

LOCAL SELF-GOVERNMENT POLITICAL PARTY FINANCE WOMEN AND SECURITY

1 CITIZEN PARTICIPATION IN GEORGIA

*Nino Kakubava
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2 DRAMS, LARIS, AND POLITICS POLITICAL FUNDING REGULATIONS IN ARMENIA AND GEORGIA

Ketevan Bolkvadze

3 WOMEN, PEACE AND SECURITY

Rusudan Kervalishvili

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Dear Reader,

We are delighted to present you yet another edition of policy papers. This publication is devoted to the issues of political party finance, local self-government and women's participation in politics. All three topics are the subject of active political discussion in Georgia.

The system of political funding has a major influence on institutional development of political parties. It shapes important functions of political parties, such as candidate selection and participation in elections, formulating policy and governance, aggregating interests and representing them in politics. Rightfully designed political funding system can prevent over-dependence of political parties on a single donor and ensure that parties are accountable to their members and supporters, not to certain individuals or corporations. Ketevan Bolkvadze's paper draws the comparison of Armenian and Georgian systems of political funding and provides recommendations on how they can be reformed.

The second paper is devoted to the citizen participation in local self-government. Nino Kakubava and Tamunia Chincharauli analyze legislative and institutional aspects of participation. Three core themes of the paper are the resources for citizens' access to information, the formats of integrating citizens' input in the local self-government, and the possibilities of more active participation on the part of citizens. It provides analysis of the current state of affairs and of the reform strategy with regards to these three issues. The paper also contains interesting summary of local and international literature. Authors' recommendations are noteworthy and can aid current debates on local self-government reform.

Ms. Rusudan Kervalishvili's paper is about women's engagement in peace and security. Her paper will introduce the reader to the Georgian experience on improving women's participation. It goes through the international obligations of Georgia on women's participation and draws important recommendations on how to better materialize them. I hope the given publication will support current legislative work, contribute to political debates and facilitate emergence of more effective formats for political finance, self-government and women's participation in politics. On our part, we will continue making efforts to invite interesting authors and share their important ideas.

Respectfully,
Levan Tsutskiridze
Netherlands Institute for Multiparty Democracy
Representative in South Caucasus



CITIZEN PARTICIPATION IN GEORGIA

Nino Kakubava

Tamunia Chincharauli

INTRODUCTION

It is commonly known that representative democracy is the form of government in which political power is vested in people and exercised by elected representatives under a free electoral system. However, participatory democracy is complementary to this process and serves as a tool to enable local and regional representatives to effectively carry out their roles. It is particularly essential at the local and regional level that citizens are able to have direct contact with elected officials since this is the level where their immediate concerns are taken into account.

For good governance at local level it is essential that local authority promotes principles of participation by enabling citizens to access relevant information, take part in the decision making process and in creating policies that affect their lives and community development through various participatory institutions. Citizens want to voice their needs and interests not only during the elections and through their representatives, but in between elections and take active part in shaping policies at local level.

After the rose revolution, the Government of Georgia initiated local self-government reform and in 2005 the Parliament of Georgia enacted an organic law on local self-governance which was widely assumed to be a fresh start for decentralization. However, certain elements have long been surrounded by debate and limited citizen engagement has been identified as one of the weaknesses of Georgian local government administration.

In late 2012, in response to growing criticisms, the newly elected Government of Georgia initiated another wave of local self-government reform and laid out a wide ranging plan aimed at empowering local governance and promoting more citizen engagement in decision-making. Public participation is one of the five central directions of the new strategy paper. Namely, according to the government-proposed reform plan, "direct democracy" was intended to be introduced at a village level in the form of "village assembly", which would have been authorized to elect assembly chairperson and council of representatives. It would not, however, represent an additional tier of the government but rather serve as an independent body with certain but limited authority.

The proposed concept has been replaced by public council system introduced in the draft code of local self-government approved by the Government of Georgia at the end of October (the code has to be enacted before the local self-government elections in Spring 2014). The draft code proposes public council as a means for strengthening consultative mechanism between citizens and local government bodies through the

popular assembly and assembly council system. However, it does not provide any guarantees to increase active participation, the most advanced form of citizen participation as defined by OECD.

The new proposition triggered policy debate and was met by varying opinions from experts and policy makers. However, in the light of limited academic research and policy analysis, it is hard to estimate potential outcomes of certain policy issue.

This paper seeks to fill this gap and conduct an analysis of government proposed plan, i.e. the village assembly system, provide a projection of potential risks/challenges that may undermine the feasibility of the new concept and propose recommendations for policy makers. To be clearer, the paper examines not the whole new strategy, but only its citizen-participation related part. Other aspects of local self-governance are not discussed here.

As a background to the study, the paper discusses the role of local self-government in promoting principles of good governance, citizen participation, and increasing need for complementing representative democracy with the tools of participatory democracy in between elections. It also describes concept of citizen participation and its importance in terms of good governance and stronger democracy. The paper also provides an overview of forms of citizen participation and widespread practices in Europe, defines the legal framework for participation and estimates the current degree of citizen participation at the local level in Georgia.

We hope the paper will serve as a practical tool for policy makers, government officials, academicians and anyone interested in this topic to understand the concept of citizen participation and learn about participation practices in Europe and Georgia.

PART I – LOCAL GOVERNMENT AND PARTICIPATORY DEMOCRACY

LOCAL SELF-GOVERNMENT - THE WAY TO GOOD GOVERNANCE

Good governance is a value that every developed country strives to realize in practice in today's world. It is considered to be a desired objective of a nation state's development. Good governance presupposes effective and efficient authority, which is transparent, responsive, and accountable to society. Good governance is based on the principles of rule of law, participation, consensus and equality. It assures that corruption is minimized, the views of minorities are taken into account and the voices of the most vulnerable in society are heard in decision-making (CoE, 2007).

World leaders acknowledge the importance of good governance. At the 2005 World Summit, all leaders concluded that good governance is directly linked and effecting the economic growth, sustainable development, and creates environment, where the interests of oppressed groups, including women, youth, poor and others are considered in policy making (UN General Assembly, 2005).

The good governance, with its idealistic goals would remain a value, desired objective, and alluring concept, if countries have not adopted instruments to actually practice this concept. One of the major factors that turns good governance from an interesting and alluring concept into achievable practice is the citizen empowerment through the access to relevant information and participation in decision-making process.

In a democratic society "local self-government" is one of the major institutions used to practice good governance and the right of the citizen's to participate in the decision making and conduct of specific public affairs within their communities.

Modern states designed the principle of Local Self Government in a way to give the opportunity to citizens to express their views openly and participate in building their own lives and communities.

THE ROLE OF LOCAL GOVERNMENT

Local government brings the political decision making closer to the people. The European Charter on Local Self-Government (1985) since its entry into force in 1988 is the major European legal instrument to lay down the principles of democratic local self-government. This charter set out for the first time the principle of subsidiarity. The charter outlines that "public responsibilities shall generally be exercised, in preference, by those authorities, which are closest to the citizen"(CoE, 1985).

Because it is close to people territorially and is formed by the people who know the

needs of the local community, it is more effective in understanding the needs of the citizens and is better equipped and positioned to voice their concerns. Therefore, the conventional role of this tier of government is forming those policies that directly affect the lives of citizens. These can be the policies of housing, local transport, water, infrastructure, schools, employment and social security, health, sports and others (Pejanovic, 2003).

It seems logical for a democratic society to involve citizens in developing and creating these policies, since the results of government decisions are directly changing lives and behavior of citizens. Therefore, the public needs to have an opportunity to influence the policy making not only through representatives and elections, but also through active participation in local affairs by raising specific community issues, day to day service delivery aspects and contributing to improving the community development process.

In the context of a representative democracy, it is clear that local governments are first of all legal and political institutions, which have decision making powers; a representative body – a council or assembly that is elected by local citizens, has a budgetary autonomy and the power to pass legislation at local level. Elected representatives, stand for the interests of their electorate, and this principle of representation reflects the citizens' desire to see their representatives making decisions based on their needs and realities.

But local self-government's role is not limited to the principle of representation. It also advances one of the major principles of good governance – citizen participation, which is an important pillar for effective public administration and local community development.

Local self-government is not only about “passive” representation of citizens' interests, but also about active participation of citizens in the decision making process specifically related to their community needs.

Besides a legal and political dimension, the concept of “local self-government” has sociological connotations, as it has a capacity to be considered a form of self-organization of citizens, which promotes active expression of their interests and needs, and supports the development of civil society. This institution can also decrease social tensions, eliminate conflicts between different groups of stakeholders and facilitate socio-economic development through active engagement of all citizens (Pejanovic, 2003).

COMPLEMENTING REPRESENTATIVE DEMOCRACY

The principle of democracy has evolved a lot throughout these years. The guarantees of representing citizens' interests through local self-governments enshrined in various charters do not seem to be sufficient for meeting increasing demands. Representing interests and hearing public voice through elections and representative bodies does not seem to be sufficient for promoting citizens' involvement in the process of public administration and community development.

Recent events, such as demonstrations in Europe, even in Georgia and other countries such as Turkey indicate, that the role of citizens and civil society is changing and that people need more effective ways to express themselves and more meaningful instruments to participate in the democratic processes. There is a growing need for citizens to be listened to by their elected politicians, but most importantly to be able to impact politics and policy making at local, regional or central level, not only through elections and during elections, but in between elections.

Countries are becoming aware of changing scale of politics; citizens are more informed about the decisions and actions of their representatives through various means of communication and specifically social media. Citizens are more aware of the impact that the decisions made by their representatives have on their lives and show more desire to have a say in those decisions that might bear long term effects on their lives.

Public expectations have evolved, social, political and economic environment has changed. In certain circumstances the level of trust in the efficiency and responsiveness' of the elected institutions has declined. For governments to re-engage with citizens and respond to public needs requires more direct, flexible and diverse methods of participation (CoE, 2001).

It is a right of citizens to have their say in important decisions, the results of which are difficult to reverse and concern majority of citizens. They have a right to keep government accountable and responsive towards their needs. This right can be most effectively exercised at local level. Therefore citizens demand more direct involvement in the management of local affairs.

Increased public participation and direct involvement in local and regional governance can give citizens a sense of empowerment and more confidence in the democratic process. It also strengthens the legitimacy of local democratic institutions and the effectiveness of their action. Local authorities must assume a leading role in promoting citizens' participation as the success of any "local democratic participation policy" depends on the commitment of these authorities (CoE, 2001).

LEGAL BASIS FOR CITIZEN PARTICIPATION

Several important legal documents recognize the importance of citizen participation. The European Charter of Local Self-Government outlines certain principles which highlight the significance of direct citizen participation.

One of the first statements in the Preamble says “The right of citizens to participate in the conduct of public affairs is one of the democratic principles that are shared by all member States of the Council of Europe” (CoE, 1985).

Additionally, Article 3, Section (2) of the Charter (1985) states: “This right shall be exercised by councils or assemblies composed of members freely elected by secret ballot on the basis of direct, equal, universal suffrage, and which may possess executive organs responsible to them. This provision shall in no way affect recourse to assemblies of citizens, referendums or any other form of direct citizen participation where it is permitted by statute.”

This important principle demonstrates that the concept of local government outlined in the charter should not affect recourse to important forms of direct citizen participation such as assemblies of citizens, referendums or other forms of direct participation.

Article 5, states that, “changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute”.

The charter does not outline any other principles or forms of citizen participation. These are the only references to the concept of citizen participation contained in this Charter. The Additional Protocol to the European Charter (CoE, 2009) on the right to participate in the affairs of a local authority includes more specific principles of participation. Article 1 states: “The States Parties shall secure to everyone within their jurisdiction the right to participate in the affairs of a local authority”. In addition, article 2 somewhat specifies measures that parties should undertake to ensure participation. Parties should take all necessary steps “to give effect to the right to participate in the affairs of a local authority”. According to the protocol, these measures should include

- I “empowering local authorities to enable, promote and facilitate the exercise of the right to participate set out in this Protocol;
- II securing the establishment of:
 - a procedures for involving people which may include consultative processes, local referendums and petitions and, where the local authority has many inhabitants and/or covers a large geographical area, measures to involve people at a level close to them”.

The protocol also notes that all parties need to ensure citizens' access to the relevant information as a means of participation.

In 2001, CoE Committee of Ministers came up with important recommendation. The paper determines that "participation of citizens is at the very heart of the idea of democracy and that citizens committed to democratic values, mindful of their civic duties and who become involved in political activity are the lifeblood of any democratic system."

The recommendation also acknowledges that public expectations have evolved and that local democracy has to operate in a new challenging environment, which is the result of not only changing character of local government but also effect of political, social and economic development happening in Europe. This requires the adoption of more direct methods of participation by governments. The document also sets out basic principles of local democratic participation. The recommendation states that countries should "provide for a wide range of participation instruments and the possibility of combining them and adapting the way they are used according to the circumstances" (CoE, 2011).

Governments should guarantee citizens to have access to relevant information; recognize importance of fair representation of women and potential that youth has for the development of their communities; recognize the role of local associations and civil society as partners and stimulus for citizen participation.

The recommendation also provides steps and measures to encourage direct public participation in local decision-making and the management of local affairs. The committee recommendation encourages countries to adopt various mechanisms such as public meetings, citizens' juries, public committees, round tables, opinion polls, user surveys, etc. to promote citizen participation (CoE, 2001).

States are encouraged to improve the legislation/regulations which enable usage of instruments such as: petitions/motions, proposals and complaints filed by citizens, popular initiatives, consultative or decision-making referendums, tools for involving citizens in management (user committees, partnership boards, etc) development of systematic feed-back mechanisms to involve citizens in the decision making process.

Countries should ensure that direct participation has a real impact on the decision-making process, that citizens are well informed about the impact of their participation and that they see tangible results (CoE, 2001)

Thus the recommendation provides detailed steps and recommendations for states

how to encourage citizen participation and what type of tools to use to support public engagement in decision making.

CONCEPT OF CITIZEN PARTICIPATION AND MAJOR FORMS OF PARTICIPATION

We observed a steady growth of the importance of the principle of citizen participation and the gradual development of the legal framework that provides stronger basis for promoting the concept. How do we define citizen participation? How do we promote this concept in practice? How can governments that care about their citizens ensure that they are actively engaged in contributing to the governance of their communities? What are major means, forms or tools that governments worldwide already use and/or can use in order to promote the participation?

Citizen participation means direct involvement of local and/or regional citizens in the public decision-making process to enable them to express their own choices, preferences or opinions (CoE, 2011, p.8).

What are some major forms of citizen participation? The CoE Congress of Local and Regional Authorities (2011) and its explanatory memorandum outlines important tools and forms for ensuring participation, but it will be useful to categorize these practices and adopt a general framework, to help us understand better the major forms of citizen participation.

Before discussing specific forms and tools of participation, for the purpose of this paper, it will be important to define core expectations regarding the idea of citizen participation. As it was outlined in the above chapters, representative democracy needs to be enhanced by new forms of participation as society requests more engagement in the decision making not only during elections but in between elections.

In the following section we will be discussing the forms of citizen interaction with government in between elections.

It is important to note, that the forms of participation employed in between the elections do not replace formal rules such as free and fair elections, representative assemblies, accountable executives and others. These practices of participation complement existing formal processes. However, with citizens demanding more involvement in decision making, openness and accountability from officials, governments are striving to strengthen and promote complementary forms of interactions that enhance citizen participation (OECD, 2001).

FORMS OF PARTICIPATION

OECD handbook (2001, p. 15-16) on citizen participation outlines three important forms of citizen participation:

Information -

This is the most common form of participation. Local self-government can share information about its initiatives and programs with citizens, or citizens themselves might demand an access to the information on policy making. Examples are access to public records, government web sites and others. This is more passive way of participation, since the flow of information goes only one way and there is less "interaction" between government and a citizen.

Consultation -

This form involves the governments asking and receiving feedback from citizens on policies and programs. If local self-government wants to receive feedback from a community, government needs to provide citizens with relevant information; therefore this form of participation is more engaging. Consultation promotes a limited, but still two-way relationship between government and citizens. Examples are comments on draft legislation, and opinion surveys.

Active participation -

Active participation takes citizens' role in policy making one step further. This is the most active form of participation, where citizens themselves take a role in the exchange on policy-making, for instance by proposing policy options. Although, it is important to consider, that the final policy formulation and final decision making in this case is on local self-government. Examples can be open working groups, and panels.

PRACTICES OF CITIZEN PARTICIPATION

Under these three forms of participation we can determine and identify various practices employed in different European countries, which give an opportunity to citizens to participate in the decision making at the local level.

We will be discussing these tools in more detail, to understand how governments practice citizens' involvement in the local affairs.

