

**WORK PACKAGE 5 - DELIVERABLE 3**

## **SET OF PAPERS**

# **POLITICAL ORDER, DEMOCRATISATION AND CIVIL SOCIETY IN THE CAUCASUS**

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# The Nexus between Armenia's Media and Army

Samvel Martirosyan<sup>1</sup>

## Abstract

In recent years, the relations between the army and the media and current transparency issues have undergone and still undergo changes. Changes may be identified both in relation to the work of the entities responsible for the public relations of the army, their relations with the media and the functions related to transparency, as well as the activities of the media and journalists. The reasons for and the dynamics of such changes receive quite different assessments by experts. On the one hand, they identify that the public interest, the cooperation between the media and the public relations entities of the army and the improvements at the level of social media have resulted in a positive development in this area. On the other hand, there are problems with corruption risks and human resources.

**Keywords:** Armenia, media, army, transparency, corruption

## Introduction

If the Armenian army plays a central role in providing security for the country, then the media constitutes the medium for democracy. The army seems to be the depiction of vertical relations whereby command and control are of utmost importance, whereas media depicts horizontal relations in which the government is restricted by the media. At the nexus of these vertical and horizontal relations, the transparency of the defense institutions seems to be a contentious concept. Transparency essentially implies unobstructed correlations between information, the referent thereof, and the contexts of interpretation, whereas the defense contexts have conventionally relied on obstructive relations, and particularly on the control of information. Thus, this paper seeks to address the question of how the level of transparency in defense contexts affects the overall level of democracy. This question will thus be discussed in relation to the specific context of Armenia. The main accepted hypotheses concerned the provision that a highly transparent work of the army involving the press and the greater openness thereof to the public at large do not undermine security, but on the contrary strengthen the positions and security of the army to a greater extent.

## Methodology

The study is based on interviews with experts. The experts were selected from three areas: army, media and non-governmental organizations engaged in either media or security issues. Since this is a small-scale qualitative study, the sample of interviewees was selected based on the institutional discourse reflecting the views of the specific institution on the transparency and security dilemma. Thus, three media NGOs were selected the institutional narratives of which reveal a more liberal approach to exercising transparency at the level of the country's defense institutions. In order to balance their opinions, the pool of interviewees also included a high-ranking army official, two security NGOs and a human rights defender, often dealing with the protection of the human rights of the military.

The study did not consider the relations between the media and the courts of law and the prosecutor's office on the one hand, and the issues related to public relations and the visibility of the army, on the other.

The interviews were conducted prior to the so-called "Four-Day War" in 2016, and as a result the relations between the army and the media during this period are not addressed by expert opinions.

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<sup>1</sup> International Centre for Human Development (ICHHD), Armenia.

## Bottom-up Demand for Reforms

Experts agree that recent years have shown positive developments in terms of the dissemination and processing of information by both the army of the Republic of Armenia, and the media. At least to a certain extent, there are changes leading to more transparent working activities on the internal life of the army, the incidents occurring in the army and the military incidents at the borders. Every expert observes a positive development in these particular areas. The information policy of the Ministry of Defense has undergone a number of changes. Over the past five years, increased collaboration has been noted between army and media representatives. That is to say, there is an increased amount of coordinated work between press representatives, a number of media representatives, bloggers and social network activists, an area which used to have more limited publicity in the past.<sup>1</sup>

There is a single common basic motive for the army to carry out more transparent activities: public interest and public concern. All public stakeholders believe that based on the significance of the confidentiality principles, the transparency of the army, however, rests on common interests. There is not only the pursuit of a more open operation on the part of the Ministry of Defense of the Republic of Armenia, but also the requirement for increased awareness on the part of the press and the public at large.<sup>2</sup>

On the other hand, even given the most positive approaches, the experts do point out that the current situation is still insufficient and that the army still needs to implement a number of reforms.<sup>3</sup>

## Top-down Agenda of Reforms in the Defense Sector

The army is an important institution in Armenia, which at present faces real and consistent security issues. On the one hand, the army processes affect society on the whole, since all social strata express some degree of concern in relation to the internal processes of the army in one way or another.<sup>4</sup> On the other hand, in Armenia, there are certain opinions in relation to the army assuming that given the historical developments and the fact that Armenia faces consistent security issues, the army has become one of the best established state institutions. The army processes evolve in parallel with the development of statehood. This incentivized top army officials to implement a series of reforms and resulted in more transparent activities at the level of the institution.

According to Artsrun Hovhannisyan, Press Secretary of the Ministry of Defense, the reform process was initiated by the army leaders in 2004-2006, when the Minister of Defense was Serzh Sargsyan. The army leaders started to realize that the army was the driving force of the country. They simply realized that in order to ensure a more dynamic development of the army, they had to focus more on professional staff. It was then that the army started to introduce automated systems and reforms in its military and educational programs. The reforms were perceived as complex actions that were designed in order to influence numerous directions of the army activities. This represented the start of the transparent development policy. However, all this became more obvious between 2010 and 2011.<sup>5</sup> As mentioned by Artsrun Hovhannisyan,

The army is regarded as an institution underlying the statehood. The army develops along with the development of the country. The country's development needs the army as a dynamic body. And for its dynamic development, the army attempts to understand what it needs for such development. At some point, the army leaders decided to turn to transparency. In fact, this pursuit dates back to 2004-2006, but became obvious in 2010-2011 with the start of the reforms visible for the public at large.<sup>6</sup>

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<sup>1</sup> Interview with Suren Deheryan, Chairman of the Journalists for the Future NGO.

<sup>2</sup> Interview with Arman Hayrapetyan, Chairman of the 'Hayreniki Darpasner' (Gates of the Homeland) Social NGO.

