

# Post-Rose Revolution Georgia: How democratization went wrong - and why authoritarianism also may have backfired

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**Abstract** *This essay outlines how the redesign of Georgian political institutions after the Rose Revolution was largely driven by the power-seeking strategies of the new elite. Building on previous critical assessments of the post-revolution reforms, the author argues that the new elite engaged in the “strategic institutional transfer”. While publically touting western institutions as a basis for reform, the reformers strategically neglected crucial components of the institutions which they aimed to transfer. This ultimately strengthened authoritarian institutions behind a democratic façade. To conclude, the author discusses how this power-seeking strategy may have recently backfired in the recent parliamentary elections and potentially “accidentally” contributed to the democratization of Georgia.*

## 1. INTRODUCTION

In this essay, I show how the redesign of Georgian political institutions in the aftermath of the Rose Revolution was driven to a large extent by the power-seeking strategies of the new elite.<sup>1</sup> Initially described by western observers as a democratic breakthrough (see King 2004; Weir 2005), the Rose Revolution was as unprecedented opportunity to introduce western democratic institutions in Georgia. Building on previous more critical assessments of the post-revolution reforms (Hale 2005; 2006; Papava 2006), I instead show how the new elite engaged in what I define as “strategic institutional transfer”. While publically touting western institutions as a basis for reform, the “architects” of the revolution strategically neglected crucial components of the institutions which they aimed to transfer. Thus, the “revolution” ultimately strengthened authoritarian institutions behind a democratic façade. To conclude, I briefly discuss how this power-seeking strategy may have recently backfired and “accidentally” contributed to the democratization of Georgia.

## 2. INSTITUTIONAL TRANSFER AS A REFORM STRATEGY

A growing body of research in political

<sup>1</sup> For a similar argument and more detailed analysis, see the forthcoming article by the same author in *Europe-Asia Studies*.

science deals with the phenomenon of policy transfer (see Dolowitz and Marsh 2000; Stone 1999; 2004). Such studies focus on how knowledge about policies, institutions and ideas from one political system are drawn on in the design of policies and institutions in another system (Holzinger and Knill 2005). Dolowitz and Marsh (2000) highlight, however, that such transfer processes are prone to numerous pitfalls. For example, the transfer may be incomplete, uninformed, or inappropriate with regard to the context. First, policy-makers may hold misconceptions about or have insufficiently understood the foreign models they wish to copy. Second, policy-makers may neglect important components of a transferred policy, making the transfer process incomplete. Third, inappropriate policies may be transferred to inappropriate contexts.

Since the Rose Revolution, Georgia has energetically engaged not only in the transfer of western policies, but also political institutions. After the failed democratization attempts under the Gamsakhurdia and Shevardnadze presidencies, Georgia embarked on a third attempt to recalibrate its political institutions in line with those of western democracies. The central claim of this essay, however, is that the process of institutional transfer has been characterized by precisely the pitfalls outlined by Dolowitz and Marsh (2000) and taken place in a strategically dishonest manner. Despite the burgeoning democratic rhetoric, the political

institutions established by the new elites in the aftermath of the Rose Revolution were based to a large degree on incomplete and/or uninformed transfer, and often carried out in a deceitful manner. By no means should the many formidable achievements of the Saakashvili government be ignored or downplayed (e.g. police reform, education reform, military reform, impressive infrastructural developments). However, the tangible socio-economic progress came at the expense of an increasingly authoritarian and executive-centered policy-making process.

### **3. DISHONEST DEMOCRATIZATION AND WESTERNIZATION?**

In the 1990s Georgia was plagued by widespread corruption, economic stagnation and post-totalitarian social decay. Nevertheless, the country did introduce basic democratic rules, largely modelled on the United States Constitution, which resulted in a system of presidential government (see Areshidze 2007) with various parliamentary control mechanisms vis-à-vis the executive. In the early 2000s, widespread discontent and mistrust in the political system was channelled into a large-scale popular movement to oust the Shevardnadze government. Led by Minister of Justice Mikheil Saakashvili, Speaker of the Parliament Nino Burjanadze, and her predecessor in office Zurab Zhvania, the movement accused Shevardnadze of manipulating the 2003 elections. Saakashvili declared himself the winner on the basis of electoral exit polls by independent institutes and called for civil disobedience against the government. In late November, supporters of the opposition headed by Saakashvili stormed the Parliament building with roses in their hands (hence the “Rose Revolution”). Shevardnadze was sub-

sequently escorted out of the building by his body guards, before declaring a state of emergency and mobilizing troops and police units. However, the elite troops refused to follow his command and he resigned the evening of 23 November, 2003 (Kandelaki 2006).