ACCESS TO INFORMATION

By ensuring access to information for its citizens, governments provide basis for strengthening relationships with their citizens. Access to information is one of the most important components for promoting good governance and its principles of transparency and participation. In order to ensure access to information, governments design laws or regulations that guarantee the exercise of this right by citizens. These types of laws are known as Freedom of Information Laws.

When enshrining the right to access information in country laws, governments consider how to find balance between the right to privacy, protection of confidential information and access to information. (OECD, 2001, p. 28). Therefore, states always define what type of information is accessible for public and what may be an exemption. The exemptions mostly relate to subjects of national security, private company data, individual privacy and legal proceedings.

For citizens to practice this form of participation, it is important to understand procedures for requesting or accessing information. In certain cases, citizens may not be required to provide their identification or reasons for requesting information from government (OECD, 2001, p. 30).

Although, some countries still set certain limitations on the scope of access to information. There are legislations that require individuals to identify themselves or demonstrate a legitimate interest in the information requested.

Some state legislations request, that certain types of information do not need to be requested by citizens and should be actively disseminated by the government itself. These are laws, rules and procedures, services provided, organizational structures and others (OECD, 2001, p. 29).

Access to information is the most basic form of participation, which is enshrined, in a state law and relevant authorities have an obligation to provide and ensure access to appropriate information.

REFERENDUM

The referendum is the most widespread tool of citizen participation in most states. A referendum offers citizens a legal means to vote for or against a proposal put forward in public interest. Referendums vary in form and legal effect. Referendums can be mandatory and non-mandatory. This characteristic of a referendum should be differentiated from its binding or consultative nature. In case of mandatory procedures,

the representative body is obliged to conduct a referendum, since such requirement is enshrined in state regulations. In case of non-mandatory procedures, representative body can put a question to a popular vote at the discretionary power of the relevant representative body. As for the binding and consultative nature of the referendum, local referendum might be required to be held by a representative body, but it might not be bound by its results (CoE, 2011).

Local referendums may be held on all matters that fall under the jurisdiction of a local (regional) government. Although, a municipality's annual budget, local taxes and financial obligations cannot usually be put to a local referendum. (CoE, 2011, p.11).

Both local citizens and the municipal council generally have the right to initiate a local referendum, with only a few exceptions. Each country has a rule and preconditions for initiating a referendum. Usually, the initiation requirements relate to the number or proportion of voters. For instance, 10% of local voters can propose public opinion polls in Azerbaijan and Ukraine. In Romania 25% is needed to initiate a referendum to dismiss a mayor (CoE, 2011, p. 12).

It is important to note, that even when all the requirements are met and all the necessary support of voters is in place, local council still might not be bound to call a referendum in certain places.

POPULAR INITIATIVE

Popular initiative is a procedure that enables citizens to require local government to discuss a particular issue of their concern and/or propose legislation. In contrast to the referendum, the citizens do not make decisions for themselves, but force the relevant representative body to make a decision on a public issue.

The Referendums have restricted areas; the popular initiative does not have such restrictions since the representative body will still need to discuss the issue before adopting the results, and a final decision is at the hand of a local self-government. Popular initiative cannot override local council's power (CoE, 2011, p. 16).

POPULAR ASSEMBLIES

The popular assembly where citizens meet face to face to discuss, vote and make collective decisions is the original form of participatory democracy. This form of participation gives an opportunity to all local community members to make decisions on the issues that matter to their community. The matters of discussion might be water and sewage systems, housing and road building, as well as cultural activities and others.

This is a rare institution and not all states use this tool for ensuring citizen participation in the decision making process. These types of assemblies are established mostly in very small communities. For instance, in Russia, popular assemblies can be arranged in municipalities with a population of no more than 100 resident's eligible to vote (CoE, 2011, p.17).

In Portugal, the popular assembly serves as a deliberative body in the parishes with fewer than 150 voters (CoE, 2011, p.17). In the UK, there are certain types of councils that resemble popular assemblies, for example, Parish councils in England and community councils in Scotland and Wales. Although these are not popular assemblies as such, but they do sometimes perform a similar role in their own areas (CoE, 2011, p. 18).

One of the most important characteristics of popular assemblies is that, usually, they have the functions of a representative body for the concerned municipalities.

CITIZEN MEETINGS AND PUBLIC HEARINGS

Citizen meetings and public hearings are more widespread than popular assemblies. This is a form of direct democracy that serves as a forum for citizens to express their ideas, opinions, proposals. These forums give an opportunity to local self-government to learn about the matters that concern their citizens. The meetings and hearings serve as advisory institutions for policy making. The results of meetings and hearings do not have binding effect on local self-governments. This is purely consultative form of direct democracy.

In certain countries, these types of meetings have a regular form. They might be organized and conducted once a year. For example in Hungary, representative body holds regular once a year public hearings to inform or seek opinion of local population on local public affairs. In many countries this instrument is not recognized or prohibited by legislation, so it can be freely initiated by competent local government on relevant public matters. The only restriction the local authority might face is that the subject must fall within the competence of the local self-government concerned (CoE, 2011, p. 18).

In some countries it is mandatory to hold public hearings on certain matters. For example in Russia public hearings are arranged on matters such as draft municipal charters, draft budgets, draft development projects and programs, reorganization of the municipality In Latvia and Lithuania public meetings are held on the issues of planning or investment processes. In France, for example, a law defines specific issues on which public meeting has to be held. These can be issues of constructions, urban planning and others (CoE, 2011, p.18).

CITIZENS' PANEL

There are other consultative forms of participation such as citizens' panel. In contrast to popular assembly the panel only includes the portion of local community and not the whole community. The members of the panel are consulted on a specific issue. The panel specifies the target audience, or a group that should be involved in discussions. Usually, this involves selection of a representative group of local population. The panel is formed for consultations from those people, who are especially interested in the local public issue under discussion. This institution can also be used for testing proposals or plans before they are introduced to wider population (CoE, 2011, p. 18).

OTHER FORMS OF PARTICIPATION

There are other forms of participation such as right to petition, which gives an opportunity to local citizens to express their opinion, and discontents/protest about aspects of their community development, as well as participatory budget, which directly involves citizens in making decisions about spending priorities for their community.

The usage of tools of participation varies across the countries. In some countries, the local referendum is the only legal form of direct citizen participation. Armenia is a good example. Although, there are states which use and recognize several tools of participation. This is the case in Austria, Italy, Latvia and Portugal (CoE, 2011).

As the practices of citizen participation discussed in this section of the paper demonstrate, different states have used some type of citizen participation tools to engage citizens in policy making process. With these forms of participation governments attempt to strengthen their relationships with citizens, as the society is demanding government to expand the scope and opportunities for participation in decision making especially at local level.

PART II – CITIZEN PARTICIPATION IN GEORGIA

The following part of the paper will examine the Georgian legislative framework to find out whether it provides sufficient legal basis for implementing all three forms of public participation (information, consultation, active participation). We will also consider the correspondence of Georgian legislation (only those aspects related to citizen participation) to the Charter, i.e. to what extent Georgian legislation responds to the requirements of the Charter in terms of citizen participation. And finally, we will provide an evaluation of the degree of participation at the local level in Georgia.

LEGAL FRAMEWORK FOR CITIZEN PARTICIPATION AT THE LOCAL LEVEL

The Organic Law of Georgia on Local Self-Government is the main legislative act that defines the legal framework for citizen participation at the local level in Georgia. In addition, certain participatory principles are insured by other legislative acts that apply to both state and local government institutions (General Administrative Code of Georgia, Law of Georgia on Normative Acts, Budgetary Code of Georgia).

Legal framework for participation and relevant procedures are also defined by the Statutes of Sakrebulo (local representative body). However, participation mechanisms laid out by the statutes may vary across the country since each self-governing unit is free to adopt its own Statute of Sakrebulo. The Regional Policy and Local Governance Committee of the Parliament of Georgia developed the sample statute for local government units, although the document does not impose any obligation to be followed as a blueprint, rather the local government units are free to define their own participatory practices considering the local needs and circumstances.

● LEGAL FRAMEWORK FOR INFORMATION

Openness and freedom of information is guaranteed by the General Administrative Code of Georgia which is applicable to both state and local self-government agencies and institutions (article 10; chapter 3). The code guarantees access to public information and openness of public agency's sessions (articles 28 and 32). Also, under the Law of Georgia on Normative Acts local self-government legislative acts have to be published in Legislative Gazette of Georgia (Sakanonmdeblo Matsne) to be available to general public. Openness applies to the draft and approved budget documents and budgetary review procedures which are regulated by the Budgetary Code of Georgia (article 4).

Citizens' right to acquire public information from the local self-government bodies and attend public presentations of the officials is also guaranteed by the Organic Law of Georgia on Local Self-Government (chapter X1, article 58:4). In addition, officials of the

representative and executive bodies of the local self-government have an obligation to arrange public meetings with local populations at least annually, where they will report directly to the citizens and answer their questions about agency's activities (chapter X1, article 58:4).

- LEGAL FRAMEWORK FOR CONSULTATION

Additional chapter on citizen participation to the Organic law adopted in 2009 provides the legal framework for consultative mechanisms at the local level. Under the newly added chapter, citizens have the right not only to attend the sessions and commission meetings of Sakrebulo but also to actively engage in discussions and provide feedback to local government officials (58.3). The law obliges local government bodies and public officials to insure relevant arrangements are in place for implementing citizen involvement (chapter X1, article 58: 1).

Public discussion is mandatory for the draft local budget under the Budgetary Code of Georgia. Sakrebulo is required to present the draft budget to the general public and arrange public discussion before adopting the document (article 78).

Statutes of the representative bodies of local self-government (Sakrebulo) adopted after the local self-government elections in 2010, usually provide additional mechanisms for consultations with citizens. Those mechanisms vary across the country and do not account for the unified framework for consultation, since each district is free to design its own participatory practices depending on the local circumstances. Different examples of consultative mechanisms established at the local level include Open Door Sessions or On-Site Sessions. Many self-governing units have institutionalized the consultation process and established Public Halls which unites representatives of business, civil society and community organizations and serves as an advisory body to Sakrebulo (Svanishvili, 2013, p.101).

- LEGAL FRAMEWORK FOR ACTIVE PARTICIPATION

The new chapter to organic law, added in 2010, allows citizens to initiate normative acts of self-government through petition procedures. Namely, according to the law, 1 % of the citizens registered in self-government unit are entitled to prepare and initiate (article 58:2) the adoption, amendment or repeal of municipal legislation.

The organic law requires the office of representative body to register the initiative and put on the council's agenda within a month from the registration. The law obliges local council to discuss and vote on the issue at the council meeting where the representative of the initiative group is presented and has the right to vote during the consultative discussion. Procedural rules relating to popular initiative is also provided by the law.

Forms of Participation	Mechanisms	Legal Framework
Information	Freedom of Information; Openness; Public presentations	<ul style="list-style-type: none"> • Organic Law of Georgia on Local Self-Government; • General Administrative Code Georgia; • Law of Georgia on Normative Acts; • Budgetary Code of Georgia; • Statute of Sakrebulo
Consultation	Public Discussions; Open Door Sessions; On-Site Sessions.	<ul style="list-style-type: none"> • Organic Law of Georgia on Local Self-Government; • Budgetary Code of Georgia; • Statute of Sakrebulo
Active Participation	Popular Initiative	<ul style="list-style-type: none"> • Organic Law of Georgia on Local Self-Government; • Statute of Sakrebulo

CORRESPONDENCE TO THE CHARTER AND SUBSEQUENT DOCUMENTS

Georgia joined the European Charter of Local Self-Government on May 23, 2002 and ratified it on October 26, 2004 (coming into force on April 1, 2005). However, it adopted only certain points of the charter. Namely, Georgia ratified 24 points altogether, among them the second point of article 3 related to citizen participation. Article 5, which requires public consultation to be necessary in case administrative boundaries are to be changed, was not ratified.

The charter, as an international act exercises supreme power after the Constitution of Georgia and has a preference over other domestic laws. Hence, the Organic Law of Georgia on Local Self-Governance as well as other legislative acts related to local self-governance are based on the fundamental principles of the Constitution and the Charter.

Nevertheless, local experts point out certain discrepancies between the Georgian law and the European Charter (Kandelaki et al.p.23). A paper by Narmania and Losaberidze, which examines the correspondence of Georgian legislative acts on local self-governance with the European Charter, provides the list of discrepancies between

Georgian legislation and charter points. However, according to the paper, there is no contradiction between Georgian legislation and the charter point 3.1 (the main point concerning citizen participation), so the citizen participation related aspects of the Georgian Legislation are in accordance with the European Charter of Local Self-Government.

Georgia has also translated the "Recommendation Rec (2001)19 of the Committee of Ministers to member states on the participation of citizens in local public life" to be available to Georgian public.

As our analysis show Georgian legal framework is pursuing the basic principles of local democratic participation policy and follows the general steps and measures to encourage and reinforce participation in local public life. However, it does not provide any instruments for special groups such as women, young people, underprivileged social groups and foreigners. In other words, Georgian legislation does not respond to recommendations about specific steps and measures for special categories of citizens, although the overall pattern is in accordance to CoE pattern.

Georgia has not yet signed the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority adopted by CoE in 2009. The ratification of the protocol would further oblige Georgia to strengthen the participatory mechanisms and introduce additional specific measures.

EVALUATING CITIZEN PARTICIPATION AT THE LOCAL LEVEL

The review of Georgian legislation reveals that there are sufficient legal mechanisms for all three forms of participation (defined by OECD framework) to be implemented at the local level in Georgia. The overview of European and Georgian practices show that in Georgia there are majority of citizen participation forms practiced in Europe. The only form which is widespread in Europe but is not present in Georgia is a local referendum.

The existing legislation (the parts related to citizen participation) is also in accordance with the European Charter of Local Self-Government and subsequent documents applicable to Georgia. So the question is whether the citizen participation is implemented in practice and to what extent citizens are engaged in local decision making, i.e. what is the degree of involvement at the local level.

To answer this question, the paper draws empirical data from existing studies and papers, both local and by CoE, and considers expert opinion about the degree of participation..

- LOCAL STUDIES

There are several research and policy papers prepared by local experts that examine citizen participation at the local level. Those studies along with the expert opinion serve as the main source for evaluating the state of citizen engagement at the local level in Georgia.

The most relevant research is a Study on Civil Participation in Self-Governance in Georgia conducted by Civil Society Institute in 2009. The aim of the study was to examine the level of civil participation in the activities of local self-governance bodies and to develop recommendations for further improvements. The study provides the analysis of existing legislation as well as results of population research. It is worth noting that the additional chapter on citizen participation was not added to organic law by the time the study was conducted (the amendment took place in 2010).

The study revealed that the population's interest in local self-governance bodies is extremely low. According to the survey, 81.5 percent of the regional population and 87.4 percent of Tbilisi population did not have any desire to attend at least one Sakrebulo session. Half the regional population and one fourth of the Tbilisi population were not interested in municipality activities. Only 3 percent of the country's population has ever addressed the staff of self-governance bodies with a request to meet the responsible persons and only 4.3 percent of the regional population said they had submitted comments concerning the draft budget of a self-governance body. However, in over 80 percent of the cases, the comments were submitted verbally.

Overall, the study assessed citizen participation to be low in Georgia and criticizes existing legislation (The Organic Law on Local Self-Governance and the Law on the Capital of Georgia – Tbilisi) for not providing sufficient mechanisms for citizen involvement. However, as already noted, the study was conducted before the major changes have been made to the Organic law, which allowed better mechanisms for participation.

Another study “Public Opinion about Local Government in Georgia” conducted in 2009/10 by Swianiewicz under the auspices of Open Society Georgia Foundation assesses community involvement in local public life to be relatively low. According to the study, number of respondents who declare any form of direct involvement is 14% (varying from 12% in Tbilisi to 16% in rural areas). The research also reveals different preferences of rural and urban population when choosing participation forms, though involvement is still low in all cases. E.g. in rural areas, the most popular form of involvement is the participation in public hearings related to the budget (10% of all rural

respondents, but only 3% in Tbilisi) and the second most common practice in small settlements is participation in the sessions of the local Sakrebulo (4% of rural respondents, but only 1% in large cities). In large cities and in Tbilisi particularly, writing letters to the local media (7% of Tbilisi respondents, but only 1% in other local government units) and participation in internet discussions (7% in Tbilisi, but only 1-3% in other categories of settlement units) are the two most popular ways of citizen engagement.

Also, one of the most recent studies that evaluate citizen participation in Georgia is a “Comparative Analysis of Citizen Participation in Local Self-Governance in the Eastern Partnership Countries”, prepared by the Centre for Strategic Research and Development of Georgia (CSRDG) within the framework of project “Promote Citizen Participation in Local Governance in Eastern Partnership Countries” (2012).

