Kobuleti, Poti and Tbilisi - the national minorities were not represented at all in local councils. Traditionally, national minorities are properly represented in the areas of their compact settlement, in particular, in Samtskhe-Javakheti and Kvemo Kartli. Compared with the other ethnical groups, the Armenians are adequately represented in Akhalkalaki, Ninotsminda, Akhaltsikhe, Tsalka and Marneuli Sakrebulos. And while the overall number of Azerbaijanis is greater than that of Armenians, their representation is much lower, with a total political representation of 3.7% in local councils nationwide.

Marginalized Communities of National Minorities

In discussing marginalization of certain parts of the national minorities, we specifically refer to the communities of Roma, Moldovans, the Kurdish-speaking nomadic population, and communities known under the general name of "Roma" (ბოშა). Extreme poverty, unemployment, lack of access to education and health care, isolation from the rest of population of the country, and the absence of the proper documents are their key problems.

Civil awareness among the Roma communities and their involvement in public life is extremely low, as shown by permanent absenteeism at elections. There is also a lack of confidence, both towards the government and the wider society. Another important problem these communities face is complete exclusion from the government's social programs. Members of the community do not have any information about their civil rights and, consequently, they are not able to take advantage of the benefits provided by the law, including pensions, medical services, right of education etc. Basic economic or public activities of the communities are restricted to petty trade, or begging. It should be taken into consideration that irrespective of such acute problems there are no state programs or incentives that could promote civil participation and integration of the Roma and Moldavians. Though the government has adopted the Concept for Tolerance and Civil Integration and now implements the action plan, neither the Roma nor Moldovans are included. Key factors conditioning their marginalization include the lack of secondary and higher education and in some cases the absence of registration by place of residence, isolated life style, unemployment and negative attitudes from the side of public. Until recently, only a few children from Roma families attended school, mainly due to the lack of unawareness by parents as to the importance of school and education. Parents prefer

to send their children out to beg or trade instead. Another factor hindering school attendance is the absence of birth certificates.

One more significant factor behind the marginalization of the Roma community is their isolation and social vulnerability. Regarding traditional life style of the Roma, the community always lacked contact with the external society, and trading in the streets and begging are perceived by the public as the major sphere of the Roma activities, which causes irritation and lack of confidence on the part of the public to the Roma. Needs of these groups vary from community to community and from region to region. For example, in those Roma communities, where socio-economic conditions have improved due to the expansion of trade opportunities, the members are focusing on education of children and the establishment of kindergartens, while Telavi-based Roma community is coping with problems of basic needs and elementary living conditions.

The community of Moldavians has, for the most part, dealt with the socio-economic problems and those related to the absence of documents. However, they too are preoccupied with looking for jobs and areas of economic opportunities rather than education.

As for the nomadic Kurd-language ethnical group, they are in the most dramatic situation. Similar to the Roma of Telavi settlement, they do not have even elementary conditions for life, though, unlike the Roma, they do not consider any activities as acceptable, except for begging. Consequently, they do not feel any needs and do not demand anything.

In addition, for the population of all above settlements, the common needs include documentation (birth certificates and identity cards) problems, absence of which cause to the certain community members exclusion from various social programs and leave the children without secondary education.

Educational Needs of the National Minorities

One of the most significant issues with respect of the state policies related to the national minorities is offering adequate education and support to the process of teaching of the state language. This is one of the priority directions of the National Concept of Tolerance and Civil Integration, the action plan of which provides for a number of specific activities, in particular implementation of special programs for development of the regions settled with national minorities, with special emphasis on schools to ensure proper preparation of local youth for higher education. Implementation of such measures requires optimization of multi-lingual education policies, translation of all relevant textbooks into the languages of the minorities and providing the opportunities of awarding the grants and scholarships abroad, for the representatives of national minorities.

