

Quo Vadis Georgia?

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Executive Summary

On 14–15 December 2023, the European Council in its discussions on enlargement is expected to make a crucial decision on granting candidate status to Georgia. This is a direct result of the window of opportunity created by Russia's unprovoked and unjustified military aggression against Ukraine, which has prompted the EU to become a geopolitical player in the region. Georgia reacted to this opportunity by backsliding on democracy and an attempt by the authorities to pass a Russian style law on foreign agents. The country faces a crucial point in the autumn 2024, when general elections are scheduled. The Georgian Dream (GD) party, which has been in power since 2012, is keen to win a fourth consecutive term, while the opposition calls GD Russia's political force and is seeking to take over the reins. The European Council faces a dilemma and is walking a fine line. It must ensure that the ruling party does not capitalise on the EU's positive decision, on the one hand, while maintaining leverage to keep the country moving towards the EU, on the other.

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The recommendation by the European Commission on 8 November 2023 on granting candidate status to Georgia opens a new chapter in EU-Georgian relations. It comes with a new set of nine conditions, labelled “steps” by the European Commission. These are pretty much political and address the deeply embedded challenges that Georgia's democracy has been facing for quite a while. Notably, the Georgian authorities among others must: conduct free and fair parliamentary elections in the autumn of 2024; reform the judiciary; align the country's foreign policy to that of the EU Common Foreign and Security Policy (CFSP); deal with the anti-western propaganda nurtured by the ruling party; address deoligarchisation; tackle depolarisation; protect human rights; and curb elite corruption. The crucial test for Georgia's progress on the EU accession path will be how the general elections scheduled for the autumn of 2024 are conducted.

There is an expectation that following acceleration of the enlargement process, the EU will take a pause and become more inward looking in 2024. The EU must deal with elections to

the European Parliament scheduled for June 2024 and the new College of Commissioners must be appointed and approved. Plus since 2022 the public support to the idea that the EU should speed up its efforts to let new countries join the club decreased from 58% to 53%. The current window of opportunity for enlargement might not stay open indefinitely. The Georgian authorities must seize the momentum to get as close to the EU as possible.

Old Wine in New Bottles?

The European Commission's recommendation on granting candidate status to Georgia was largely thanks to the efforts of its people. Society stood up to a Russian style law that would have derailed Georgia from the EU track. It was also for geopolitical reasons, since recommending the launching of accession negotiations with Ukraine and Moldova and not giving Georgia candidate status for a second time would have increased the distance between Georgia on the one hand and Ukraine and Moldova on the other. Encouraging signals are also coming from Yerevan, since the Armenian authorities are more and more leaning towards the EU. The Georgian authorities have fulfilled the three least politically sensitive of the EU's 12 conditions.

The European Commission's recommendation on candidate status does not mean that the endemic problems of the rule of law, the judiciary, the protection of human rights, the fight against elite corruption and deoligarchisation have been resolved. They remain and are getting even more acute. In 2023, the US administration sanctioned four influential judges in Georgia on the grounds of corruption. All three remain in post and have been given guarantees by the prime minister. The US administration also sanctioned the former Prosecutor General, Otar Partskhaladze, due to his cooperation with Russia's Federal Security Service (FSB) on influencing Georgian society and politics for the benefit of Russia. The acting President of the National Bank of Georgia issued a decree granting exceptions to the sanctions and allowing Partskhaladze to maintain access to his account.