The aim of the study was to determine the common problems, needs, and recommendations for improvement of citizen participation practices in local self-governance in the Eastern Partnership Countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine); and to identify and describe best practices among the respondent countries. For this reason, the study provides legislative analysis for each country and the results of a survey that collects information from representatives of local municipalities and NGOs from each country (participants are asked to assess various aspects of citizen participation on a scale from 1 to 6, with 1 being the lowest score and 6 being the highest score).

The study considers citizen participation to consist of three main components: access to public information, consultative democracy and direct democracy. By the meaning, those components correspond to the three forms of citizen participation identified by OECD (information, consultation and active participation).

According to the study, among all respondent countries, Georgia scores the highest point in evaluation of forms and mechanisms of direct and consultative democracy by 6 point scale, i.e. when asked to assess the application of forms and mechanisms of direct democracy, consultative democracy and preliminary consultations with citizens using the 6 point scale, respondents from Georgia gave 3.2, 3.7 and 3.5 points in each field respectively (those are the highest scores compared to other countries). In addition, representatives from Georgia also gave the highest percent (40%) of positive answers to the question “Generally, do you consider the quality of citizens' participation in the local decision-making satisfactory?”

However, it is notable that this evaluation is based on respondents' personal opinion

about the state of participation and cannot therefore serve as reliable evidence when assessing the actual level of engagement. The survey questionnaire does not define what the satisfactory level of participation means, neither has it given the structured scale of the levels of direct and consultative democracy (e.g. each point corresponding to existence of certain practices or the frequency of application of certain practices), rather, respondents are asked to provide assessment on a 6 point scale according to their personal beliefs and attitudes. In addition, there was no universal panel assessing each country on a common bases, rather the assessments were undertaken by different groups of people for each country. Therefore, we cannot argue that citizen participation in Georgia is relatively high, rather we can say that Georgian respondents' evaluation of citizen participation is more positive compared to other Eastern partnership countries.

In addition to formal study results, most analytical papers prepared by Georgian experts point out that despite positive changes in Georgian legislation which now provides adequate legal framework for participation, citizens rarely engage in local policy making. Overall, according to Georgian experts, practical implementation of citizen participation practices at the local level is still rear. (Losaberidze 2011, Svanishvili 2013, Tordinava 2011).

- COUNCIL OF EUROPE AND GEORGIA

There are several studies conducted by the CoE about citizen participation in its member states. Georgia is included in only one study conducted by Professor Addink from the University of Utrecht at the request of Council of Europe (2009). However, the paper reviews the general trends of participation practices across the Europe and does not provide specific assessments for any particular country.

Another paper prepared by the Council of Europe that touches upon citizen participation in Georgia is an Explanatory Memorandum on the country prepared by the Congress after the monitoring visit to Georgia in June 2012. The report provides a brief overview of citizen participation in Georgia relying mainly on local sources and research papers already discussed in previous chapter (CoE, 2013).

Unfortunately, Georgia is not included in another comparative study that reviews existing legislation and practices in 34 member states. Neither has Georgia applied CLEAR self-diagnostic tool designed specifically for local governments to better understand public participation in their localities and develop consequent strategies for strengthening civil engagement (COE, 2008; Lowndes et. al. 2006).

CHALLENGES TO PARTICIPATION

In light of limited academic and policy research, it is hard to argue about the underlying

frequency of application of certain practices), rather, respondents are asked to provide assessment on a 6 point scale according to their personal beliefs and attitudes. In addition, there was no universal panel assessing each country on a common bases, rather the assessments were undertaken by different groups of people for each country. Therefore, we cannot argue that citizen participation in Georgia is relatively high, rather we can say that Georgian respondents' evaluation of citizen participation is more positive compared to other Eastern partnership countries.

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CHALLENGES TO PARTICIPATION

In light of limited academic and policy research, it is hard to argue about the underlying reasons for the low level of citizen participation. We can, however, make some speculations as well as provide expert opinion about the presumed obstacles/challenges that impede citizen engagement in local policy making.

One of the most widespread and seemingly undeniable arguments is the lack of civic culture in Georgian society. Considering the country's political and cultural history, it is not surprising that Georgian citizens do not have a clear understanding of what civic activism means and why it is important. The problem is compounded by the limited understanding of government's role and the lack of trust in local government institutions. According to one study, to the question "whose interests are represented by the local government institutions", in total 40 percent of citizens named central government, political parties, private institutions and groups, or just gave a "don't know" answer (Swianiewicz, 2011).

Also, many Georgian experts claim that despite providing legal framework for citizen participation there was not sufficient political will to engage citizens in policy making and government tended to make decisions on its own (Losaberidze 2013, Svanishvili 2013, Tordinava 2011, Kandelaki et al. 2012). Consequently, citizens did not consider their participation to be important.

Experts also point out that the best way to motivate citizens to take an active part in policy-making is to empower them. The Village Support Program initiated by the government of Georgia is a good example of citizen empowerment which illustrates that once citizens had the authority to define local priorities and distribute funds accordingly their motivation grew up substantially (Svanishvili, 2013).

According to a group of experts, the current administrative-territorial arrangements also play an important role in preventing citizens to participate in government affairs. They argue that abolishment of the lower level of self-governance (village, community, borough and town) has increased the gap between the municipal government bodies and local population and increased the feeling of alienation among the citizens (Kandelaki et al., 2012).

PART III – PROPOSED CHANGES

New Strategy of the Government of Georgia

At the end of 2012, the newly formed government of Georgia initiated the local self-government reform and the Ministry of Regional Development and Infrastructure of Georgia (MRDI) presented “the Basic Principles of Decentralization and Development of Local Self-Government Strategy for the Years 2013-2014” which was approved by the Government of Georgia on the 1st of March, 2013.

The new strategy considers citizen participation to be the key building block in the reform and proposes the introduction of direct democracy in the form of establishing “village assemblies” responsible for implementing public self-governance within the public self-governing unit (village or convergence of several villages).

The strategy was followed by the draft code of local self-government which has a separate part on citizen participation. The draft code keeps all existing forms of participation guaranteed by current legislation (access to information, right to petition etc.) and introduces the public council instead of “village assembly” system. The draft code defines public council (სამოგადოებრივი საბჭო) as the right and opportunity of local population registered within a settlement (or a convergence of several settlements) to care for settlement development and take an active part in implementing local self-governance through the popular assembly (საერთო კრება) and according to Georgian legislation. The draft code was approved by the Government of Georgia at the end of October and was registered by the Bureau of the Parliament on Nov 12, 2013. The code has to be enacted before the local self-government elections in Spring 2014.

According to the draft code, public council is not a government body and consequently, is not authorized to implement public administration, rather it is a tool for citizen engagement in local policy making. It is a voluntary association of local population registered as a legal entity of public law although it is not regulated by the General Administrative Code of Georgia, not by the legislation concerning the Legal Entity of Public Law, Public Service and Public Procurement in Georgia.

A group of 10 representatives of the settlement can initiate the process of establishing a public council and register initiative at local executive agency. The initiative should be supported by 10 % of local population in order to get approval from the head of local government executive branch (Gamgebeli).

The public council is authorized to manage its own property; participate in development

of municipality's strategic plan and budget; and participate in selecting, planning and monitoring the implementation of municipality projects within the given settlement.

Public council's two main bodies are the popular assembly (საერთო კრება) and assembly council (კრებოს საბჭო). Popular assembly is the supreme body of public council which unites all members of the council (all residents within the settlement automatically become members of the assembly) and assembly council is a representative body of public council which is formed through election process. Both, popular assembly and assembly council are headed by the same chairman also elected through the election.

Chairman is responsible to coordinate relations between local population and local government bodies; organize opinion poll surveys and public debates within the settlement; prepare and present the propositions of public council to local government bodies; participate in budget development etc. Overall, the chairperson acts as a facilitator between the local population and the local self-government units and represents citizens to get their voices heard.

The local government bodies are obliged to organize hearings and discussions of public council's proposed plans within a month from submission.

ASSESSMENT OF PROPOSED MODEL

While the government's initial plan was to increase citizen participation through direct democracy in the form of village assembly, which would have enhanced active participation (the most advanced form of citizen participation), later amendments limited the authority of the public council and made it an advisory body to the local government (this fits into the category of consultation, see part I for definitions).

According to the draft code, the public council is not an additional tier of the government and does not have any decision making power. The draft code does not provide any legal guarantee that public council proposed plan will be incorporated into the local government policy. The chairman of the council is responsible to present the council's propositions to the local government, however, he/she is not entitled to vote on any issue (the public representative has the right to vote in case of petition).

The council is supposed to serve as an advisory body similar to Public Halls already established in several municipalities to provide recommendations on certain issues. The draft code, however, makes it possible to institutionalize the public council as a formal advisory body to the local government institutions. In addition, the code strengthens the consultative mechanisms by making it obligatory for local government representatives

to discuss the public council propositions within a month from submission.

Overall, institutionalization of the public council and mandatory discussion of its proposed plan seem to be the main advancements in strengthening and promoting citizen participation at the local level. However, there are some aspects of the code that are not totally clear and require further attention. First, the code states that although the public council is a legal entity of public law, it is not regulated by the General Administrative Code of Georgia, not by the legislation concerning the Legal Entity of Public Law, Public Service and Public Procurement in Georgia. The draft code does not clarify the legal framework regulating public councils at the local level.

Second, according to the draft code, it is up to the municipality to define the forms of participation of the public council in selecting, planning and monitoring the implementation of municipality projects within the given settlement. Thus, the code does not require a unified approach and consequently, the forms of engagement may vary across the municipalities, which might raise certain challenges.

In addition, the draft code does not limit members of the popular assembly to a specific number (200 or less). As a result, there might be settlements/ convergences of settlements with a higher number of population which will make it difficult if not impossible to manage this kind of a system, especially when voting. Also, by automatically making all registered citizens members of the assembly, the system limits the citizen's choice which is an important concept in current policy making (it is also debatable whether the popular assembly is the right term to use since "popular assembly" by definition represents a tier of the government and is classified as "local authority" while that's not the case in the model proposed by draft code).

And finally, the system itself does not give any guarantee that the motivation of citizens to engage in policy process will increase unless certain incentives are in place. As listed in our presumed challenges, the major challenge impeding citizen participation is the lack of civic culture among Georgian population that was counteracted, according to Georgian experts, only when citizen's actions were backed up by fiscal decentralization. So unless citizen's decisions are backed by the financial flow it is highly arguable that a membership of a council or an assembly will help to establish the sense of ownership and boost engagement.

CONCLUSION

We have discussed the concept of citizen participation and its importance especially at the local government level and provided an overview of European as well as Georgian

practices. The paper provided an examination of Georgian legislative framework and an assessment of a degree of participation at the local level.

The legislative analysis revealed that Georgia has necessary legal mechanisms to implement all three forms of participation (defined by OECD framework) at the local level. The citizen participation related part of the Organic Law of Georgia is also in accordance with the European Charter of Local Self-Government and its subsequent documents. The comparison of Georgian and European practices show that Georgia has almost all participatory mechanisms in place with the exception of local referendum, which is a widespread practice in Europe to exercise direct democracy. However, neither the Charter nor its subsequent documents requires countries to have local referendum in place. Rather, countries are free to choose participatory mechanisms on its own depending on the political and cultural context and local circumstances.

Despite all legal mechanisms are in place, the low level of citizen participation have long been a subject of criticism and debate in the current policy discourse. The review of studies and papers shows that there is not any study that evaluates citizen participation in Georgia according to international standards (CLEAR tool). However, based on the existing study results and expert opinion, we can still argue that citizen participation at the local level is considered to be low in Georgia. It is also notable that most studies that evaluate citizen participation are undertaken before the major amendments have been made to the Organic Law of Georgia on Local Self-Governance, i.e. till 2010 when the additional chapter specifically on citizen participation was introduced. Those changes have been unanimously assessed as a positive step towards the greater citizen engagement in Georgia, although we do not have any empirical data to assess changes after the amendments. There is also limited research about the challenges that impede participation, however, the absence or lack of several factors, such as civic culture, political will and fiscal decentralization are the widely named obstacles to participation. The new concept of the Government of Georgia proposed strengthening citizen participation through direct democracy in the form of village assembly. The draft code of local self-government, however, introduced the public council (consisting of the popular assembly and assembly council) as an advisory body to local government institutions. The adoption of the draft code will make it possible to institutionalize the advisory body and will strengthen the consultative mechanism at the local level in Georgia. However, some elements of the draft code need further clarification as well as there is a need of additional mechanism, such as fiscal decentralization, in order to encourage citizens to take an active part in local policy making.

RECOMMENDATIONS

Based on our systematic review of those three forms and their application in Europe and in Georgia as well as the analysis of the risks and challenges of proposed changes, we think that the Government of Georgia's approach to strengthening citizen participation should be twofold. First, it should follow certain recommendations of CoE and second it should build upon the existing practices, i.e. design specific approaches (both formal and informal) for advancing each form of participation separately (information, consultation and active participation). Consequently, the recommendations are grouped into two parts. The first refers to CoE guidelines, while the second lays out the steps towards better information, consultation and active participation.

1. In order to achieve international standards and be a part of the European family, the Government of Georgia should follow the principles and practices of the Council of Europe. Namely, we recommend the GoG to take the following steps:

- Consider the CoE Recommendation 307 (2011) on Citizen Participation at local and regional level in Europe and adopt the CoE resolution 326 (2011) with the same title. The recommendation and resolution urge member countries to make greater use of existing instruments and introduce new mechanisms where necessary in order to improve public dialogue and increase citizen participation in policy making.
- Consider the CoE Recommendation CM/Rec(2009)2 of the Committee of Ministers to member states on the evaluation, auditing and monitoring of participation and participation policies at local and regional level. This recommendation introduces the CLEAR diagnostic tool which can be used by local and regional authorities to evaluate and improve citizen participation and to concentrate their efforts on involving citizens in local affair. resolution 326 (2011) also endorses the importance of CLEAR tool (for more information on CLEAR see annex 1)
- Pay more attention to involvement of special groups, such as women, youth and foreigners in policy making. There are several documents of the CoE that emphasize the importance of special groups both in political and public life (Revised European Charter on the Participation of Young People in Local and Regional Life; Convention on the Participation of Foreigners in Public Life at Local Level; Recommendation 68 (1999) on women's participation in political life in the regions of Europe). Gender and youth mainstreaming should be considered while drafting the legislation and establishing formal and informal mechanisms for participation.

2. Government of Georgia should build upon the existing practices and make steps towards the strengthening of each form through formal and informal mechanisms, this might include legislative initiatives as well as the application of special tools. Here is a list of practices that local government authorities are recommended to promote:

- INFORMATION COMMUNICATION TECHNOLOGIES

Provision of clear, comprehensive and accessible information to local citizens is the basic level of citizen participation. Governments worldwide are increasingly using information and communication technologies to improve public dialogue and it is a widespread practice of publishing government information as 'open data'. Currently there are some donor funded initiatives in Georgia that provide raw government data and publications (www.opendata.ge). Local governments are recommended to consider greater use of information communication technologies and establishing similar practices to insure transparency and access to public information.

In 2012, Tbilisi City Hall initiated an innovative online project www.chemitbilisi.com, where each resident of Tbilisi had an opportunity to propose his/her idea about city development. In case the resident got support from others, Tbilisi City Hall had an obligation to consider the issue. Thus, the project served as both consultative and participative mechanism and gained success in a short period of time. Local government bodies are recommended to take an example and establish similar practices, since it strengthens all three forms, information, consultation and active participation.

- CITIZENS' PANEL

The common feature of this institution is that it is used to consult with a certain part of the local population on a specific issue. The panel can be formed from a group of local community, who is concerned with a concrete local issue, has specific interests in the matter at stake, and/or represent stakeholders who are affected by the policy or program in discussion. Some self-governing units have institutionalized the consultation process and established Public Halls which unites representatives of business, civil society and community organizations and serves as an advisory body to Sakrebulo, however, this is not an obligatory institution. The public council proposed by the draft code of local self-government also promotes the consultation with local population. Even more, the code makes it mandatory for local government agencies to discuss the proposition of the public council, however, it does not provide any guarantee for citizens to actively engage in policy making and have a real influence on

government decision making. Citizen's panel may become a mechanism for active participation if a panel's representative is granted a vote on a specific issue. In Georgia the similar practice is in place when popular initiatives are submitted by citizens.

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ANNEX

CLEAR Tool

In response to the growing importance of citizen participation and the need for proper evaluation means, the Council of Europe initiated the development of a special tool to monitor and evaluate citizen participation and develop strategies for strengthening participation accordingly. As a result, the special diagnostic tool – the CLEAR model was designed and presented by the Committee of Experts on Democratic Participation and Public Ethics at Local and Regional Level upon the request of the Council of Europe's Steering Committee on Local and Regional Democracy (CDLR).