Offering adequate education options is also a significant part of general education reforms ongoing in the country, though a number of problems hinder any significant progress in this area. Education of the national minorities is directly related to teaching of the official language, but changes are insufficient, as the level of knowledge of Georgian language among the national minorities has not significantly improved over recent years. This is related to the absence of adequate textbooks and the lack of qualified teachers. Representatives of the national minorities positively evaluate introduction of a bilingual education system, though this model is a pilot one and is not yet widely disseminated.

Needs in the Sphere of State Policies in Relation to the National Minorities

While the government of Georgia is paying increased attention to socio-economic and educational needs of national minorities in Samtskhe-Javakheti and Kvemo Kartli regions, the needs of other minorities such as Udins, Avarian, Ossetians, Assyrians and Abkhaz dispersedly settled in other regions or small communities remain largely overlooked, especially with respect to diversity management. Their languages and cultural heritages are endangered due to the threat of their gradual assimilation with the local population. In the same context, the institutional development of diversity management in Adjara region is made possible through the community centre "Friendship House", which acts as an advisory structure for national minorities. However, its effectiveness is limited due to the lack of mechanisms to influence the decision-making process, and it effectively becomes little more than a structure for informally expressing the interests of local minorities. With respect to implementation of the policies in relation with national minorities, at the national government level the most significant need is fulfillment of the obligations to the Council of Europe, undertaken by the government of Georgia. I in particular, this concerns the adoption of the law on national minorities and signature of the European Charter for Regional or Minority Languages and its ratification by the Parliament.

General Conclusions and Recommendations

Georgia has a number of government structures that are involved in the implementation of policies related to national minorities. Most of these institutions were established after 2004, which clearly demonstrate the will of the current Georgian government to improve the situation with respect of civil integration and protection of rights of the national minorities.

Adoption of the National Concept of Tolerance and Civil Integration by the Government of Georgia, theoretically, has formed the consistent and adequate institutional system for the protection of rights and integration of national minorities. Implementation of the goals, however, remains fully depend on the effective work of mechanisms in place and the coordination between the institutions. In addition, progressive steps have been made for economic strengthening of the regions settled with national minorities, including rehabilitation of the access roads and highways and the provision of gas pipelines and power supply in most regions and villages. Despite the progress achieved in the last few years, many members of local communities, civil society, NGOs and academia identified a number of problematic issues related to the protection of the rights and the integration of national minorities, including:

- In general, national minorities are not adequately represented in the government and state institutions at central, regional and local levels. Low representation and exclusion from the political and social life of the country has a potential to cause tensions between the communities of national minorities and the rest of the society, especially in the regions, where they live in compact settlements.

- Low level of awareness about political and socio-economic policies of the government among big communities of national minorities, such as Azerbaijanis in Kvemo Kartli and Armenians in Samtskhe-Javakheti, is due to the lack of educational opportunities both in terms of learning the official language and access to higher education.

- Cultural identity and heritage of certain national minorities, such as Udins, Avarians, Ossetians, Assyrians, Abkhaz, living in small communities is endangered and additional measures need to be considered for their preservation and development.

- There are a number of extremely marginalized and isolated communities, such as Roma, Kurdish-speaking nomadic groups and Moldovans, who do not have access to health care services, basic sanitary conditions and education. Many of them do not possess ID cards or other documents and are not aware of their social, political and other rights.

Based on the above conclusions and the suggestions of the participants of our study, the following recommendations have been developed, which can serve as a general guide in the process of more effective integration of national minorities.

General recommendations

- to improve the civil integration of national minorities, the opinions and recommendations of the organizations and representatives of the national minorities should be taken into consideration when developing state programs;

- in considering or deciding issues related to the national minorities, various state agencies should actively cooperate with the organizations of national minorities, both in the capital and in relevant regions of Georgia;

- for effective implementation of the Tolerance and Civil Integration Action Plan, the government of Georgia should ensure effective coordination of various structures engaged in implementation of the action plan;

- in implementation of the Tolerance and Civil Integration Action Plan, the European experience of management of the national minorities and cultural diversity should be taken into consideration;

- the Georgian government should continue its work for fulfillment of the legal obligations to the Council of Europe undertaken in 1999;

- effective mechanisms for Framework Convention for the Protection of National Minorities and reporting to the Council of Europe should be developed;

- the information meetings and seminars should be continued, for the purpose of improvement of awareness in the issues of European Charter for Regional or Minority Languages, with participation of the government and Georgian civil society. Such meetings are especially significant for the dense settlements of the national minorities.