Following a wave of sympathy from the West, “architects” of the Rose Revolution repeatedly stressed to their aim to transfer western democratic institutions to Georgia (Zhvania cit. in Scholtbach and Nodia 2006; Saakashvili 2004; cit. in Areshidze 2007, 15 et seq.). Saakashvili and his allies proclaimed that the existing “quasi-presidential” system should be replaced with a European-style “quasi-parliamentarian” system (Saakashvili – Rustavi TV 3 February 2004). To do so, the new elite sought to overhaul the country’s political-institutional architecture and introduce a new array of “democratic” institutions. Most notably, a Prime Minister was supposed to share governing responsibilities with the President and the judicial and legislative branches were to be strengthened in line with western political systems.

Upon closer scrutiny though, the institutional remodelling was driven by precisely the pitfalls outlined by Dolowitz and Marsh (2000) – with a strong power-seeking component. First, with repeated references to the French context, the post-revolutionary “institutional architects” introduced the position of Prime Minister to purportedly strengthen the legislative. However, the Georgian Prime Minister starkly differed from western models in terms of his/her capacity for action. For example, in most semi-presidential systems, the Prime Minister must be confirmed by the legislative, even when appointed by the president. The situation differed in Georgia however, as the Prime Minister could be designated or dismissed by presidential decree – without

consent from the legislative. And unlike in semi-presidentialist France, the Georgian parliament could not force the resignation of the government after the post-Rose Revolution reforms. Moreover, the redesigned Georgian political system did not provide for situations in which the President and Prime Minister come from different parties (i.e. cohabitation in the French context). In fact, the Law on the Structure of the Georgian Government, its Authorities, and Activities" (Sakartvelos Mtavrobis, Uplebamosilebisa da sakmianobis zesis she-saxe) explicitly stated that the Prime Minister is directly subordinate to the President (Chapter 3, Clause 7, Sub-Clause 5, Item A). Thus the Prime Minister remained a mere extension of the President without any strong legislative role and clearly defined competences. In fact, the Georgian Prime Minister was not even given the authority to appoint his/her own cabinet members without presidential approval. Thus, the newly created institution of Prime Minister appears to be a case of strategically incomplete transfer. In other words, a foreign model was drawn on to create a new institution, but it lacked important components which would have enabled it to act autonomously and independently of the president and executive.

Second, another important institutional development also took place along the same lines regarding the judiciary. The "architects" of the regime change alluded directly to the American model of separation of powers and aimed to create an independent judiciary like the American Supreme Court (Saakashvili cit. in Areshidze 2007, 220 et seq.). Once again though, the process of institutional re-design proved to be incomplete if we take the American system as a benchmark. Like in the United States, the so-called "independent judges" are selected by the Georgian President and since 2009 do indeed require parliamentary consent

(Law on Courts of Justice – Chapter 5, Clause 36, Sub-Clause 1). However, in striking contrast to the American model of independent, permanently appointed judges, who can discredit executive and legislative actions as unconstitutional, the "independent judges" are not only appointed by the Georgian President, but also can be disciplined and dismissed by him/her. Just like the case of the Prime Minister, the very elements which secure the independence and autonomy of the newly transferred institution were (strategically) omitted.

Third, the new ruling elite introduced a new public prosecutor's office *Sakartvelos Prokuratura*, which was said to be modelled after the *French Procureur de la République* or the German *Staatsanwaltschaft*. However, instead of ensuring the separation of powers, the institution remained under extensive executive control and presidential influence (Reisner 2005; Papava 2008). The Main Procuror, the head of *Sakartvelos Prokuratura*, is designated by the Prime Minister and in turn approved or dismissed by the President (Law on the *Sakartvelos Prokuratura* - Chapter 2, Clause 9, Sub-Clause 1). This also has ramifications for the sub-national level, as the Main Procuror has the authority to designate regional *procurors*. Thus, the post-"Revolution"-reforms led to a judicial system, which was steered by *Main Procuror*, who essentially functioned as an extended arm of the President.

Fourth and finally, the overall balance of power between the parliament and president presents another interesting case in point, which reflects the dishonest nature of the "Europeanization process" after the Rose Revolution. In traditional parliamentary democracies, the parliament can force the government to resign. More recently in Georgia though, the very opposite was the case, despite frequent claims that Georgia was converging

on a parliamentary system of government. After 2004, the President was given the authority to dissolve the parliament and trigger early elections. At least for western democratic standards, this represents an unprecedented infringement into the sovereignty of the parliament. Effectively, Saakashvili granted his executive apparatus a power vis-à-vis the parliament, which is an inherent and essential power of the parliament vis-à-vis the executive in parliamentary systems.

The relationship between the Parliament and Prime Minister over the past decade also reflects the pattern of executive overreach. Contrary to the previously existing semi-presidential system, the Prime Minister could not necessarily be ousted by parliamentary elections, as he/she could stay in power by presidential decree (Lanskoy and Areshidze 2007, 169). And along the same lines, he/she could also be dismissed by presidential decree, irrespective of parliamentary election outcomes.