The CLEAR tool was developed to help local governments and other organizations or groups at local level to better understand public participation in their localities, to identify particular strength and weaknesses of their own public participation initiatives and consequently develop strategies for enhancing participation. (COE, 2008)

The CLEAR framework argues that participation is most effective where citizens:

Can do—have the resources and knowledge to participate;

Like to—have a sense of attachment that reinforces participation;

Enabled to—are provided with the opportunity for participation;

Asked to—are mobilized through public agencies and civic channels;

Responded to—see evidence that their views have been considered.

Responded to—see evidence that their views have been considered.

The self-diagnostic tool identifies the variables underlying the five factors and proposes indicators to measure them. It also suggests the policy responses to address each of these factors.

After the two waves of CLEAR testing in several member states (Georgia was not among the countries where the tool was tested), the Committee of Ministers adopted a recommendation on the evaluation, auditing and monitoring of participation and participation policies and local and regional level (2009). The recommendation urges the governments of member states to undertake evaluation of democratic participation and promote the use of analytical tools, such as CLEAR self-assessment tool for citizen participation. The appendix to recommendation gives a detailed description of the CLEAR framework as well as practitioner's guide on how to diagnose citizen participation using the self-assessment tool.

Currently, the CLEAR tool is considered to be the most effective self-diagnostic tool for local governments in Council of Europe's member states. However, Georgia has not yet applied this tool and therefore we do not have any data for diagnostic purposes.



DRAMS, LARIS, AND POLITICS

POLITICAL FUNDING REGULATIONS IN ARMENIA AND GEORGIA

Ketevan Bolkvadze

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FOREWORD

Money and Politics: A dangerous Mix

Political party financing has always been and probably will remain for the foreseeable future a hot topic in multiparty democracies. In the United States money is seen by many as the decisive factor in election campaigns as hundreds of millions of dollars are spent every year for that purpose. In the older democracies of Europe such massive amounts are not devoted to elections but there have, nevertheless, been numerous scandals bringing to the open corrupt and illegal practices to fund parties and their election campaigns. In many cases state resources have been used to solicit campaign contributions and often there is still an unhealthy relationship between business and politics. So although unethical actions still occur, with the introduction of state financing and transparency rules in many European countries, they have become much less frequent.

Political parties need money to operate and generally not all expenses can be covered by membership fees. In many parts of the world it is an accepted practice that the state has taken over part of the funding - in some cases without any special conditions, in other cases earmarking the money for certain activities – and parties are obliged to provide information about campaign donations, that can also be subject to legal limits. Nevertheless, loopholes remain since watertight systems are difficult to establish. A recent debate in the Dutch parliament about party funding led to a tightening of the disclosure rule for donations to the central party-offices, but did not (yet) lead to a better regulation of local party funding. The Netherlands still does not fully implement the Council of Europe's anti-corruption Group's (GRECO's) recommendations on regulations for party funding.

But this is just one part of the story. The Dutch practice scores much higher than a number of European countries that have better regulations in place but do not apply

them properly as the research of Ketevan Bolkvadze makes clear. Internal party rules, general accountability and media scrutiny have created an informal electoral context in which money is not the dominant factor in Dutch politics. The level of campaign spending is relatively low and voters rely on the free media to get the information they want. Public debates also help the voters to make up their minds. There will of course always be complaints about media access or the advertising budgets of opponents but the very high turnout in Dutch national elections can be considered as evidence of a high level of political trust. Regulations are important – to help promote level playing fields – but they will only have the desired effect if they are respected in practice and seen as part of a set of informal rules to protect the democratic quality of a given society.

This paper analyses the party funding systems of Armenia and Georgia. These countries have been labelled as hybrid democracies where dominant single parties or party coalitions almost have a monopoly of power. In these countries the lack of a (paid) membership basis – and therefore of an important source of independent funding – forces parties to find revenues from either the state or from private donors. Since state funding is limited – these are relatively poor countries – parties have to rely on physical or corporate donors. Although there are disclosure rules and limitations in both countries, only parties with access to oligarchic or other rich private sources have a chance to challenge parties in power, that often have access to additional, administrative resources. In October 2012, the ruling party of Georgia, the United National Movement (UNM), lost the parliamentary elections with one of the main explanations being that its opponent, the Georgian Dream Coalition, had been able to rely on the financial support of a local billionaire to compensate for ample resources of the ruling party.

Often party funding rules are manipulated to serve those in power. Take the disclosure rules in Armenia that make it hard to trace where the money of the richest parties comes from, or the sudden adaptations to the Georgian law when the ruling party saw itself confronted with a very rich contender.

Through GRECO there is a set of campaign financing rules for Europe, but as this paper shows, the implementation leaves much to be desired for, especially in the hybrid

political systems that we have seen developing in some post-soviet countries. The OSCE/ODIHR fortunately adds strength to the work of GRECO by including assessments of campaign financing in its election observation reports. The EU has set up so called Eastern Partnerships for six countries that are somewhere in between authoritarian, half democratic and more or less democratic. By offering these states association and deep free trade agreements, the EU also hopes to be able to promote better democratic conditions. It has introduced the 'more for more' principle – the more an Eastern partner does to enhance democracy and human rights, the more (financial) support it will receive. The EU should certainly also apply this principle to party funding. This study offers a lot of recommendations on how to improve the situation in at least the two countries dealt with in this paper. To avoid being accused of hypocrisy, the EU should also look at itself. Corrupt party financing practices still occur within its own territory. Under the justice-for-growth approach, promoted by the European Commission, the fight against corruption is one of the priorities and thus a tool to tackle illegal party funding.

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1. INTRODUCTION

Political funding is doubly crucial for the functioning of democracy. On the one hand, it can strengthen the workings of multiparty democracies. 'Without money in politics, competitive multi-party democracies could not function, nor could their governments operate. Like a form of free speech, political finance is linked to the health and strength of a democracy'.¹ On the other hand, political funding can also become associated with large discrepancies and corrupt practices that are detrimental to the state of democracy. The advantages and disadvantages of political funding have long been debated among scholars dealing with Western democracies. However, this topic has attracted much less attention in the context of the hybrid regimes in the former Soviet Union. This is regrettable since the 'dark side' of political funding here looms even larger, given the fragile democratic institutions, widespread corruption and lack of transparency. Furthermore, due to the specific problems characterising hybrid regimes, the solutions proposed for Western democracies might not readily 'travel' to the post-Soviet region.

As demonstrated by the last two decades of democratisation, even authoritarian states have adopted democratic institutions and formal rules. Authoritarian and semi-authoritarian rulers have instead devised and fine-tuned various informal strategies to thwart electoral competitiveness, without actually breaking the formal regulations. This explains why a push for certain regulatory provisions, which might have worked in more democratic contexts, could have detrimental or unforeseen effects in hybrid regimes.² Political funding regulations must therefore be analysed against the backdrop of the existing political milieu. This policy paper, prepared under the auspices of the Netherlands Institute for Multiparty Democracy's (NIMD) South Caucasus Regional Program, delves into political finance regulations in Armenia and Georgia – two hybrid regimes in the South Caucasus.³ In view of the political environment in these countries, this policy paper focuses on: what are the major shortcomings of the Armenian and Georgian political finance regulations? The aim is to uncover areas where reforms could foster the emergence of functional multi-party democracies.

1 USAID (2003) p. 1.

2 For instance, in the West, lower spending limits are often regarded as a tool for leveling the playing field by curbing influence of rich contenders. In the context of hybrid regimes, strict expenditure limits turn into a comparative handicap for opposition parties since incumbents can continue abusing state resources.

3 Both Georgia and Armenia are listed as hybrid regimes in the Economist Intelligence Unit's Democracy Index 2012.

EXISTING POLITICAL ENVIRONMENT

Before delving deeper into the political funding specificities in Armenia and Georgia, two contextual problems should be highlighted, which significantly undermine the functioning of multi-party systems in both countries. The rationale here is that, in order to detect regulatory loopholes – which often tend to be rather technical – one first needs to grasp the setting in which the parties have to operate.

(1) The vast majority of Armenian and Georgian parties have a very small membership base (if any) and therefore generate negligible grassroots contributions. Widespread poverty and socio-economic problems significantly hinder institutionalisation of such contributions. Apart from this, trust in parties is also rather low, causing citizens to abstain from membership in political parties. Instead they participate in politics through limited forms of engagement, such as voting and occasional public protests.⁴ In established democracies, membership or affiliation fees are widely regarded as the most democratic and legitimate form of party financing. “They are donated on a voluntary basis and, notwithstanding material incentives, which may underlie an individual's motivation, they do not imply a direct pay-for-service relationship”.⁵ In the Armenian and Georgian context, however, the lack of a participatory culture and weak membership base leaves political parties without this critical source of funding. As a result, pressure on parties to raise funds from other alternative sources is double-fold, which also increases the power of moneyed interest groups to influence party behaviour in exchange for financial support.

(2) The second challenge concerns the uneven playing field, which up until now has characterised the political landscape in both countries. Generally, the party politics in such hybrid or 'competitive authoritarian'⁶ regimes display different dynamics than in a settings where fair contestation can be taken for granted. In fact, skewed political playing field has become the major feature of hybrid regimes, resulting from an incumbent's unrestrained access to (and often abuse of) state resources. As Bader (2008: 87) notes,

4 Nodia, G. & Scholtbach, A.P (2006) p.76; Face-to-face interview with the director of Armenian Civiltas Foundation Salpi Ghazarian.

5 Biezen, I. (2003) p. 17

6 The term “competitive authoritarianism” was coined by Levitsky and Way (2010) to describe hybrid regimes, where political competition is real but unfair, due to the incumbent's abuse of state resources.

“A 'party of power' is often established in (semi)authoritarian regimes in order to organize support for the regime. Such a party of power enjoys electoral advantage over opposition parties since they are habitually propped up by state resources.”

A winner-takes-it-all approach has been dominating the political scene both in Armenia and Georgia, leaving opposition parties marginalised. These dominant power politics trends coupled with the lack of grassroots contributions pose momentous challenges for opposition parties, and by extension, to the functioning of multi-party democracy. For the opposition, which on the one hand faces the ruling party's extensive access to state resources, and, on the other hand, a lack of membership contributions, the only way to redress the skewed playing field seems to be by forming alliances with rich economic actors. Such alliances have repeatedly resulted in the toppling of ruling elites and brought opposition parties to power in a number of post-Soviet states. However, these regime cycles do not necessarily always lead to democratisation and the emergence of multi-party systems, since the parties – whether dependent on state resources or rich financial backers – remain unaccountable to grassroots interests. Besides, sole reliance on rich economic actors also makes the opposition parties extremely vulnerable, since the politically biased authorities can suppress them by cutting the ground from under the feet of their sponsors.⁷

ADDRESSING THE RESEARCH QUESTION

Definitions. Due to gaps in academic research on political funding in emerging democracies, it is difficult to propose a suitable and simple definition. According to Michael Pinto-Duschinsky (2006), the narrowest definition of political finances is 'money for electioneering'. Because political parties play a key role in election campaigns, and because it is hard to draw a distinct line between the campaign costs of party organizations and their routine expenses, party funds may reasonably be considered

⁷ Yet another aspect worth mentioning here is the foreign funding, allegedly sometimes channeled in support of opposition parties, even though such funding is legally banned in both countries. This often provides yet another ground for authorities to discredit the opposition with allegations of being led by foreign forces (Russia, the West) and thus serving their interests, instead of the national ones.

political finance, too. To put it in a nutshell, following his definition, political finance includes campaign expenses coupled with the funds for regular party functions (such as maintaining permanent offices, carrying out policy research, engaging in political education, voter registration, and other everyday party activities).⁸ On the other hand, there are broader definitions that also include more unconventional forms of political spending. An exhaustive description would require us to include a) political “foundations” and other organizations which, though legally distinct from parties, are allied to them and advance their interests; b) the costs of political lobbying; c) expenses associated with newspapers and media that are created and paid to promote a partisan line; and d) the costs of litigation in politically relevant cases.⁹ Thus, there are a large number of channels through which money can pour into politics. However, this paper follows the narrowest and most straightforward definition of political funding described above as 'money for electioneering', or funds for campaigning and regular party functions.

Methods. The study has been conducted using basic qualitative research methods. Initial phase comprised desktop research, review of the existing databases on party finance regulations in Armenia and Georgia, as well as academic publications dealing with the perils of political funding in emerging democracies. Three comparative databases have been used while searching for specific regulatory provisions: prepared by the International Institute for Democracy and Electoral Assistance (IDEA), Stefan Batory Foundation and the Global Integrity Report.

IDEA's political finance database shows the different types of regulations in individual countries, and it can also be used to compare the prevalence of various provisions between countries and regions. The second database, by the Batory foundation, aims to examine political finance regulations from the perspective of protecting policy-making against undue influence of private interest groups. Finally, the Global Integrity Report offers a more quantitative analysis of money in politics. Here political finance legislation is measured based on its role in the country's anti-corruption policy.

⁸ Michael Pinto-Duschinsky (2006), pp. 189-190.

⁹ Ibid.

All three databases provide extensive and detailed information on political finance legislation, but less on how these provisions are enforced in practice and what implications they have for the local multi-party landscape. As with many areas, adopting a law does not automatically bring compliance. So as to cover any serious gaps in the research several face-to-face expert interviews were conducted in the selected countries. The list of expert informants comprised representatives of the democracy watchdog organizations as well as those of the party affiliated research institutes. This strategy gave an opportunity to triangulate the data and get insights into the problem from the major stakeholders such as parties and the non-governmental sector.

Outline. The study is divided into three chapters. The next two chapters investigate the regulatory obstacles in Armenia and Georgia, respectively, from the viewpoint of the country's political landscape. Each country chapter is followed by a set of policy recommendations addressing the identified regulatory loopholes. The concluding chapter outlines three general courses of action that could open up the system of dominant power politics, which has prevailed in Armenia and Georgia for almost two decades.

2. IN QUEST FOR THE LOOPHOLES: ARMENIA

POLITICAL LANDSCAPE: Experts on the Armenian political landscape repeatedly highlight the dominance of an oligarchic clique, who enjoys significant economic and political power. The leading Armenian businessmen, a group numbering around 40, not only control industries ranging from banking to mining, but also have translated their economic edge into privileged political statuses.¹⁰ According to Marilisa Lorusso (2012), from Istituto Affari Internazionali, 'common wisdom is that the parliament has been turned into an arena where interests of oligarchs are negotiated.' This creates expectations for political competition between different interest groups and thereby, pluralism - even if feckless¹¹ - at the party-politics level. Political scientists (Hale 2011; Radnitz 2010) have been positing that the emergence of several, even if small, competing pyramid-structures under independent patron-oligarchs could bring pluralism by undermining the overwhelming dominance of a single-party of power.

Nevertheless, looking closer at the everyday dynamics of Armenian party-politics also exposes the misleading character of the above-mentioned expectations. It is true that there is competition between different oligarchs and their interests; however, staying in good terms with the ruling party remains imperative.¹² The majority of oligarchs are either directly affiliated with the ruling Republican Party of Armenia, or those who have formed their own (opposition) parties try not to confront the ruling party too hard, lest they risk their business interests. The latter group mostly serves the purpose of creating a semblance of competitiveness during elections, thereby legitimising the incumbents hold on power. Those opposition parties that genuinely try to challenge the incumbent party's dominance have a difficult time acquiring financial resources. And the political finance regulations do little to flatten these huge fiscal disparities among the parties.

LEGAL FRAMEWORK: Armenia's legal framework for the financing of political parties and election campaigns generally reflects GRECO's widely accepted and acknowledged common rules¹³ against corruption in political funding. Rules are in place to ensure a certain degree of regulation of party expenses. Furthermore, a system of supervision exists and there are even cases in which parties and candidates have been sanctioned

10 Aghajanian, L. (2012)

11 The concept of 'feckless pluralism' has been coined by Thomas Carothers (2002) to describe the political competition between deeply entrenched parties that essentially operate as patronage networks.

12 The vivid illustration of this is the party 'Prosperous Armenia', founded and led by one of the richest oligarchs – Gagik Tsarukyan. In the run-up to the 2013 Presidential elections he withdrew from the race, shortly after having a behind-the-door meeting with the acting President Sargsyan.

13 GRECO (2003)

for non-compliance. Nevertheless, this has not alleviated serious legal shortcomings, particularly with regards to transparency and impartiality, which also have allowed undue practical application and politicised enforcement of the law.

According to the Global Integrity indicators, in 2011 Armenia scored just 8 out of 100 in practical effectiveness of its party financing regulations; and 10 out of 100 in its ability to effectively regulate contributions made to individual political candidates. These numbers represent a significant contrast to the evaluation of the country's legal framework, which received better scores: 50 for party financing regulation and 100 for individual candidate regulation. These discrepancies not only reveal the problems in the regulatory framework (50 out of 100), but also expose the outright ineffectiveness of existing regulations (8 out of 100).