Recommendations concerning increased political representation

- Georgian political parties should more actively work in the regions compactly settled with national minorities and include the issues of civil integration into their programs and election provisions;

- for the purpose of improvement of the political participation of national minorities, the political parties should promote involvement of the national minorities in their party lists;

- the state programs intended for training of the representatives of national minorities for their employment at public offices should be further supported.

Recommendations concerning increased educational opportunities

Ministry of Education and Science and other relevant national and international stakeholders could consider:

- increased funding of professional development programs for teachers of non-Georgian schools, and additional incentives for teachers working in this sphere in order to attract qualified professionals. Additionally, translation of education materials into the languages of national minorities and use of the translators' services, as required;

- training of the teachers of the native languages of minorities at the higher education institutions. Programs of the higher education institutions should be based on the professional standards for the teachers of Armenian and Azerbaijani languages developed by the teachers' professional development center;

- benefits for the graduates of non-Georgian schools at the entry examinations, funding of the bachelors and masters' degrees;

- develop a system of scholarships for university students with the emphasis on the specialties that are required for the preparation of teachers for schools in the languages of national minorities;

- teaching of inter-cultural disciplines as the obligatory course, in all programs for teachers' training in Georgia.

Recommendations concerning the marginalized communities of national minorities

To help overcome the problems of marginalized communities and their integration into society, the government, as well as local NGOs and international organizations may consider the following recommendations:

- Georgian government should offer to the marginalized communities of national minorities residing in the country the same rights and status as the other ethnical minorities by reflecting their needs in the Action Plan for Tolerance and Civil Integration;

- relevant state structures (Ministry of Justice, Public Registry Agency) should ensure full census of the members of these communities with a view to providing them with documentation, such as birth

certificates, identity cards and other documents in order to give them the opportunity to access government services and fully participate in social, economic and political activities;

- the Ministry of Education should take relevant measures for ensuring secondary education for children living in marginalized communities;

- NGOs, especially those working on human rights and civil development, should develop the projects and incentives to promote improvement of the civil awareness in the marginal groups, familiarize them with their rights and conduct for them the legal consultations to deal with the various public structures;

- donor and international organizations should provide finances for community mobilization of the marginal ethnical groups and support development of the existing organizations.

Recommendations concerning diversity management

- with regard to national minorities that live dispersedly or in small communities, the government could consider measures to preserve their languages, cultural heritage and promote diversity through designing and implementing programs based on actual needs assessments;

- in the process of implementation of the state policies aimed at integration of national minorities, the government should give more consideration to the needs of such regions as Kakheti, Shida Kartli and Adjara, where the national minorities such as Udins, Avarians, Assyrians, Ossetians, Abkhaz and others are not included in any state program.

Chapter 4: Confidence **Building and Conflict Transformation**

Giorgi Volski

This papernexamines from a community and civil society perspective the current situation with regard to Georgia's breakaway regions of Abkhazia and South Ossetia, with the aim of identifying where and how reconciliation could be pursued more effectively. As reflected in the *Executive Summary*, this paper is the product of an inclusive and wide-ranging consultative process, which sought to incorporate and reflect the many diverse views prevalent in the different sectors of Georgian society. While neither exhaustive in scope nor conclusive in its findings, it does reflect views and opinions expressed by the many and diverse participants of this process, which presents a starting point for further dialogue, study and joint action.