In deciding to recommend candidate status for Georgia, the European Commission did not push the problems under the carpet. It recalibrated the issues and put old wine in new bottles. Instead of the original 12 recommendations, Georgia must now fulfil nine, but these are more politically sensitive, quite detailed and leave less room for interpretation. The European Commission has kept deoligarchisation, depolarisation, the fight against elite corruption and the protection of human rights in the new set of recommendations. It has also added new aspects, such as the fight against the anti-western propaganda that is often promoted by representatives of the ruling party. (For example, GD leaders tried to convince the public that the EU was asking Georgia to launch a second front against Russia in order to get candidate status.) Georgia must also improve its alignment with the EU Common Foreign and Security Policy, which fell to 44% in 2022. The Commission has also proposed a set of actions that the Georgian authorities must implement. In the case of reforming the judiciary, for example, it expects the Georgian authorities to "establish a system of extraordinary integrity checks, with the involvement of international experts with a decisive role in the process, for candidates and persons currently appointed to all leading positions in the judiciary, in particular the HCJ [High Council of Justice], the Supreme Court and court presidents".

The crucial issue for Georgia to stay on the EU path is ensuring a free, fair and competitive electoral process for the 2024 general elections. The ruling party must ensure that there is

no intimidation or abuse of administrative resources, while also safeguarding adequate voter representation. In the period 2010 to 2020, approximately 23% of Georgia's population left the country, about 860,000 people in all. They are heavily backing Georgia's economy but fall short of contributing to the country's political life. In 2021, remittances to Georgia amounted to US\$ 2.35 billion, or 13% of the country's gross domestic product. Georgia ranked 23rd comparing its economic dependence on remittances with that of other countries in 2020. It was second among the Eastern Partnership Countries after Moldova. Georgian migrants should have an opportunity to participate in the elections. This would entail opening as many polling stations as possible to ensure that the diaspora have an opportunity to vote. A related challenge, however, is that many of these migrants are living illegally and are therefore afraid of attending their consulates to vote.

Race Against the Time

The Georgian authorities are expected to follow the overwhelming will of the people who want Georgia to join the EU. General elections in Georgia are scheduled for the autumn of 2024 and the ruling party wants to remain in power for a fourth consecutive term. EU integration is not just a foreign policy issue; it will be one of the key topics of the election debate. Political parties will try to capitalise on the issue. The EU has not set any time horizon for the Georgian authorities to deliver on the nine steps. It is now in the hands of the Georgian authorities to control the speed of the country's EU accession process. Nonetheless, the country now has less time to deliver on reforms than it had at the previous stage (18 months). In less than 11 months, the European Commission will present a further enlargement assessment package on Georgia's performance in implementing the nine recommendations. Implementation of the steps proposed by the European Commission will be more difficult. In addition, the argument of increasing the distance between Ukraine and Moldova and Georgia is no longer valid, since it will take some time for Moldova and Ukraine to complete the negotiation chapters and sign an accession treaty. Political actors and civil society must acknowledge that EU accession is not just about getting from one stage to another, but using leverage to push the authorities to deliver on reform. In this regard, this would be more effective if the European Commission presented its mid-term assessment of Georgia in March 2024, together with the scheduled progress reports on Moldova and Ukraine.

Recommendations for Georgian Actors

- The political parties in Georgia should table their vision of how they see fulfilment of the nine recommendations to Georgia made by European Union.
- Civil society organisations should inform citizens about the importance of opening accession negotiations with the EU.
- Civil society organisations should ensure detailed scrutiny of fulfilment of the nine recommendations, identifying the successes and shortcomings.
- The Georgian authorities and opposition parties should ensure that Georgians living abroad have an opportunity to vote.

Recommendations for the EU and the West

- The donor community should not shy away from supporting initiatives that would identify the democratic challenges that Georgia faces.
- The European Union should stress in public and private communications that there will not be any shortcuts in Georgia's European accession and that the process will be based on merit.
- The European Union should maintain leverage over Georgia to ensure that the country remains committed to EU integration.
- Given that the general elections in 2024 are crucial for the country, the European Union should post long-term election observers to ensure that the elections are free and fair.
- The European Union should consider having the mid-term assessment in March 2024, when the Commission will report on progress made by Moldova and Ukraine in meeting the benchmarks required to start accession negotiations. An alternative might be to organise a mid-term oral update on fulfilment of the recommendations, as occurred in Sweden in June 2023.



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