Income Regulations: Armenian political finance legislation allows parties to receive funding from the following sources: membership fees, donations from physical and legal persons (in case of campaign finances only from physical persons) as well as state funding. There are no significant shortcomings concerning regulation of membership fees, however, as already mentioned earlier, due to economic and social problems in the country, funds raised through this source are a negligible portion of the parties' income.

The picture becomes more complicated with regards to private donations from physical and legal persons, which represent the primary source of income for the vast majority of parties. One of the serious shortcomings is that with regards to campaign finances there are no limits on donations from one source, such as employees of the same company. As a result, even though corporate donations are prohibited during campaigning period, businesses use this provision to indirectly funnel large sums to parties during elections by 'asking' their employees to donate to a particular party.¹⁴ Because of close informal links between the ruling party and the major businesses, this largely has been benefiting the incumbent (or its satellite oligarch-affiliated parties). Two interviewees named this regulatory loophole as a part of a well-established practice through which the ruling party has been raising money for its pre-election funds, in return allowing donor businessmen to engage in tax evasion or giving them preferential treatment in state-run tenders.

¹⁴ Batory Foundation (2012) 'Armenia Country Report', p.13.

Table 1. Global Integrity indicators (2011) for the Armenian political finance regulations, scores range from 1 to 100, with the latter signifying highest positive degree attainable.

Indicator	Score
20 Are there regulations governing the financing of political parties?	50 
21 Are there regulations governing the financing of individual political candidates?	100 
22 Are the regulations governing the political financing of parties effective?	8 
23 Are the regulations governing the political financing of individual candidates effective?	10 
24 Can citizens access records related to the financing of political parties?	63 
25 Can citizens access records related to the financing of individual candidates' campaigns?	31 

Another regulatory weakness is related to the transparency of data regarding donors. Political parties, while filing declaration forms about their pre-election funds, have to provide detailed information about their donors. However, the publicly available declaration forms (posted on the page of the Oversight Audit Service (OAS) or the website of the Armenian Central Election Commission (CEC)) only contain information on the amounts of the donation, and nothing on donors' personal data (such as name or ID). Neither the amended Electoral Code, nor any CEC decision allows the public to have access to such data, which undermines trust towards the political parties and raises questions about transparency of the campaign finances. Disclosing certain data on donors is necessary, among other reasons, for revealing instances of mass donations from employees of the same company.¹⁵ Interestingly, the initial version of the electoral code (1999), envisaged unrestricted access to such information. The limitation was introduced by an amendment of 2011, and was justified by government representatives with reference to the privacy interests of donors. Allegedly, in the post-2008 Presidential election period several businessmen, having donated money to opposition parties, were subject to unjustifiable interference and even harassment by the tax inspection and other law enforcement agencies. One of these cases even made it to the European Court of Human Rights.¹⁶ According to the ruling party, the decision to limit public access to donor data was driven precisely by the rationale to prevent such instances of harassment and secure the contributors' privacy. Nonetheless, according to one of our

¹⁵ Ibid
¹⁶ RFE/RL (2009)

interviewees, government agencies in any case have access to such information. On the other hand, in the current situation the public is deprived of the possibility to trace the link between businessmen being pressured and their donations to opposition parties. The lack of transparency in donors' data is one of the major shortcomings in the regulations on private donations.¹⁷

Public funding represents the third potential income source for Armenian political parties. Yet, due to its small size and the existing distribution model, public funding does not fulfil its primary aim: prevent heavy dependence on private donors and create a level playing field. According to the current regulations, direct public funding is granted to those parties whose electoral lists (in the last parliamentary elections) have received at least 3% of the total number of votes. The money is allocated in correspondence to the gained votes.¹⁸ This distribution system, although being proportional and thus, supposedly fair, in practice only benefits the incumbent party. In hybrid regimes, where the political playing field is uneven, such a distribution system favours the ruling party, since the incumbents are likely to win landslide victories. In this setting, the proportional distribution of state funding only reinforces the existing discrepancies.¹⁹ Unlike the well-established international practice according to which the eligible parties, apart from proportional funding, also receive basic 'floor' funding, Armenian legislation does not envisage such type of support.

Another problem concerns the small amount of direct public funding. The annual sum to be distributed among the eligible parties was equal to EUR 139,000²⁰ during the period 2008-2012. According to GRECO's 2011 report, all the parties represented in Parliament – which are the main recipients of direct public funding – reported that the funding made up only a negligible part of their income and that they were heavily dependent on private donations.

17 This is not to say that the data even on the minor donations should be publicized. It would certainly be fair for donations up to certain amount to stay private. But when it comes to hefty private/business contributions, donor's data should be more transparent.

18 These are votes, cast through the proportional voting system in the last parliamentary elections.

19 To bring the most vivid example, in 2007, the incumbent Republican party received approx. EUR 107 378, while the next party with the highest votes got EUR 20,396 – five times less than the incumbent.

20 The total amount of funds to be spent on parties from the state budget cannot be less than "the product of 0,03 times the minimum salary established by law (≈ EUR 2) and the total number of citizens included in the voting lists during the latest parliamentary elections" (GRECO 2010, p.6).

Expenditure regulations: according to the Armenian Electoral Code, during the campaign period individual political party expenditures should not exceed 100,000-fold of the minimum salary defined by the law (this makes up \approx EUR 200,000, there are no limits for the annual political party spending). This rather low threshold theoretically aims to prevent unequal financial conditions for the participating parties. Nevertheless, in practice, it does the very opposite. The current expenditure limits do not reflect the actual pattern of spending and make it virtually impossible for parties to carry out an effective campaign by using (and reporting) only funds that fall within the law. Too low expenditure limits have an adverse effect, encouraging underreporting and pro-active use of the previously identified loopholes. This also contributes to a widespread mistrust towards the published documents on party and campaign financing.²¹ Unsurprisingly, on the Global Integrity Report scale for Armenia, the existing expenditure limits, in terms of effectiveness, scored 0 out of total 100 points (Figure 2). Apart from this, in Armenia, as

22c: In practice, the limits on total party expenditures are effective in regulation a political party's ability to fund campaigns or politically-related activities.

Score: 100 75 50 25 **0** ?

in other hybrid regimes, state resources and institutions are widely abused for partisan ends, making it virtually impossible to account for the real campaign expenditures of the ruling party. According to Transparency International Armenia, the illicit part of ruling party expenditures (those spent outside the pre-election funds plus vote-bribing) corresponds to almost 98% of the formally documented expenditures.²²

Figure 2: Global Integrity report (2011) on Armenia, scores range from 1 to 100, with the latter signifying highest positive degree attainable.

Oversight mechanisms: The Oversight-Audit Service (OAS), established under the auspices of the Central Election Commission, is responsible for supervising both campaign and party finances. Earlier these tasks were divided between the OAS and the

²¹ GRECO (2010) p. 16

²² Batory Foundation (2012) 'Armenia Country Report', p. 5

Ministry of Justice. However, in the words of GRECO experts, such division of mandate greatly impeded the monitoring of political party financing due to inter-agency coordination difficulties.²³ On a positive note, starting from January 1, 2012, OAS became a permanent body equipped with both supervisory functions. Even though this significantly strengthened the agency's institutional and investigative capacity, it did not affect its institutional independence. The interviewees uniformly claimed that the responsible audit agency (OAS), as well as the Central Election Commission, are under the undue influence of the ruling party and tend to be selective in their application of the law. As a result, even grave infringements are dealt with in a partisan manner.²⁴

Another important loophole concerns the reporting penalties. Surprisingly, there are no fines for providing false information or hiding certain details in the campaign declaration or annual financial reports. The only penalty is imposed for failure to provide these reports in a timely manner. Although this might seem as a minor regulatory detail, it runs the risk of incentivising underreporting or the provision of incorrect data. As GRECO's latest report also highlighted, "The existing arsenal of sanctions only covers some of the violations of political financing rules and lacks proportionality".²⁵

BRIEF SUMMARY AND RECOMMENDATIONS: The aforementioned analysis is by no means exhaustive since some of the provisions that appear to be adequate on paper are cunningly misused or distorted in reality. Such instances are difficult to detect due to the lack of effective oversight mechanisms, not only from the government, but surprisingly also from the non-governmental sector. Several of the interviewees mentioned that the subject of political finances has almost never been a particular focus of the Armenian media or civil society organisations. Among the operating NGOs only one, the local chapter of the Transparency International has been monitoring campaign and party funding and related irregularities; but again, without much resonance in the media or the NGO sector. As a result, the area of political funding in Armenia remains free from any major scandals, but this does not necessarily attest to the absence of shady practices.

²³ Ibid, p. 18;

²⁴ Face-to-face interview with Varuzhan Hokyanyan, Director of the Transparency International Armenia; Batory Foundation (2012) 'Armenia Country Report'

²⁵ GRECO (2010) p. 20

As seen above, we are hardly dealing only with regulatory imperfections, but rather confronting systematic problems, such as biased state institutions. For instance, the Armenian Electoral Code prohibits state and municipal employees from exerting any influence on voters by using authority granted to them. Yet, in practice, the problem of vote-buying, directly involving state employees, has almost become an intrinsic part of the Armenian pre-election phase in recent years.²⁶ The same applies to the media coverage of the candidates: even though the publicly funded media outlets are required by law to ensure impartial coverage of the election subjects, the reality proves different.²⁷ These examples bear witness to the fact that even the soundest legal provisions are problematic in the context of dominant power politics. It is no news that in the absence of independent state institutions, the rule of law easily becomes the law of the ruler.²⁸ Without tackling these structural problems, reforms to the political party finance legislation does not guarantee a robust multi-party system. Nevertheless, by pinpointing acute regulatory loopholes the following recommendations seek to increase transparency and narrow the financial gap between the parties. Improved regulations might not be sufficient, yet they are a necessary condition for a competitive multi-party system.

1) Clear limits on donations from one source should be introduced to the campaign income regulations. Absence of such restrictions enables businesses to funnel large sums of money to parties via their employees, even though the law prohibits corporate donations during the campaign period.

2) Data on donors should become publicly available. More specifically, the electronic declaration forms on the party's campaign funds at a minimum should comprise the donor's name and identification number. Among other reasons, it is crucial for revealing instances of mass donations from employees of the same organisations/companies. The government's earlier-mentioned argument for hiding such data is invalid, since state agencies anyway have access to and make politicised use of this information.

²⁶ OSCE/ODIHR (2013), p. 8

²⁷ Ibid, p. 9.

²⁸ Berglund, C. (2013a)

3) The Armenian government should introduce a substantial basic funding scheme for eligible political parties (i.e. parties that overcome 3% threshold in the parliamentary elections). It is also an established practice to provide two-fold of the basic funding to those parties that pass double sum of the threshold, thus 6% in the Armenian case. Basic funding scheme might not automatically create a level playing field, but will most certainly boost the competing capacity of smaller political parties.

4) The annual direct public funding should also increase. Generally, there are no established standards on the amounts of direct public funding, since each country adapts these rules to its socio-economic capacity and the political environment. But taking into account the current condition of the Armenian multiparty system, plus the virtual absence of membership contributions, there is an acute need for substantial state support. Government should introduce gradual increase mechanisms of direct public funding.

5) Expenditure limits from the pre-election funds should also be increased. The existing limits do not reflect the real pattern of the campaign expenses and neither do they prevent unequal financial conditions of the parties. In some cases, lower expenditure ceilings are believed to advantage smaller parties by curbing the intrinsic superiority of the wealthy opponents. However, in the Armenian context, where the hidden part of the ruling party's expenditures is almost as big as its formally documented spending, lower limits are actually counter-effective and disadvantage the opposition parties vis-à-vis the incumbent.

6) Finally, fines should also be introduced for providing false information in the campaign declaration and annual financial reports.

3. IN QUEST FOR THE LOOPHOLES: GEORGIA

POLITICAL LANDSCAPE: Georgia's October 2012 parliamentary election was a critical milestone not merely because the government for the first time was changed through the ballot box, but because it significantly raised chances for developing a competitive multiparty democracy. In the ex-ante environment, the ruling United National Movement largely resembled the 'party of power' and dominated all three branches of government, thereby not leaving much room for fair inter-party competition or a level political playing field. It is still too early to determine whether the recent change of power will be a true democratic breakthrough or yet another pendulum swing from one hegemonic ruling party to another. However, the UNM's determination to remain a political contender, coupled with the intra-coalition dynamics of the Georgian Dream (GD) could be seen as a transition to 'feckless pluralism', with chances of evolving into a multiparty system.²⁹

The ruling coalition currently consists of 6 parties, with rather diverse ideological backgrounds and political goals. So far there are no clear signs of any formal split within the bloc, although existing intra-coalition differences expose themselves almost on a daily basis. Soon after the elections, Prime Minister Ivanishvili stated that he was in favour of within-bloc competition and considered the formation of divergent factions as "a healthy way to promote political pluralism".³⁰ Nevertheless, Ivanishvili has not been particularly tolerant towards political contenders from Saakashvili's UNM party.

UNM's determination to remain a serious political force also plays a crucial role in developing inter-party competition. "If the UNM survives, it has a chance of becoming the most well resourced and institutionalized opposition force Georgia ever had"³¹. However, the increasing number of defections from the UNM, as well as pressure on local self-governance institutions under their control, illustrates the risk that the Georgian Dream could end up as another 'party of power'. In the following sections the existing party finance regulations will be analysed from the perspective of such risks.

29 Berglund, C. (2013b)
30 International Crisis Group (2012) p.10
31 Welt, C. (2012)

LEGAL FRAMEWORK: Prior to the elections, the Saakashvili government responded to the challenge mounted by billionaire Bidzina Ivanishvili by tightening mechanisms of party financing. By the end 2011, a number of amendments had been introduced to the party/campaign finance regulations, making them considerably stricter. As a matter of fact, these amendments also incorporated important recommendations from GRECO. However, it has been argued that these changes were primarily driven by the incumbent's efforts to curb the Georgian Dream's ability to compete on an equal footing.³²

Indicator		Score	
20	Are there regulations governing the financing of political parties?	100	
21	Are there regulations governing the financing of individual political candidates?	100	
22	Are the regulations governing the political financing of parties effective?	54	
23	Are the regulations governing the political financing of individual candidates effective?	50	
24	Can citizens access records related to the financing of political parties?	88	
25	Can citizens access records related to the financing of individual candidates' campaigns?	75	

Although the amendments introduced in late 2011 significantly tightened earlier regulations, not even the earlier regulations would have qualified as lax. According to the Global Integrity scale (Table 2), the Georgian legal framework for political finances (before the December 2011 amendment) received the highest attainable 100 points; Yet, with regards to the practical effectiveness of these regulations, results were only half as good, with scores 54 and 50 for parties and individual candidates, respectively.

Table 2. Global Integrity indicators (2011) for the Georgian political finance regulations, scores range from 1 to 100, with the latter signifying highest positive degree attainable.

Income regulations: The income of political parties is regulated by the organic law on "Political Unions of Citizens". It allows the parties to receive income from the following

³² Batory Foundation (2012) 'Georgia Country Report'

sources: (1) Membership fees; (2) State funding; (3) Donations, and (4) income received from producing and distributing party symbols, holding lectures, and other activities, that do not change the non-profit status of the party.

Before the 2011 amendments the membership fees did not fall under detailed regulations. The introduced changes set annual upper limit of GEL 1200 (≈EUR 550) on individual membership fees. This was a step forward, since absence of such ceilings entailed risks of bypassing the regulations for private donations. However, the practical problem linked to the membership fees remained intact: the sums received from this source represent only a small portion of the parties' annual income – usually ranging from 5 to 10 percent. The problem, most certainly, will persist for some time, since resolving it requires increasing public trust towards political parties, which currently is quite low.³³ In the upcoming few years, this leaves the political parties at the mercy of state funding and private donations, and also explains why regulations affecting these two aspects are particularly pressing.³⁴

As for state support, there are three types of funding from the budget: 1) direct transfer to parties; 2) via the Centre of Electoral Systems Development, Reforms and Trainings; and 3) targeted finance of TV advertisements during the campaign period. Direct transfer consists of GEL 150 000 in basic 'floor' funding, which is granted annually to those political parties that pass the 4% threshold in the latest parliamentary and 3% in the latest municipal elections. Furthermore, parties that succeed in overcoming 8% and 6% barrier (in legislative and municipal elections respectively) are granted double size of the basic funding, i.e. GEL 300 000 (≈EUR 135 000).