Introduction

The history, causes and results of the August 2008 conflict, as well as the conflicts in Abkhazia and South Ossetia, have been comprehensively covered elsewhere. By way of introduction, and in lieu of revisiting such contentious historical events, we propose instead to highlight the ways in which the results of these conflicts hinder Georgia's further peaceful development. A brief reflection on some of the key problems facing Georgia due to the unresolved conflicts will create a basis for understanding the analysis and proposed approaches elaborated in the latter part of this paper.

While concern over renewed conflict have subsided considerably over the past three years, many parts of Georgia's society still fear an outbreak of new hostilities, particularly those communities adjoining Abkhazia and South Ossetia. That said, an overwhelming majority of participants in our process agreed that conflict has become an issue of secondary importance for most of Georgia's population, with socio-economic issues (unemployment, creeping poverty, etc) being the main concern. This is equally true for communities living along the administrative boundary lines, with many participants citing livelihood issues such as access to agricultural land and water sources as being no less important than living a permanent state of insecurity. The same applies to most internally displaced persons (IDPs). With the exception of a handful of IDPs involved in internationally-funded projects, the rest of the IDP population is preoccupied with efforts to improve their dire living conditions, and is not actively engaged in conflict transformation or reconciliation efforts.

In terms of security, affected communities identified the lack of clear information as one reason for their sense of instability and insecurity. The locations of the ABLs, for instance, are defined by either Russian military forces or the *de facto* authorities, who impose punitive measures for "illegal

border crossing". In many places the exact location of the ABL remains either undefined or shifting, and neither the Georgian authorities nor the Russian or *de facto* forces inform local communities of the boundaries or safe areas. On the part of the international community, while the presence of the European Union Monitoring Mission (EUMM) is seen as a helpful deterrent to renewed outbreak of large-scale hostilities, it is not seen as an effective mechanism in either providing security to local communities or resolving everyday problems stemming from the situation along the ABLs.

Despite these obstacles, relations between many divided communities remain relatively active and strong along both ABLs, in particular near the Gali district in Abkhazia and near Akhalgori district in South Ossetia. While the ethnic Georgian population on both sides is the driving force for these relations, informal and constructive relations between the various ethnic communities are also quiet visible. Trade and economic activities are a major vehicle for such relations, with a number of small-scale business projects being successfully implemented, despite the obstacles noted above. Aside from providing a critical source of income to the participating individuals, such activities also help to incrementally rebuild confidence between the divided communities. It is important to recognize, therefore, that despite all the insecurities and threats stemming from the unresolved conflicts, there is both willingness and means for divided communities to engage directly in together improving their difficult living conditions.

Access to information in a broader sense was also identified as a major cause of uncertainty and apprehension across all segments of society. The limited presence and activity of independent media, in particular in Georgia's peripheral regions, creates uncertainty and causes speculation. For instance, while most people are aware that the Government has a *State Strategy* and *Action Plan* with regards to the breakaway regions, very few people have any knowledge of its details or substantive instruments. At the same time, while many citizens know that Georgia's foreign policy is oriented towards Euro-Atlantic integration, few of them have any real knowledge of the actual processes or benchmarks. As such, the common perception, especially in the regions, is that despite Georgia's aspirations, the West is not particularly receptive, and remains passive in terms of the prevention and resolution of conflicts in Georgia. Specifically, the issue of conflicts receives media coverage exclusively in a Georgia-Russia paradigm, and very rarely is there any open, analytical discussion of these important themes.

Russia's role and positions

To fully comprehend the range of complex problems facing Georgia, and to seek where and how we may successfully pursue confidence building and conflict transformation, we need first to have a clear understanding of the role and interests of the Russian Federation. Again, we avoid a historical

review of this matter by focusing instead on the analysis presented by the various participants in our process. In this regard, the following elements of Russia's main interests and positions were identified as key factors to be considered in our analysis.