#### **4. PSEUDO-DEMOCRATIZATION AS A SURVIVAL STRATEGY?**

Purportedly inspired by western models, the main political actors of the Rose Revolution created a narrative that they were importing “democratic” political institutions to Georgia. However, the examples above show that they did so incompletely and haphazardly to the extent that the institutions lacked the institutional stability, independence and autonomy of the corresponding western institutions. Altogether, an array of legislative and judicial checks and balances to constrain the president were either removed or integrated into the power sphere of the executive, while other important parliamentary controls were simply omitted during the process of institutional transfer. In other words, the Georgian

President and executive surrounded themselves with a series of “semi-western” institutions, which – at least until recently (see below) – reinforced the pre-existing system of “patronal presidentialism” (Hale 2006, 306).

Amid the barrage of democratic rhetoric it is difficult to speculate from the outside about the precise motives of the new elite. It is also an open question whether the architects of the Rose Revolution deliberately sought to create authoritarian institutions of government or merely viewed them as a temporary “coping” strategy to impose benevolent economic and societal reforms from above. However, at best, the preliminary institutional outcome of the Rose Revolution is the result of faulty assumptions and misconceptions about western institutional arrangements. At worst, the weakening of parliamentary controls appears to have been driven by “strategic dishonesty” to serve the power-seeking interests of the new elite.

#### **5. THE OCTOBER 2012 ELECTIONS: ACCIDENTAL DEMOCRATIZATION?**

As described above, the post-Rose Revolution “reformers” alluded to western institutions perceived as successful (e.g. parliamentarism, strong judiciary) to mobilize support for institutional modifications, which ultimately did not result in a western-style democracy, rather a form of presidentialism which lacks the necessary institutional checks and balances inherent in successful presidential democracies. Thus, the purported transfer of western political structures did not help consolidate the previously existing fledgling semi-democratic structures, rather gave rise to a super-presidential “hyper-executive” and weakened the institutional capacity of the Parliament.

In view of the previous patterns of action,

it is surprising that President Saakashvili – after concentrating nearly all political power in the executive – has recently acted on his promise to strengthen the other governmental institutions, most notably the Prime Minister. The new Georgian Constitution (see Civil Georgia 2010a) significantly curtails the powers of the President as of 2013. For example, the President may no longer dismiss the government and, most importantly, the Prime Minister will now act as the head of government and set the policy agenda (Shields 2010). Moreover, the Prime Minister acquires the power to determine his/her cabinet.

Although the modifications were also publically legitimized as an approximation with western standards (Civil Georgia 2010b), they were widely perceived as a continuation of the power-seeking patterns described above. Initially, Saakashvili was expected to follow in Vladimir Putin's footsteps and assume the now strengthened position of Prime Minister after his second presidential term (see Shields 2010; Corso 2010; Marcus 2010). And indeed, it is precisely at this point in time (2013) that the new constitution transfers significant powers to the Prime Minister. Thus, this expected sequence of events would again fall in line with the pattern of strategic institutional design mapped out above.

However, executive authoritarianism as a power-seeking strategy appears to have backfired, at least for the moment. In an unexpected turn, Saakashvili's United National Movement was dealt a severe blow in the parliamentary elections of October 2012. Amid a prison torture scandal and, in particular, increasing critique of his perceived obsession with personal power, the United National Movement was upset by an opposition coalition known as the Georgian Dream and headed by billionaire Bidzina Ivanishvili.

This electoral upset led to the first peaceful leadership transfer in post-Soviet Georgia and "accidentally" forced the still reigning President into an unprecedented power-sharing arrangement. Thus, one can tentatively hope that this will translate into a new, more balanced political culture and institutional equilibrium that ultimately reinforces democracy and political cooperation. In fact, the new arrangement – the first of its kind in the post-Soviet sphere<sup>2</sup> – could actually still constitute a win-win situation for Saakashvili. The new parliamentary majority lacks the required 100 seats for constitutional amendments and is therefore unable to further boost the powers of the Prime Minister, despite Ivanishvili's stated intention to do so. Therefore the two leaders have been forced to share powers until the presidential elections in late 2013. This has arguably placed a heavier burden on the politically inexperienced new parliamentary majority and its leadership, who must prove the honesty of its democratic ambitions.

The strong burden on Ivanishvili perhaps explains Saakashvili's current political restraint and stated willingness to cooperate with the opposition. On the one hand, this strategy enables him to thwart criticism with regard to overzealous presidentialism. After all, the institutional modifications do weaken the power of the executive and ensure democratic checks and balances. On the other hand, the "new Georgian parliamentarism", which reinforces the powers of the Prime Minister, provides Saakashvili an opportunity to return to power as Prime Minister after the next parliamentary elections if the opposition fails to meet expectations. This would potentially enable him to shape policy for a time period no longer subject to term limits. In either case,

2 With the exclusion of the Baltic States.

presidential power-seeking strategies and the recent “accidental” outcome from Saakashvili’s perspective once again have substantially transformed institutions of government in Georgia – but this time with the ironic twist that Georgia actually has actually moved closer to western parliamentary democracy as initially aspired for.

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