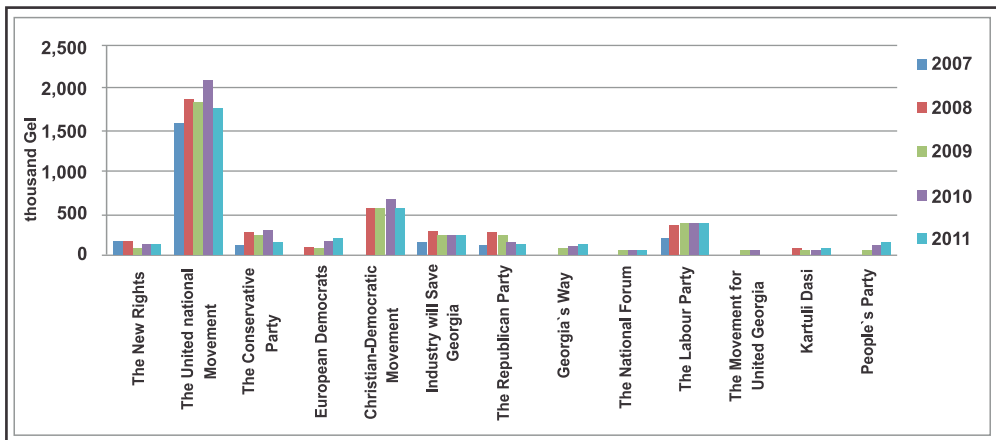
Apart from this basic funding, eligible parties also receive additional funding calculated in proportion to their mandates and received votes.

³³ Transparency International Georgia (2011) p. 4

³⁴ According to the CRRC's 2012 Caucasus Barometer, public trust in political parties only reaches 16%.

Certainly, the existence of such proportional funding is a positive aspect, however if we look at its distribution pattern for the last 5 years (table 3.), it becomes clear that the formula strongly favours the 'party of power'. Just as in Armenia, proportionality might seem to be a fair argument for this distribution logic, however it also reinforces the dominance of a single party and jeopardizes political competition. Consequently, additional financial resources should be allocated to support the basic 'floor' funding scheme. As a result, the budget of smaller parties could increase and so would their competing capacity, vis-à-vis the 'party of power' propped up by administrative resources.

Table 3. State financing received by the political parties through the period 2007-2011, source: Transparency International Georgia



Donations. The amendments of December 2011 introduced a ban on corporate donations. The limit was also set for private donations (from natural persons) at GEL 60 000 (≈EUR 25000) and for donations from one source – at GEL 500 000 (≈EUR 232 000) annually. This can be seen as an effective mechanism to curb the influence of big businesses in electoral outcomes. Nonetheless, according to the Transparency International (TI) Georgia experts “even though legal persons are not allowed to make donations [...] it does not mean that their shareholders or executives are forbidden as

well". Donors' data analysis conducted by the TI during the 2012 pre-election period, revealed that 74 of the UNM and 30 of the Georgian Dream contributors had direct connections with businesses and some even represented a single legal entity. "Donations on behalf of such individuals, underlines the fact that business is not free from politics" (TI report on 2011 campaign finances). This, in itself, is not a negative phenomenon – certain links between business interests and political parties exist in the vast majority of western democracies as well. However, in the Georgian case, where corporate donations are banned, yet, donations from individuals with close ties to businesses makes up a rather big portion of the political parties' income, shows the systemic need for the existence of such a source. Allowing corporate donations, but introducing tighter control and transparency provisions would be a wiser decision in this case. As already noted above, in the absence of membership fees donations represent the major source of income for opposition parties (since state funding mostly favours the ruling parties).

The capacity of corporate funding to encourage the emergence of a competitive multiparty system primarily hinges upon the absence of state pressure on big businesses. During the last few years, businessmen have openly been complaining about undue state pressure and it is therefore critical that all stakeholders remain alert to such instances. Interestingly, even though before the emergence of GD, corporate donations were not banned, opposition parties very rarely received such funding due to the afore-mentioned hurdles. Consequently, allowing corporate donations would be only be conducive to genuine party competition, if there is not state pressure on companies donating to and backing opposition forces.

Expenditure regulations: One of the positive novelties introduced to the Election Code by the December 2011 amendments, was related to the compensation of the campaign expenses. According to Article 56 of the Code, election subjects overcoming 5% threshold would be reimbursed GEL 1 million to cover election campaign expenses. This in theory made it easier for new parties to compete. The above-mentioned

amendments also set limits to the annual campaigning expenditures, which should not exceed 0.2% of the country's overall GDP for the previous year. In 2012 this ceiling made up approximately GEL 48.5 million (≈EUR 22.8 million) – still a tremendously high amount for such a small country.

Moreover, the December 2011 reforms resulted in more comprehensive financial declaration forms, unifying 70 different types of expenses, yet some small gaps still remain in this regard. According to Transparency International Georgia, the declaration forms do not oblige the parties to provide a detailed description of every payment. Prior to the amendment, declaration forms had a graph, where election subjects had to indicate to whom the party paid the sum, for what service, timeframe, area of service provided and units and amount of goods/services received.³⁵ Re-inclusion of such requirements would significantly increase transparency of the campaign spending.

According to the latest amendments, expenses that qualify as vote buying became subject to administrative and criminal charges. The initial version of the law, passed in December 2011, even envisaged criminal liability for voters, businesses and civil society organizations. However, in May 2012, after active campaigning by democracy watchdog groups such provisions were dropped. Having regulations restricting vote-buying is in itself a positive phenomenon, since up until now bribing of voters has been one of the key obstacles for free elections in Georgia. But for the practical effectiveness of these regulations, the penalties should be commensurate and applied proportionally.

Interestingly, the law does not foresee liability for funding activities with vote-buying effect from the state or municipal budgets.³⁶ This is one of the critical loopholes in the expenditure regulations and should be addressed. It is no news that the state and local government activities, financed from the budget, were often toeing a partisan line, at the expense of taxpayers' money. This subtle vote-buying form usually benefits the incumbent party and further reinforces the uneven political playing field. Against the backdrop of recent developments, when municipalities were staffed by supporters of

³⁵ Transparency International Georgia 2012

³⁶ Batory Foundation (2012) 'Country Report Georgia'

the new government, above-mentioned trend might persist for a long time, unless the law imposes strict penalties for state-funded activities with vote-buying effect.

Oversight Mechanisms: The State Audit Office (former Chamber of Control) is vested with the power to oversee the spending of state funds. Following the far-reaching amendments of December 2011, the State Audit Office (SAO) was given wide discretionary powers to establish standards for party funding audits, verify lawfulness of annual and election campaign declaration forms, request information on the origins of donations from administrative agencies and commercial banks, and apply to prosecutors office if signs of crime were discovered. Parties are obliged to submit their annual financial declaration forms together with the auditor firms report to the SAO no later than February 1 of each year. With regards to campaigning, all election subjects have to submit their income/expenditure reports every three weeks from their date of registration. However, the law does not require SAO to publish these reports, which in the words of the OSCE representatives is “detracting from transparency”.³⁷ Apart from this, even though the Audit Service is in charge of verifying legality and completeness of the submitted reports, it has no obligations to publish its conclusions.

These reforms resulted in very strict party funding regulations. To be sure, transparency and accountability of political finances are important to maintain the integrity of the electoral process. However, as the October 2012 Parliamentary elections and its run-up phase demonstrated, these new strict regulations did not quite ensure full transparency, since they were applied selectively and disproportionately against the opposition parties. This is demonstrated by the conclusions of an OSCE/ODIHR Election Observation Mission report, which examined 40 randomly selected cases allegedly involving infringements of the law. According to the report, the SAO summoned over 200 individuals as witnesses and questioned 100 individuals and legal entities that donated to the Georgian Dream coalition (then opposition), out of which 68 were fined by the courts. By contrast, only 10 UNM (then ruling party) donors were investigated and 8 fined, even though the number of donations to the UNM was 6.5 times higher than that to the GD.³⁸

³⁷ OSCE (2012) p. 15

³⁸ OSCE (2012) p. 16.

Another loophole, also exposed by the 2012 Parliamentary elections, is related to the basis of determining illegality of the donations. In all 79 cases, which deemed individual donations illegal, decisions were founded on the basis that the donor did not have sufficient income. These conclusions were drawn by examining the donor's tax records from the previous two years. However, according to the law, such a criterion does not constitute a sufficient ground for determining unlawfulness of a private donation.³⁹

Such instances reflect the downside of the SAO's wide discretionary powers. Maybe the new GD-government will be incentivised to address the existing regulatory gaps since the State Audit Office has remained controlled by a former UNM lawmaker. However, the risk that this institution will remain a tool for political retribution still looms large.

BRIEF SUMMARY AND RECOMMENDATIONS: The December 2011 and several subsequent legislative amendments⁴⁰ resulted in a comprehensive regulatory framework, largely in compliance with international recommendations, including those of the Group of States against Corruption (GRECO). Apart from the proportionally distributed direct public funding, there is also basic 'floor' funding available for eligible parties. However, due to the ruling party's extensive use of administrative resources and the partial nature of the overseeing authorities, this has not sufficed to level the political playing field. For instance, the introduction of strict penalties to curb illegal donations was arguably counterproductive since these fines – when doled out selectively – turned into a tool for the ruling party. As in the case of Armenia, the success of reforms hinges upon the impartiality of enforcement authorities. With this disclaimer in mind, we will outline a set of recommendations targeting the most impinging loopholes identified in the Georgian political financing regime. The extent to which the new Georgian government's acts upon these recommendations will give us further clues as to its commitment to reform.

1) In order to reduce financial disparities among Georgian political parties, one of the major suggestions would be to increase the amount of direct public funding. This should

³⁹ Ibid.

⁴⁰ In May and June 2012.

include both proportional as well as basic 'floor' funding, but in particular the latter. Since proportional funding tends to reinforce existing discrepancies, basic funding holds a stronger promise to improve political competitiveness, by equipping small political parties with greater financial resources.

2) Competitiveness could also be enhanced by allowing corporate donations. Undoubtedly, this type of funding entails the risk of increasing the influence of moneyed individuals on policy making, but in the virtual absence of membership fees and lack of substantial state funding, this risks weighs less in contrast to the benefits of increased competitiveness it could bring. In addition, such risks could be neutralised by introducing reasonable ceilings and tight transparency mechanisms concerning corporate donations.

3) In relation to the campaign spending declarations electoral subjects should be obliged to provide a detailed description of every payment (to whom the party paid the sum, for what service, timeframe, area of service provided and units and amount of goods/services received). Such information was required by the previous legislation and re-inclusion of it would further increase transparency of campaign expenditures.

4) It is also recommended that the funding activities from the state and municipal budgets with vote-buying effects be defined as infringement of the law, and give rise to administrative liability. If applied in due manner, this could help curb the well-established practice of abusing administrative resources for partisan ends.

5) For further enhancing transparency of the campaign finances, it would be suggested that the State Audit Office be obliged to publish campaign finance reports submitted to it (every three weeks) by the election subjects during the campaign period. The same should apply to the SAO's conclusions on the above-mentioned reports. This transparency would compel the State Audit Office to be consistent in its judgments with regards to all electoral subjects, no matter their political stance.

6) Also, to prevent arbitrary and inconsistent practices in relation to imposing penalties, it would be recommended to clearly define criteria for determining illegality of the donations, as well as, scope of the SAO's authority to conduct inquiry into potential infringements of the law.

3. CONCLUSIONS

This policy paper has provided an analysis of the Armenian and Georgian political finance legislation with an eye to improving the prospects for multiparty democracy in these countries. This endeavour was guided by the following research question: what are the major shortcomings in the Armenian and Georgian political finance regulations? In order to identify these shortcomings, one first needs to be aware of the peculiar political environment prevailing in hybrid regimes. Bearing this in mind, each country chapter started with a brief analysis of the existing political landscape, with a specific focus on the state of political competitiveness. The subsequent sections, in each chapter, unearthed regulatory loopholes in the legal framework in view of their informal undue usages. In the end of each country chapter, recommendations were proposed in order to foster transparency and strengthen the ability of local political parties to compete. Beyond these country-specific recommendations, there are three general patterns that emerge from this examination of political financing complications in hybrid regimes.

First and foremost, independent oversight mechanisms are critical in promoting a healthy multiparty system. Regardless of whether the provisions strict or lax, it is the enforcement authorities' arbitrary, inconsistent and selective practices that thwart fair competition and transform the regulations into a mere partisan instrument. By the same token, if the sticks and carrots were applied impartially, the effect of the financial disparities on the political playing field could be significantly decreased (but not fully disregarded). Consequently, all the advocacy efforts in both countries should be directed towards boosting the neutrality of the oversight authorities. Certainly, this is not

a panacea in hybrid regimes, where institutions are used for partisan purposes, but it would at least wrangle one potential tool of repression from the hands of the incumbent.

Secondly, a substantial and carefully elaborated public funding scheme could in crucial ways contribute to the emergence of competitive political systems in Armenia and Georgia. Despite controversies over its fiscal cost for the taxpayers, there are several arguments in favour of state funding. If disbursed regularly, it would provide parties with adequate resources for performing essential democratic activities and thereby, increase their stability and institutionalisation level. Robust public funding to some extent helps to even out disparities resulting from the incumbents' (ab)use of state resources. Apart from this, by providing a reliable income source, this scheme could lower the stakes of being out of the office, and thus, weaken the winner-takes-it-all approach in favour of a more moderate competition style.⁴¹ Certainly, it should be kept in mind that increasing state funding per se will not make parties more democratic or inclusive; but building the right incentive-structures could lead them to this direction. For instance, allocating certain portion of public funding could become conditional upon including women and minorities in the party, building up regional structures, conducting research and establishing member database. This way public funding could contribute not only to the inter-party competition, but, most importantly, to multi-party democracy, with more inclusive political system and stable political parties.

Finally, corporate donations could play a positive role in opening up these countries from dominant-power politics. As demonstrated both by the Armenian and Georgian cases, a ban on corporate donations (in the Armenian case ban applies to the campaign only) does not necessarily curb the close links between big businesses and political parties. It reinforces the use of loopholes and hides the murky side of these links. Allowing corporate funding but imposing strict disclosure requirements could potentially make the political race more transparent and easier for the interested citizens to trace these 'alliances'. The absence of substantial public funding and membership fees, coupled

41 IFES (2009) p. 18

with 'party-of-power' trends in these countries creates systemic need for such funding. One has to be realistic and acknowledge that corporate funding provides rich moguls with significant influence, but in hybrid regimes it also allows opposition forces to seek out autonomous financial resources, thereby fostering competitiveness, even though it very well may be far from societal needs and interests. Feckless pluralism involving political rivalry between business elites could, according to several scholars of democratisation, eventually evolve into multiparty democracy.⁴²

42 Radnitz, S. (2010); Hale, H. (2011); Rustow, D. (1970)

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WOMEN, PEACE AND SECURITY

Rusudan Kervalishvili

BACKGROUND

Gender equality and women empowerment are listed among the Millennium Development Goals. Undoubtedly, advancing gender equality and rights of women is of paramount importance and democratic states are committed to protecting rights of women, ensuring their welfare and active participation in the social life.

The national dispute of 90s, along with the conflicts, the War of August 2008 followed by the forced displacement and the global crisis have had a considerable negative impact on the lives of the citizens and particularly of women in many spheres including health, income, employment and career and living conditions.

In the last years, however, Georgia has further developed the gender equality policy which along with other important reforms has resulted in a political, social and economic transformation of the country.

As a young developing democracy, Georgia pays special heed to the initiatives that contribute to the harmonization of its legislation with international laws as regards human rights protection and establishment of international standards.

Despite the numerous efforts over the past decades the foreign community remained unconcerned with the need for combining issues of violence against women and security. However, a fundamental change in the approach was made by the UN Security Council Resolution 1325 on Women, Security and Peace adopted on 31 October 2000 at its 4231th meeting. The UN Resolution is of particular importance for Georgia as for a post-conflict country, with the great portion of its territory occupied by the Russia. The UN Resolution addresses the concerns of conflict affected women and children, issues of sexual and other types of violence and resettlement; it stresses the importance of women's participation in the prevention of conflicts, rebuilding the trust, peacekeeping and post-conflict recovery.

On 27 December 2011, to meet the obligations under the Resolution, the Parliament of Georgia approved the 2012-2015 National Action Plan for implementation of the UN Security Council Resolutions # 1325, 1820, 1888, 1889 and 1960 on “Women, Peace and Security”.

The adoption of the National Action Plan was preceded by a number of important legislative and institutional changes to promote women participation in social and political life as well as their involvement in the peacebuilding activities and the security sector.

Integrating gender perspectives into the security sector reform will ensure better security to citizens. Involvement of a critical mass of women in the security sector reform is a key factor for equal accessibility to security services.

Generally, Georgian society is skeptical about employing women in the security institutions. Both the government and the civil society should mobilize their resources – the media, the academia and non-governmental organizations to conduct different campaigns aiming at raising public awareness on women's role in the security sector and promoting liberal attitudes toward career advancement for women within the security institutions.