The outcomes of the August 2008 conflict were a critical step in strengthening the Russian government's position and better securing its strategic interests in the South Caucasus, as reflected in Presidential Decree #537 of 12 May 2009 on the *National Security Strategy of the Russian Federation to 2020*. While Russia may justify a military presence in Abkhazia and South Ossetia on the basis of "bilateral agreements" and the protection of Russian citizens and the local population from Georgian aggression, its strong military presence has effectively strengthened its position in the rear of the problematic North Caucasus region. Several participants suggested that the most effective way of refuting this argument and removing the declared basis of Russia's military presence in Abkhazia and South Ossetia is to provide solid guarantees that Georgia will not resort to forceful means of conflict resolution or restoration of territorial integrity. Some participants also noted that by occupying Georgia's regions, Russia has also effectively suspended the process of Georgia's Euro-Atlantic integration, in particular NATO membership.

It is unrealistic to expect Russia to accept the label of "occupant" and unlikely that Russia will identify itself as a party to the conflict, claiming instead that it is a security guarantor in the conflicts between Georgia and Abkhazia and Georgia and South Ossetia. There is insufficient international will and/or leverage to force Russia change its position on these key issues, let alone de-occupy Abkhazia and South Ossetia by removing military forces. The predominance of political labels and rhetorics has effectively frozen dialogue and any viable peace process, which works to Russia's advantage. However, an overwhelming majority of participants felt that it is both necessary and possible to set aside the most contentious political issues in an effort establish real dialogue. Some participants even referred to a need to move from a position of "pressure on Russia" to one of "dialogue with Russia".

The prolonged continuation of the *status quo* favors Russia, which is pursuing a policy of creeping Russification through demographic changes (such as the increased presence of Russian servicemen and accompanying family members) and social modifications (such as the introduction of Russian as the language of instruction in local schools to better accommodate the families of these Russian servicemen).

Many participants also expressed strong concern over Russia's strong economic leverages in many strategic sectors of Georgia's economy, which could be used as an additional means of pressuring Georgia in the event of bilateral tensions. At the same time, participants agreed that while Russia has no real political support within Georgia, it is in Russia's interest to ensure continued internal

(political and social) instability. Without entering the debate over the real extent of Russia's economic and political leverages in Georgia, it is important to recognise that the majority of participants did not understand why the Georgian government would allow Russia to assume control of some strategic economic interests in Georgia. At the same time, many participants also felt that the Georgian government's confrontational style of governance was also contributing to domestic tensions, creating an environment conducive to Russia's overall strategic interests.

Abkhazia and South Ossetia

While there was complete agreement among all participants that Russia remains a primary party to the conflict, most participants believed that both Abkhazia and South Ossetia must also be acknowledged as parties to their respective conflicts with Georgia's central government. They disagreed with the government's approach of seeing the conflict exclusively through a Georgian-Russian paradigm, which they felt further marginalized the Abkhaz and South Ossetians. Of greater concern was the official rhetoric towards Sukhumi and Tskhinvali, specifically that terms such as "puppet regimes" unnecessarily antagonizes the Abkhaz and South Ossetians and creates further divides, including between the respective communities. The status of Abkhazia and South Ossetia – in the sense of being parties to the conflicts and as potential dialogue partners, as opposed to their political status – was the main feature of many of our discussions, and leads to the following key analyses.

Recognising Sukhumi and Tskhinvali as parties to the conflict would be constructive to engaging them in direct dialogue, thereby bypassing Russian interference. There were significant differences, however, in the form or mechanism of such recognition. Some participants believed that signing "bilateral" agreements with both Sukhumi and Tskhinvali would pave the way for dialogue on a range of issues, including an international security regime, providing a framework for social and economic or trade contacts, and possibly even on the issue of IDP returns. Importantly, many participants believed that such an agreement would open the door to a wider and more effective international presence in both regions. Other participants remained highly skeptical of any benefits that such agreements could deliver, noting that not only was there a danger of reinforcing their sense of independence and "recognition", but it could also create opportunities for possible provocations that could be presented as Georgian violations of signed agreements and used as a pretext for further aggression. Additionally, many participants also questioned the effect that such agreements would have on generating political will to constructively engage on issues such as access to international actors and return of IDPs.

The longer the current political stalemate continues, the more estranged Georgian, Abkhaz and South Ossetian people and communities become. This will inevitably lead to an irreversible loss of

both regions, not only as a result of Russia's occupation but also due to the complete absence of trust, goodwill and contact between the communities. Official rhetorics and propaganda on all sides only fuels mistrust and antagonism. Despite various examples of contacts and cooperation between ethnic Georgians, Abkhaz and South Ossetians, including in areas of economic and trade cooperation and different peacebuilding activities, the absence of any formal arrangements between the parties to the conflicts means such relations could be severed at any time.

The international context

Finally, many participants reflected on the complicated international context in which the conflicts – and therefore any conflict transformation and resolution – occur. Although the views were more speculative, which is only natural given the lack of official information or insight into these important and sensitive political processes, they do reveal important perceptions and concerns that need to be adequately addressed by the government and key international partners.

There is a sense that Georgia is losing the support of the international community, which had peaked in the years following the Rose Revolution and the initial wave of democratic reforms. There was consensus on the need to make international support irreversible, but a difference of opinion on the method, with most participants claiming that strict adherence to Western standards and expectations was necessary, while others believed Georgia had already proven itself as a democracy. These differences are directly related to the dichotomy that emerged during our process on issues not directly linked to the thematic focus of our work, but which deserve brief mention. Specifically, most of our participants believed that the government has not yet delivered sufficient progress in key areas of democratic reform, and some went so far as to suggest that Georgia could even be seen by some foreign partners as an irresponsible consumer of Western assistance. This issue certainly warrants further discussion.

Almost all participants believed that the government's actions are closely agreed in advance with the key Western partners, in particular with the USA. However, this is interpreted differently by various people. Specifically, many participants either neutral or opposed to the government's approach speculated that the government may have entered into the August 2008 conflict with the implicit agreement from, or even at the behest of, foreign partners. Such views are based on a widespread belief that the August 2008 was not an unexpected occurrence, but rather the result of a long series of incidents and provocations that had saw gradual increases in tension over the years. Many participants believed that these provocations were planned by Russia, and blame the West for failing to recognise the danger and provide adequate and timely assistance to Georgia prior to August. Others believe that the August 2008 conflict is a by-product of the larger geostrategic antagonism between Russia and the USA, and that Georgia is merely a victim of the disagreement

between them. Most striking was the widespread view, in particular in the regions, that the government's approach to conflict resolution was being driven by interests beyond Georgia. Many participants consider that the government is being lured by promises of Euro-Atlantic integration (membership of NATO and the EU), which compels it be more responsive to foreign interests at the expense of domestic concerns. Many participants feared that the interests of small nations such as Georgia were being manipulated by major international players for their own ends.

It is important to emphasise at this juncture that irrespective of the validity of the various views reflected above, these are representative of the concerns and beliefs of large segments of society, in particular in regional communities. Many of these views merely reinforce the need for more and better distribution of information, which would allow for more informed discussion. This contributes to the anxiety and, consequently, suspicion and division in Georgian society, in the first instance among communities directly affected by the conflicts and those in close proximity to the conflict zones.

Confidence building for conflict transformation

The present impasse on the political level with regard to conflict resolution makes the need for conflict transformation all the more urgent. Conflict transformation is a method of conflict resolution that provides an opportunity for the authorities and civil society to work together without compromising the political positions of the former while making better use of the latter to promote common goals through confidence building and restoration of trust and dialogue. Conflict transformation through restoring contacts and confidence between divided communities would lay a critical foundation for sustainable and peaceful conflict resolution. The following analysis and recommendations is based on the views of the many and varied participants in our process, and it is important to emphasise that the ideas and concerns of most regional/community-based participants were in complete accord with the analyses and suggested approaches proposed by the many experts who took part in our process.