This paper addresses the issues of women participation in peace process and security matters in Georgia:

INSTITUTIONALIZING GENDER EQUALITY – There is a need to establish and strengthen institutional mechanisms to ensure women's participation in social and political life and to support the implementation of the state gender equality policy at large. To this end, the current legislation makes provisions for the reinforcement of the Gender Equality Council;

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FULFIL INTERNATIONAL OBLIGATIONS AND CARRY OUT IMPORTANT ACTIVITIES TO PROMOTE THE GENDER EQUALITY –Fulfillment of international obligations will support establishment of democratic standards in Georgia and its EU integration;

LEGAL INITIATIVES AND THEIR IMPLEMENTATION MECHANISMS TO ADVANCE GENDER EQUALITY – In the last years the government of Georgia succeeded in generation of a number of important legal initiatives on advancement of gender equality and human rights at large. However, the level of efficiency of the state policy will be determined by further implementation of these initiatives;

DEVELOP CAPACITY TO PROMOTE WOMEN INVOLVEMENT IN SECURITY SECTOR – Developing capacities to promote women involvement in the security sector through targeted use of resources by the government, international and non-governmental organizations and coordination of their activities;

LOW LEVEL OF WOMEN INVOLVEMENT IN DECISION-MAKING –To identify causes and barrier to women employment to decision-making positions. To develop promoting mechanisms;

TRADITIONAL GENDER STEREOTYPES – Dominant and in the majority cases wrong understanding of skills, characters and social behaviour of men and women;

WOMEN'S PARTICIPATION IN PEACE NEGOTIATIONS –To promote women's participation in the peace negotiations; to include women, peace and security aspects in Geneva negotiations and meetings on incident prevention and response mechanisms.

BARRIERS TO WOMEN INVOLVEMENT IN SECURITY SECTOR – Unclear and insufficient legislation to enable equal application of women rights, insufficient or ineffective educational policy, risks of sexual and other forms of violence.

The conclusion of the paper provides a summary and recommendations for promoting women involvement in the security sector.

INSTITUTIONALIZING GENDER EQUALITY

In August 2008, the Charter of the Gender Equality Council was approved by the Decree of the Chairman of the Parliament of Georgia. The Charter specifies major goals, structure and the working format of the Council. Government representatives, public defender's office and NGOs will be involved in the activities of the Council together with the members of Parliament. The Council started cooperation with the international and local non-governmental organizations to organize different meetings and activities soon after adoption of its charter.

In August 2008 an International Coordination Meeting was held in the Parliament of Georgia. The Council members discussed gender equality issues with women's and children's rights organizations. Participants decided to establish a Gender Equality Resource Center to provide economic, social and psychological aid to conflict affected women and children.

A special letter of the Gender Equality Council was sent out to European and US and other world nations to stop the aggression of Russia. According to the changes of December 2009 the Gender Equality Council obtained a status of permanent institutional body.

It is noteworthy, that in February 2013 a female candidate was appointed the Human Rights Advisor to the Prime Minister who will also be in charge of gender equality issues.

FULFIL INTERNATIONAL OBLIGATIONS AND CARRY OUT IMPORTANT ACTIVITIES TO PROMOTE THE GENDER EQUALITY.

The Convention on Elimination of all Forms of Discrimination against Women (CEDAW) adopted by the UN General Assembly in 1979 is often referred to as an international bill of rights for women or the "Women's Treaty". Consisting of a preamble and 30 articles, it

defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination and achieve substantive equality.

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice - ensure equality between men and women. They are also committed to submit national reports: first report should be submitted in a year after ratification of Convention and the next reports at least every four years, on measures they have taken to comply with their treaty obligations.

In May 2012, according to provision of the Article 18 (1) of the Convention on Elimination of all Forms of Discrimination against Women, Georgia submitted the 4th and the 5th interim reports to the Committee on Elimination of all Forms of Discrimination against Women.

The UN Security Council (UNSCR) adopted Resolutions # 1325, 1820, 1888, 1889 and 1960 on "Women, Peace and Security" to provide additional provisions and obligations in support of Resolution 1325 to ensure protection of women and girls in conflict and post-conflict situations and their participation in peacebuilding and security matters. In addition, resolutions include the recommendations for member states on needs of women and girls in conflict and post-conflict situations to advance their rights and capacities. The resolutions highlight the need for promoting women's participation in peace building activities by member states and UN bodies, protection of women from sexual and gender-based violence in conflict situations and reinforcement of anti-violence measures. With regard to women, peace and security the resolutions seek to include gender issues in security sector reform at every stage of its planning and implementation.

Each resolution represents a normative agenda for the countries to protect women and girls in conflict and post-conflict situations, to promote women's participation in social life and to include gender issues in the peacebuilding activities. Moreover, the resolutions

call on member states to fulfill their obligations under the following documents:

- 1949 Geneva Convention and Additional Protocol (1977)
- 1951 Refugee Convention and 1967 Protocol
- CEDAW(1979) and Optional Protocol (1999)
- Convention on the Rights of the Child (1989) and Optional Protocol (2000)
- Rome Statute of the International Criminal Court (1998)

If exercised to the full extent, UNSCR 1325, 1820, 1888, 1889, 1960 and CEDAW as normative and legally binding documents will put forward gender equality issues in peacebuilding and security context. Each system's standards include critical instruments for safeguarding women's rights and their joint application will strengthen activities of gender equality supporters, thus ensuring establishment of actual gender equality in the peace process and in post-conflict situations.

However, efforts of UN member states to fulfill the resolutions failed to be timely and equal. To meet the provisions of UNSCRs on Women, Peace and Security and to additionally emphasize the harmful impact of war and conflict situations on women and children, NATO European-Atlantic Partnership Council approved UNSCR 1325 implementation policy and included it in the NATO operations. In September 2009, NATO adopted Bi-SC-Directive 40–1 which integrates UNSCR 1325 and gender perspectives into NATO's management structure and includes protection mechanisms during the armed conflicts. It also includes operational planning list for the military personnel.

The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul convention) was adopted in 2011. This is the first legally binding document which “represents an exhaustive legal framework and approach to eliminate violence against women” and is focused on combating domestic violence, protecting victims and prosecution of offenders. It specifies and declares illegal different forms of violence against women and (including forced marriages, female

genital mutilation, victimization, physical, physiological and sexual violence).

The harmonization of Georgian legislation with the EC Convention is among the county's priorities as the document represents a consistent legal framework for preventing violence, protecting victims and eliminating impunity of offenders. In April 2012 on the initiative of the Gender equality Council and the Inter-Agency Council Implementing Measures to Eliminate Domestic Violence and with the support UN Women a working group was established to harmonize Georgian legislation with the Council of Europe Convention on preventing and combating violence against women and domestic violence. The working group developed the legal initiative which served as basis for changes to the criminal code of Georgia – domestic violence was recognized as a criminal offence. One of the major purposes of criminalization is to reduce the number of cases of domestic violence. This particular change introduced to the criminal code will result in an establishment of an effective preventing mechanism. The criminalization of domestic violence will help the citizens to understand the illegal character of the domestic violence and that it is not only the problem of a single person but the whole society at large.

Intensive trainings on ways of implementation of UN Security Council Resolutions and local action plans were organized for representatives of Rustavi, Gori, Samtredia and Zugdidi executive bodies and councils with the support of the UN WOMEN and Women's Information Center;

Three-day consultations on integration of gender issues into the security sector were conducted involving government and civil society representatives with the support of UN WOMEN and Geneva Centre for the Democratic Control of Armed Forces (DCAF). As a result, joint recommendations were developed on implementation of “National Action Plan on Women, Peace and Security”.

Two-day workshop on 'Integration of Gender Aspects into the Security Sector' was

conducted by the DCAF experts with the support of UN WOMEN.

On 17-18 September, 2012 international expert workshop on "Integration of Gender Perspectives in Security Reform Process" was organized with the support of Gender equality Council, UN WOMEN and NATO. The aim of the workshop was to discuss various dimensions of the security sector and the ways of enhancing security through the integration of gender aspects. Practice and experience of different countries were presented and shared within the workshop.

It is extremely important to discuss gender equality challenges within the parties and in political circles at large and to identify priority areas; also to make efforts at all decision-making levels to promote gender equality in Georgian politics. To this end, the Netherlands Institute for Multiparty Democracy (NIMD) in cooperation with Gender Equality Council organized two-day conference "Multiparty Dialogue on Gender Equality" in July 2012. Members of different parties participated in the conference and jointly developed a communiqué aiming at promoting women's political participation. Elections may create opportunities for women to exercise newly shaped political power or may undermine women's successful efforts in the conflict or post-conflict situations.

LEGAL INITIATIVES AND THEIR IMPLEMENTATION MECHANISMS TO ADVANCE GENDER EQUALITY.

It is impossible to create real opportunities for women to take an active role in social life without protecting them from domestic violence. Based on the successful international practice, important laws were adopted in 2006 by Parliament of Georgia: Law on the Elimination of Domestic Violence, Protection and Assistance of the Victims of Violence, Law of Georgia on Combating Human Trafficking. The adoption of the laws had a positive impact on the country's international status.

In 2007 Georgia was for the first time included in the US State Department's human

trafficking report that points to efficient and successful efforts made by the country. Georgia continues to make progress and has been also included in recent reports.

The Law on Gender Equality being in force since April 2010 defines main directions of the state gender policy and is an important step toward advancement of gender equality on the legislative level.

The law also specifies the rights and obligations of the Gender Equality Council in charge of coordination of implementation of the gender equality policy in Georgia.

According to the Law on Gender Equality, gender is the social aspect of relationship between the sexes which is demonstrated in all spheres of social life and implies perceptions against any of the sexes based on socialization; and gender equality is defined as part of the human rights pertaining to equal rights and obligations, responsibilities and equal participation of women and men in all spheres of private and social life. By adopting the principle of gender equality stipulated under Constitution of Georgia is reinforced and regulated on the legislative level. Gender equality standards are systemized and consolidated in one statute.

The law specifies the basic principles for the government (governmental bodies) to regulate and plan/implement gender equality matters.

The statute defines special terms related to gender and gender equality, which is an important precondition for identification of social incidents and provision of their adequate legal appraisal.

The aim of the Law on Gender Equality is to ensure prohibition of all kinds of discrimination based on sex in all spheres of social life, create appropriate conditions for implementation of equal rights, freedoms and opportunities of women and men, support prevention and elimination of all kinds of discrimination based on sex.

The Law establishes the fundamental guarantees of gender equality of women and men and their equal participation in all spheres of private and social life: labor relations, education and science, healthcare and social protection, family relations, access to information resources, voting rights, etc.

The functions of the Gender Equality Council include: develop and present to the Parliament of Georgia for approval the Action Plan for Gender Equality, ensure coordination and monitoring of implementation of the Action Plan; conduct analysis of the legislation and draft proposals for overcoming gender inequalities existing in the legislation; develop and implement the monitoring and evaluation system of activities targeted at ensuring gender equality, and develop recommendations; request and receive any information and documents related to the study of gender equality issues; review applications, documentation and other information submitted with respect to violation of gender equality, develop relevant recommendations. The Gender Equality Advisory Council shall submit to the Parliament of Georgia the annual report on the status of gender equality in Georgia and on the status of implementation of obligations assumed at the international level with respect to gender equality.

It is noteworthy, that according to the Law the Public Defender is involved in the gender equality monitoring. In particular, the Public Defender of Georgia shall ensure within his authority monitoring of the respective sphere and taking responsive measures on violations of gender equality. For ensuring gender equality the Public Defender of Georgia shall implement the rights granted to him under the Organic Law of Georgia on Public Defender.

To implement provisions of the Law, 2011-2013 Action Plan for Implementation of Gender Equality was prepared through the active collaboration between the Parliament, the government and NGOs and finally approved by the Parliament on 5 May 2011. Based on the mutual consensus Action Plan was prepared through the active cooperation between the government and NGOs. The working group was established composed of

representatives of government, civil society and international organizations.

The action plan was available to all stakeholders who had an opportunity to provide their suggestions and comments on development stage. In October 2010, a big forum was organized by the support of the UN which brought together a number experts and representatives of different organizations working on gender equality issues. The forum made it possible to introduce the Action Plan to the broader public and to submit it to the Parliament in consideration of the comments and recommendations.

The Action Plan aims at carrying out of specific activities to promote gender equality in different spheres of life. The major goals of the Action Plan include: to support implementation of the state gender equality policy; to include gender aspects in education and raise public awareness on the gender equality issues; to promote full and equal participation of men and women in the economic field; to improve gender statistics; to promote full and equal participation of men and women in decision-making; to include gender aspects in the healthcare and social protection; to promote equal participation of men and women in environmental decision-making at all levels; to promote women's participation in the peace process.

To develop an effective state policy document is only possible through active involvement and the dialogue with the civil society. To this end, Gender Equality Council with the support of international organizations held active consultations with IDPs and conflict affected citizens, especially with women groups in the process of development of 2012-2015 National Action Plan for implementation of the UN Security Council Resolutions ## 1325, 1820, 1888, 1889 and 1960 on "Women, Peace and Security" to properly identify the priorities of the action plan.

The National Action Plan (NAP) describes specific activities, to be implemented in Georgia in 2012–2015 to meet its obligations under the Resolution, to conduct analysis and research of current problems and to develop well-organized system of activities in

order to solve those problems.

Even though the NAP is a state obligation, no additional funds were allocated from state budget for implementation of the plan that hinders the efforts for effective fulfillment of the obligations. The source of funding comprises budgetary allocations for the parliament and government institutions. According to the NAP, a corresponding body is responsible for carrying out particular tasks with the budgetary allocations for their ordinary duties and existing resources (human, material-technical, informational, analytical, etc.). State funding of NAP activities envisages the use of funds allocated for their ordinary duties

To meet the obligations under the Resolution 2012-2015 National Action Plan is built on four pillars: increasing the participation of women in the peace process and the security sector; preventing all forms of violence against women, especially those related to sex or gender; protecting women against all kinds of threats, and safeguarding their physical, mental and economical security; and addressing the specific needs of women during and after conflict periods.

I - Participation: participation of women at decision-making level in conflict elimination, prevention and management processes.

II - Prevention: Consideration of women's needs in conflict prevention and elimination of all forms of violence against women;

III - Protection: Protecting conflict affected women's human rights; ensuring their physical, social, economic and political security;

IV - Relief and Recovery – Addressing special needs of women in war/conflict and post-conflict situations.

Since January 2012, a number presentations and meetings have been organized with members of the government, representative of local and international organizations, the civil society and conflict affected citizens and IDPs to increase awareness and further

implement the NAP. In March 2012, the National Coordination Group was established with the support of the UN Women to implement the National Action Plan.

The aim of the National Coordination Group is to ensure coordination and effective collaboration between government bodies in charge of the carrying out the action plan provisions.

At the meetings participants discussed action plan related to gender segregated data obtained from the ministries, compiling qualitative and quantitative data within the policy or program within the ministries which are in line with the goals, activities of the NAP and facilitate their implementation.

Thematic workgroups were established with the support of the UN Woman to implement one of the key objective of NAP - protecting conflict affected women's human rights; ensuring their physical, social, economic and political security.

The aim of the workgroup is to develop recommendations on national referral mechanisms for the victims of sexual and gender violence in the conflict and post-conflict situations.

The Decree of the Minister of Defense, dated 30 June 2012 "On additional activities to implement 2012-2015 National Action Plan for implementation of the UN Security Council Resolutions №1325, 1820, 1888, 1889 and 1960 on "Women, Peace and Security", approved by the Resolution № 5622 of the Parliament of Georgia on 27 December 2011" plays an important role in the process of implementation of the National Action Plan. The decree specifies particular structural sub-units and their objectives to meet the obligations under the NAP.

The adoption and fulfillment the Action Plan for implementation of the UN Security Council Resolution №1325 will strengthen the sustainable commitment of Georgia to

peace negotiations and protection of human rights in conflict and post-conflict situations though active involvement of women and consideration of their needs.

It is also important to make changes to the Organic Law on Political Union of Citizens to provide financial benefits to the parties that ensure certain number of women on party lists.

The Article 30 of the Organic Law on Political Union of Citizens was amended by adding Article 7¹. According to the Article 7¹ political parties that are subject to receiving funding from the state budget in accordance with rules prescribed by this Article, will receive 30% supplement to the funding, if they submit the party list (in local self-government elections – in all party lists) which includes at least 30% of opposite-sex representatives among each 10 candidates.

Military duty is not compulsory for women. According to the Law of Georgia On Military Duty and Military Service, citizens of Georgia aged from 18 to 27 years, who are registered for military service shall perform their military duty. Men are obliged to register for military service, while women are not subject to military registration, consequently they are not obliged to perform the military duty. However, women can perform military duty according to their preference. In such case, they will have the same registration procedure as men. Generally, women are not inclined to perform military duty.