As mentioned earlier, a small number of successful joint trade and other initiatives currently take place, despite substantial barriers to contacts and cooperation between the divided communities. A lack of progress at the political level, however, prevents the relative success of such initiatives from having a significant impact on the wider conflict resolution environment. In the absence of any viable political dialogue, therefore, it is imperative that relations with the Abkhaz and South Ossetian communities be pursued through civil activities that seek to re-establish contact, rebuild trust and confidence, and contribute to improving the lives and prosperities of the affected local communities through joint activities in pursuit of mutual interests. The needs are many, and the spheres of activity include: joint management of water resources, improved access to healthcare

services, joint business projects, greater cooperation between various professionals (academics, journalists, environmental specialists, human rights experts, farmers, etc), and many others. The government's program of providing free or subsidised medical services to residents of Abkhazia and South Ossetia shows that such significant needs exist and that such cooperation is possible.

In the absence of any dialogue or confidence between the respective authorities, many of our participants felt that the international community must play a more active role in supporting such activities (financially and otherwise). International (neutral) support is essential to creating sufficient political space within which civil society can pursue common interests for the common good. Quantitative expansion of activities that bring Georgians, Abkhaz and South Ossetians into more frequent and direct contact would inevitably generate sufficient confidence for relevant parts of civil society to address sensitive or political issues. Numerous "dialogue processes", funded by various international organisations and international NGOs, have been taking place for years but their effect has been negligible not only because of the lack of progress at the political level but also because of insufficient interest and support at the civil society and community level. By broadening both the number and range of participants and beneficiaries among the "common people", greater understanding of and interest in lasting reconciliation and cooperation can be generated, which would ultimately create a foundation on which political actors can build a viable and sustainable peace process.

Additionally, entrusting international organisations and NGOs to support such people-to-people connectivity without any "political agenda" would help establish them as "honest brokers" in the eyes of the Abkhaz and South Ossetians. This, in turn, would increase their chances of gaining access to Abkhazia and South Ossetia, thereby meeting one of the key aims of the government – greater internationalization of both these regions. At the same time, creating a more structured approach under the guidance of relevant international actors would ensure better coordination of civil society activities transform the current competition for scarce resources into a collaborative and more effective approach.

However, while such an approach would be effective in terms of generating a bottom-up creation of confidence, trust and cooperation, the success of this approach would still require a conducive political climate. In this regard, it is important to recognise that the various parties to the conflict have their interests, some of which must be accommodated to prevent "political interference". As noted above, as a key actor Russia has specific positions and interests, and the current status quo certainly serves Russia's interests. Therefore, the initiative for change lies with the Georgian government, in particular in taking steps that would meet Russia's declared interests, thereby undermining Russia's justification for maintaining its military presence in Abkhazia and South Ossetia. Compromise may be difficult to imagine in the present situation, not least of all because

the government fears any compromise would be seen domestically as a sign of weakness, but if a change of direction creates necessary conditions for dialogue and real potential for negotiations at the political level, this would only be welcomed by the majority of citizens.

In November 2010, for instance, President Mikheil Saakashvili made a unilateral pledge not to use force against Abkhazia or South Ossetia. Despite the positive reactions from international partners, this had little impact both on the political dialogue level and on enabling further contact between the divided communities. A year on, the Georgian government has waited for Russia to reciprocate with its own pledge of non-use of force. This is both unrealistic (as noted above, in large part due to Russia's position that it is not a party to the conflict and also due to insufficient international pressure) and, according to some experts, also counterproductive (an exchange of such commitments will formalise the status quo and merely cement the basis for disagreement). In this regard, and bearing in mind the seemingly intractable differences at the political level, the government could lead the way by deferring political processes and instead creating conditions for civil society-led confidence building and conflict transformation processes. On the basis of basic principles, endorsed and supported by key international stakeholders, the parties could:

- recognise that unresolved conflicts in Georgia pose a danger to wider regional stability;

- recall or reiterate existing commitments (or recommit) to the non-use of force;

- recognise that at the present stage there is insufficient basis on which to pursue a political solution to these conflicts, and agree to defer political dialogue until such a period as all parties are ready to sincerely engage in dialogue;

- acknowledge a common responsibility for maintaining regional and international security and, on the basis of this, agree to create necessary conditions for addressing humanitarian and other needs, including in the field of human rights, economic cooperation and people to people connectivity outside the political context; and

- endorse specific courses of action or spheres of activity based on mutually agreed priority issues, such as those under discussion in the Geneva International Discussions working group on humanitarian issues and measures reflected in previous joint declarations on confidence building measures.