This issue needs to be discussed in a comprehensive manner. Women are underrepresented at higher positions in the security sector that may be caused by poor opportunities for their career development. If a woman does not perform military duty she won't have almost any employment opportunity within the security sector. This creates unfavorable conditions and negatively affects the motivation of women to apply for such positions. However, the problem has been partially addressed by establishment of professional military service in spite of some issues in the need for improvement, including legislation e.g. guidelines.

The issue of women employment as combatants remains disputable. Georgian legislation prohibits women involvement in combat actions. However, the Law allows women employment to combatant positions. In fact, women expressed their readiness to participate in different combat operation but the request was rejected in accordance with Georgian legislation. The establishment of the professional military service will facilitate women's employment in military forces. Unlike the compulsory military service, the voluntary (or professional) military service is permissible for women.

Recent reforms have raised the status of military service as well as the police. The establishment of the patrol police has significantly increased the public trust in law enforcement agencies.

Generally, there is a lack of legal guarantees to protect women's rights under the Georgian legislation, especially on the statutory level. An additional regulation is necessary to prevent barriers for women in their appointment, promotion and career development. Moreover, since women are underrepresented in security sector there is need for creating additional guarantees for women to protect their rights and to increase their motivation for employment in these structures.

After the adoption of the National Action Plan the number of women participants involved in Geneva format negotiations was increased to four and made 40% of total participants. Meetings between the women involved in negotiations and representative of NGOs are held on a regular basis to promote women's participation in peace negotiations.

Our aim is to include women, peace and security aspects in Geneva talks and meetings organized on the incident prevention and response mechanisms with the support of non-governmental organizations. Currently two women are involved in the negotiation process.

The security sector reform should address the security needs of women and girls. Integration of gender issues is also essential for the efficiency and accountability of the security sector, and also for establishing sense of ownership and legitimacy on the local level with regard to the security sector reform.

The defense reform is aimed at transformation of defense system of the country in a way to enable supervision of defense institutions by the civil society, accountability and commitment to good governance, training and equipment in line with the strategic environment, safeguarding the provisions of the international law and contribution to the peace and security on national and international levels.

Defense forces that are involved in peace and reconstruction missions must be equipped with communication, facilitation and collaboration skills. The diverse composition of defense forces and the inclusion of gender issues in operations among main directions help the defense sector to perform new tasks.

Georgia as a participant of ISAF peace mission and seeking NATO membership is committed to involvement of women in the peace process as the presence of servicewomen is required for body search and the roadblocks and airports. Local men and women more easily communicate with female peacemakers. Also, female peacemakers obtain information from local populations with less effort. Both men and women victims are more inclined for candid conversation with female peacemakers.

According to the information provided by the Ministry of Defense, women make 8% of the armed forces and 50% of civil servants. As regards employment at decision-making positions (Minister, Deputy Minister), women make 20% of top management, 20% of the total number of department heads/deputy heads and 35% of middle-level managers. Women are underrepresented at top level positions within the security sector of Georgia that impedes the development of women's capacity for security system management. This is caused by the lack of political will and poor efforts to address these particular issues.

Besides, there is no position or body in the security sector to advocate these issues and promote women's role, including their employment to higher positions. In December 2012, based on the Memorandum signed with the Defense and Security Committee of the Parliament of Georgia, a group of experts and NGO representative was established to ensure civic monitoring of reforms in the field of defense. The group regularly meets to discuss integration of gender equality aspects into the security sector and provides the Ministry of Defense the recommendations to facilitate implementation of democratic reforms.

Broader involvement of women in the armed forces will advance capacities of military personnel to exercise their roles in protecting the democratic society and the core democratic values such as citizenship and equality.

The number of women employed within the police is increasing year after year as a result of the recent police reforms attracting more and more women employees. The Association of Women Police composed of 90 police officers has been established aiming at women empowerment within the criminal law system, unifying policewomen and their representation at international level, developing capacities of women to take higher positions and increasing percentage of women employees in the police. The association is a member of International Association of Women Police (IAEP).

In September 2012, high-level positions (the lowest Head of Unit and the highest First Deputy Minister) were occupied by 85 women, including a female First Deputy Minister which in total make 4% of high-level managers. In May 2013, following the change of the government all deputy ministers are males. The total number of women holding higher positions is 18, including 14 female heads of divisions and one female head of the department. A number of regular trainings are conducted to train and develop capacity of policewomen. After the adoption of the Action Plan, 142 policewomen took training courses designed for advancement of their skills and roles to become leaders, mentors and be a valuable asset for the MoA.

All changes in legislation and practice including the strategies, coordination councils, institutional mechanisms and legal initiatives listed in this paper were developed in active cooperation with civil society organizations and academia.

DEVELOP CAPACITY TO PROMOTE WOMEN INVOLVEMENT IN SECURITY SECTOR

Women's political participation in the Parliament has been always observed in Georgian politics. In 1919-1921 women made up 4 out of the total of 109 parliamentarians of the social-democratic party. The number of women presented in the Parliament was 12 in 1992-1995 and 17 in 1995-1999.

In spite of the low number of female members of the parliament, their participation in political life without any additional support mechanisms points to the significant women's potential in Georgia which needs to be further explored.

In July 2012, women made only 6% of parliamentarians, which is a low level of women's representation caused by several factors including the decrease in number of parliamentarians from 235 to 150. In the government, 5 out of 19 ministries were headed by women and almost the majority of deputy minister positions were occupied by women. After the Parliamentary elections in October 2012, there are only 16 female members of the Parliament of 8th convocation and 3 female ministers in the government. One of the common peculiarities of the post-conflict reconstruction is the establishment of a new political practice, including elections, development of new or modified government structures and promoting civil society participation in social life.

There are number of barriers to women's political participation in the post-conflict period and the foremost are the restrictions on women's mobility and freedom of their movement. Furthermore, these include poor access to information and education caused by the lack of time and greater workload; cultural norms prioritizing men's decisions and highlighting their public importance; and oppression of women by family members and communities.

Women often acquire leadership and organization skills in the conflict situations which may transform into political roles in the post-conflict period. Women self-organization and cooperation in conflict situations is usually followed by establishing of women CSOs in the post-conflict period. However, men and women have different access to resources, education and media. Consequently, women candidates face greater problems during the elections, including direct discrimination and condemnation as regards to their gender roles. In the election period women's behavior is often criticized as opposed to periods of war when the most unusual actions of women are considered a general norm.

Election committees and institutions, observation missions should promote active involvement of women in their activities and consider their (political candidates and politicians) difficulties and specific needs. Election and formation of the new government create opportunities for citizens to elect new leaders to make important financial and political decisions affecting their security, peace perspectives and development. The decisions of the newly formed government on allocation of resources, development of legal and social policy may have substantial and even negative effect on women's lives if their needs, perspectives, experience and unfavorable conditions are not considered.

Women's full participation in political developments in the post-conflict period and overcoming barriers to their direct participation at all stages of the decision-making are vitally important for establishing democracy and successful development of the society. Historically, women have played an important role in defense and security matters of the countries. However, women's role in the upgraded military forces and police was recognized only during the last 30 years. Despite the efforts of the OSCE member countries to remove the majority of restrictions on women's participation in the security sector, women are still facing certain difficulties at all stages of their military career development. Traditional gender stereotypes often create barriers to women's participation in the security sector, e.g. a common understanding is that men are physically stronger than women and they can better perform their tasks.

Women's participation in the security sector is one of the priorities in protecting of human rights. Democratic states and societies commit themselves to ensure main principles of democracy with regard to equal human rights. In this regard, it will be irrelevant to impose too many restrictions on women's participation in the security sector. Moreover, based on these democratic principles it is required to ensure balance between the roles and functions of men and women in any sphere of life.

To empower women in the security sector it is necessary to change cultural values with regard to women's role. Gender roles, i.e. public attitudes and expectations in terms of femininity and masculinity are abstract notions. Gender roles are subject to constant revisions and modifications in accordance with the requirements of the particular context.

Women are struggling for their rights in social and private spheres to achieve gender equality. The advancement of women's rights both on national and international levels on the one hand, and the transformation of gender roles led to the change in views and attitudes of men and women on the role of the latter in the security sector, and facilitated women's active participation.

In modern world special heed is paid to women's positive contribution to the security sector, especially with the emergence of a number of roles within the security systems that are better performed by women e.g. observer missions, provision of humanitarian aid, peace building, procurement, administration, nursing and other medical service, etc. The demand for female personnel in the security sector is constantly increasing as women are more productive under such type of working conditions and achieve good performance. Women's interest in security systems is increasing as do the relative requirements. There are employment and promotion opportunities for those women who are interested in risky jobs and choose career development in this particular field. Thus, there is a need to develop particular areas within the security systems where women's role and contribution is the most effective to carry out specific actions.

Women's positive contribution to the security sector is paramount. Women empowerment in security sector is not unnaturally stimulated by the democratic values but comes from the women's positive contribution to the efficiency of these systems. Different international studies speak in support of the women's involvement in the security sector because this is beneficial and valuable for the society in terms of achieving equal representation of men and women in state institutions.

LOW LEVEL OF WOMEN INVOLVEMENT IN DECISION-MAKING.

Since women are underrepresented at higher positions the level of their involvement in the decision-making is considerably low. There are number of circumstances preventing women's inclusion in decision-making in the Armed Forces Headquarters, e.g. the lack of combat positions for women and relevant policy to oblige headquarters and their heads to involve women in decision-making. However, women's participation in decision-making is observed on the lower levels. By this approach women are deprived of their interests, views and equal rights for participation in the decision-making.

Women tend to hold positions basically in the field of service sector, such as procurement, nursing and medical care, administration, cleaning, etc.

As the international practice shows the role of women is particularly important in peaceful operations and other types of military and humanitarian missions. Georgia participated in a number of peace and other missions over the years but women's participation was very low creating poor career development opportunities.

TRADITIONAL GENDER STEREOTYPES.

The armed forces, troops and the police at large are conservative bodies which historically were composed with men functioning in accordance with the men-oriented rules. The transformation of those rules to fit the women's needs is a huge challenge.

The issue is matter of public concern in Georgia and requires additional “security market research” to identify positions for women and establish jobs with equal functions for men and women to replace undesirable barriers.

Different traditional gender stereotypes are one of the obstacles for the employment and/or making career in military or police institutions. The stereotype may include e.g. a “masculine job” which cannot be filled by the women as they are not capable of performing similar duties.

Men and women employed in the armed forces or the police have different status which is a result of cultural and structural inequality dating back to the enrooted beliefs and attitudes where men had leading roles and the military service was considered purely a masculine occupation.

A family factor also represents a certain obstacle. The majority of servicewomen and high-ranking female respondents declared that their family members have negative attitudes toward their employment in law enforcement bodies. In this regard, married women face greater problems (living in barracks, military or emergency situation).

WOMEN'S PARTICIPATION IN PEACE NEGOTIATIONS

Peace negotiations in the post-war period are aiming at meeting of leaders of the armed forces to reach the Ceasefire Agreement followed by the political solutions to the violence. In the majority cases, women are left aside the formal negotiations as the majority of the armed group leaders are men.

Women's participation in peace negotiations creates opportunities to put forward their rights and needs and often shapes a platform to discuss social injustice toward women. Peace negotiations include intensive negotiations to reach the consensus which require intuitive capabilities and practical skills for both men and women involved in peace talks.

BARRIERS TO WOMEN INVOLVEMENT IN SECURITY SECTOR.

Female domesticity and depriving women of opportunities to develop and exercise leadership skills in war or post-war period, their exclusion from peace negotiations may lead to establishment of social standards hampering any forms of women's political participation.

Men may eliminate women's participation in peace negotiations caused by the widespread stereotypes that women are "very emotional" and are not capable of rational thinking. Women's political participation is often assumed threatening culture and traditions.

Women are considered potentially vulnerable in dangerous situations. There are greater risks of sexual violence and other types of discrimination against women. However, after the launch of the official peace process in the post-war period it is possible to stimulate women to retake their usual roles impossible to exercise during the crisis. Intimidation of women for political participation is rather common. Women may lack political experience as well as financial resources to participate in official peace negotiations.

SUMMARY

Women make up half (or even the majority) of the society. Thus advancing women's rights and creating favourable conditions for women's participation in the security sector is an important element of democratic development. Along with safeguarding democratic principles women's participation will contribute to establishment of an effective security sector responsive to challenges with regard to modern conflict specifics and fight against organized crime (e.g. trafficking) and terrorism.

In view of the current situation in Georgia we believe it is reasonable to take actions and launch discussions on women's role and situation in the security sector to integrate gender equality aspects into the security sector reform. We hope that this paper will be one of the first efforts in this direction.

It is also important to promote women's participation in official peace negotiations; to include women, peace and security aspects in Geneva negotiations and in meetings on incident prevention and response mechanisms; to train women as mediators through mutual cooperation between representatives of the government, CSOs and international organizations to ensure more active women's participation in peace negotiations and conflict reconstruction processes; to facilitate advancement of public diplomacy and promote women's participation in its actions.

RECOMMENDATIONS

1. The National Action Plan for implementation of the UN Security Council Resolution No.1325 should be implemented through close cooperation with civil society and international organizations. However, actual implementation of the NAP should be the responsibility of corresponding ministries and government agencies.
2. Adoption and further implementation of the Nation Action Plan to meet objectives set out under the UN Security Council Resolution 1325 will strengthen the sustainable commitment of Georgia to peace negotiations and protection of human rights in conflict and post-conflict situations though active involvement of women and consideration of their needs. There is a need for more active measures to involve women in the security sector. For this purpose, political parties should provide permanent monitoring of progress with regard to these matters. An increased support by the political parties is important to develop political capacities of women and to enhance their leadership. political parties support citizens interests at large thus generating best opportunities to ensure equal rights of men and women within the society. Political parties should actively promote women's involvement at the top management level.
3. Sustainable peace-building is an important element of shaping Georgia's political culture. Political parties and civil society are key actors in peace-building processes.

To ensure women's political participation and equal involvement of men and women in decision-making there is a need for analysis and improvement of Georgian legislation, inclusion of gender aspects in programs of political parties, facilitating sustainability of women's forums under the City Councils, and identification and motivation of women leaders at local level. Political parties should use every effort to support female politicians, implement educational and training programs; improve level of democracy within the parties to nominate candidates and develop party lists on a more transparent and equitable basis; develop comprehensive strategy to ensure gender equality within the parties; to incorporate approach to gender policy and perspectives in the programs of the political parties.

4. Country obligations under the National Action Plan need to be accomplished through actual policy actions. In view of this assumption, establishment of gender sensitive budgeting system is an important step to foster gender mainstreaming. The NAP should be implemented through close cooperation with civil society and international organizations. However, actual implementation of the NAP should be the responsibility of corresponding ministries and government agencies. There is a need to allocate additional costs from state budget for the NAP implementation purposes.
5. Establishing of gender mainstreaming at all levels of security sector is contrasting with the existing stereotypes, thus requiring greater efforts. Despite the commitment of previous government to ensure gender equality, no additional funds were allocated from state budget for implementation of the plan. The government has not established positions in charge of gender issues. Current human resources are insufficient to institutional development and establishing gender mainstreaming, as well as sustainable development of the gender equality policy.
6. There is a need for monitoring and evaluation of the implementation of 2012-2015 National Action Plan for implementation of the UN Security Council Resolutions No

1325, 1820, 1888, 1889 and 1960 on “Women, Peace and Security” by establishment of coordination group composed of government agencies, CSOs and international organizations.

According to the Law on Gender Equality the Public Defender of Georgia shall ensure within his authority monitoring of the respective sphere and taking responsive measures on violations of gender equality. For ensuring gender equality the Public Defender of Georgia shall implement the rights granted to him under the Organic Law of Georgia on Public Defender. The Public Defender's active involvement in monitoring is essential along with the coordination efforts and accumulation of resources of the government, civil society and international organizations. The information captured from civil society and Public Defender's reports will intensify monitoring opportunities with regard to meeting the obligations under the NAP. To this end, monitoring can serve as the best platform for participation.

7. In the view of the fact that Georgian security system is in the process of establishment, reform and development, there is a need to conduct a research for government agencies, civil society and international organizations and particular entities and to develop data on the current situation with regard to integration of gender aspects into the security sector reform.

The research should focus not only on current problems and challenges and/or provide recommendations to the government on unnatural increase in number of women involved in security sector of Georgia, but to identify problems and legislative gaps along with development of recommendations and practical solutions in consideration of democratic principles and based on the international practice which are aiming at women empowerment and their involvement in the security sector in the long-run and are in line with Georgia's aspirations for integration into the NATO and as its position within the OECD.