It is possible to conclude such principles without reference to the status (political or otherwise) of any of the parties, or their respective positions on key political issues. It is also possible to agree on such principles without resorting to an "international" document. On this basis, each of the parties could demonstrate their commitment by taking a set of unilateral measures to create an environment conducive to civil society-led processes, including liberalization of relevant legal frameworks and a public endorsement of civil society-led processes and activities.

Recommendations

On the basis the above analysis and suggestions, which reflect the views and opinions of a wide spectrum of participants in our process (both experts and affected communities), the following recommendations have been developed as a possible guide on how to build confidence through a conflict transformation approach in the context of the current political situation:

- to create an environment conducive to confidence building and conflict transformation by setting aside contentious political issues, the parties to the conflict could agree on **a set of principles that create an enabling environment for apolitical civil society-led processes** aimed at improving the situation of the affected communities, which could be followed up by **unilateral measures** to ease legal, security and other conditions;

- to ensure transparency and coordination of civil society activities, **an advisory body in the form of a Civil Society Council** could be established. Such a body would comprise civil society representatives from the parties to the conflict who, under a co-chairmanship arrangement, would define and agree activities and project implementation. Each of the participating groups would inform and coordinate with their respective political authority

- this mechanism could be supported by a parallel political mechanism at the local level, for instance the **establishment of a Council of Governors** from villages on both sides of the "dividing line", who could address local everyday problems

- this would strengthen the effectiveness of existing security and political processes, such as the **Incident Prevention Mechanisms and the Geneva Discussions** by ensuring greater awareness and responsiveness at the highest political levels;

With regard to possible **unilateral actions by the Georgian authorities** aimed at creating a more conducive environment for confidence building activities through restoration of people-to-people contacts, the government of Georgia could:

- improve the overall socio-economic situation in villages along the administrative boundary lines by implementing wide-scale projects for **rehabilitation of houses and other key infrastructure**, including hospitals;

- permit the **use of Abkhaz and Ossetian "passports"** throughout Georgia;

- **abolish the "modalities" regime**, which at present restricts further development of joint activities between Georgian, Abkhaz and South Ossetian businesspeople;

- further encourage **joint business activity** by supporting **joint visits and tours** by Abkhaz and South Ossetian business people to relevant locations in Georgia (such as markets, business centres, etc);

- establish **industrial zones, markets and/or free economic zones** in key locations along both administrative boundary lines, in particular Ergneti and Khurcha, with expert or financial support from local business leaders and international partners;

To **attract greater international support and involvement** in such processes, which is a key prerequisite for realizing greater international access to Abkhazia and South Ossetia:

- the authorities should encourage **international organisations/donors to open offices in locations along the administrative boundary lines** to support, in the first instance, trade and economic activities;

- the authorities could permit **greater access for international NGOs** to Abkhazia and South Ossetia, and allow an expansion of their activities in close consultation with the authorities through the Civil Society Council;

To **generate greater awareness of conflict resolution processes and issues**, and create a wider space for public interest and discussion, the authorities could work closer with both civil society and media to **promote peacebuilding activities** and also facilitate televised and local discussions on relevant issues, including with the participation of national and international experts.

At the same time, authorities should address the **information deficit**, particularly in the regions, by **more effective and regular information** and clarification of key international processes and their relevance to Georgia. Simply informing our citizens in general terms that the international community supports Georgia is not enough, and further details on specific assistance programs and important political processes are required. At the same time the **international community** could also play its part in raising awareness and helping to address misperceptions of its role and interest through a **focused and proactive information campaign** beyond the capital and main cities.