<sup>3</sup> Interview with Arman Hayrapetyan, Chairman of the 'Hayreniki Darpasner' (Gates of the Homeland) Social NGO.

<sup>4</sup> Interview with Ashot Melikyan, Chairman of the Committee to Protect Freedom of Expression.

<sup>5</sup> Interview with Artsrun Hovhannisyan, Press Secretary of the Ministry of Defense.

<sup>6</sup> Interview with Artsrun Hovhannisyan, Press Secretary of the Ministry of Defense.

The changes in this direction have already resulted in an improved internal atmosphere in the army. Once the Ministry of Defense started to be more transparent on the internal incidents, the number of such incidents decreased and the internal atmosphere started to improve.<sup>7</sup>

Overall, experts hold a view according to which the more open work by the army results from the initiatives of certain persons. In his interview, Gegham Vardanyan, producer of the Media.am website, declares:

“As compared with the previous years, my observations suggest that nowadays, the work of the army with the media has, indeed, become relatively more transparent. This rests on the several factors below:

- The Press Secretary of the Ministry of Defense follows more open practices of work;
- Generally, the information has become more open and the army officials do understand that it is better to shape and provide the information to be reported by journalists than to restrict information.”<sup>8</sup>

### **Resistance to Reforms within the Army**

A serious challenge faced by the army is corruption, which generally exerts a significant impact on all the state institutions in Armenia. Internal corruption risks and corrupt officers, in their turn, constitute a factor working against the transparency of the army.<sup>9</sup>

Furthermore, the reforms in progress may also be viewed as an imitation of the transparency aimed to conceal the corruption processes. The collaboration with the media may also be viewed as a desire to have a more effective impact on the public opinion. More effective communication with the media (e.g. improved responsiveness) does not mean in itself that the army is more transparent.<sup>10</sup> *“In some cases, the army exerts efforts to hide vicious practices rather than to keep a state secret”*, states Ashot Melikyan, Chairman of the Committee to Protect Freedom of Expression.<sup>11</sup>

Edgar Khachatryan, Chairman of the Peace Dialogue NGO, supports the view outlined below:

The more active work with the media may also be caused by the pursuit of influence on larger layers of the public. In other words, in this case the media is viewed by the officials of the Defense Ministry merely as disseminating the policy and ideology of the army. If the media is provided with information about the visit by the Defense Minister to a school or meeting an ambassador, this does not mean that the operation of the army is more transparent. According to this approach, the Defense Ministry does not show similar willingness when sharing with the media news about violations or manifestations of corruption in the armed forces and the transparency is selective in nature.<sup>12</sup>

Such approaches are not only based on corruption risks. There is also the problem of human resources in the army which occurred in the first years of independence upon including a large number of Soviet Army officers. The Soviet legacy and the established army traditions create an atmosphere among the officers where the openness of any information is generally viewed as a problem. Journalists or the media itself are viewed as enemies with whom issues should be resolved by force and whose work ought to be obstructed by all means.

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<sup>7</sup> Interview with Arman Hayrapetyan, Chairman of the ‘Hayreniki Darpasner’ (Gates of the Homeland) Social NGO.

<sup>8</sup> Interview with Gegham Vardanyan, Producer of the Media.am website.

<sup>9</sup> Interview with Ashot Melikyan, Chairman of the Committee to Protect Freedom of Expression.

<sup>10</sup> Interview with Karen Vrtanesyan, Coordinator of the Razm.info website.

<sup>11</sup> Interview with Ashot Melikyan, Chairman of the Committee to Protect Freedom of Expression.

<sup>12</sup> Interview with Edgar Khachatryan, Chairman of the Peace Dialogue NGO.

Artsrun Hovhannisyan, Press Secretary of the Ministry of Defense, sees big obstacles in relation to the human resources issues, which result in a misperception of the security issues:

The stagnant and corrupt system in the army inherited from the Soviet Union should have been stricken. The movement towards transparency within the army had a tendency towards getting rid of such personnel. When you want to open up some information, you have to take into account that most of the officers come from the Soviet Union, and many of them believe that journalists should be judged right on the spot. When dealing with such people, one faces a two-fold problem. On the one hand, there are people who are against transparency. On the other hand, there are people who are not ready to perceive this powerful state machine openly. Both the persons providing information and those who require it are aggressive and cannot stand each other. I think that in the recent 2 years, the ice has been broken; the 2 parties have started to listen to each other and to understand each other; however, the problem has actually persisted for 10 years. For 10 years, officers believed that any journalist covering the issues in the army should have his/her head broken and be taken to a court of law, and journalists believed that they might speak about everything. This creates a conflicting situation difficult to remedy. And in 2010-2011, this conflict reached its peak.<sup>13</sup>

### **The of Role of Social Media in Connecting the Army with the Media and Society**

Experts unequivocally share the opinion that the improvement of the Internet media, the active operation of social networks and bloggers and the civic journalism had a positive impact on the processes aimed at the transparency of the army. The army officials realized that the development of the new media made it impossible to hide vicious practices.<sup>14</sup>

Such processes were essentially influenced by the news, discussions and facts about the issues related to the army on the social media web platforms. As a result of the liberalization of the Internet connection in Armenia and the extensive use of the social media by civic journalists, social activists and NGOs, information relating to the army became available to the public at large. Thanks to social network activists, the information on the incidents in the army, corrupt processes and border incidents started to spread widely, which compelled the army to deal with information and the media in a more responsive and transparent manner. "We can even say that the army is made open by others rather than it opens itself", believes Suren Deheryan, Chairman of Journalists for the Future NGO.<sup>15</sup> The greater openness of information led to the fact that the army officials realized that it was better to shape and provide the information to be reported by journalists than to restrict information. According to Suren Deheryan, Chairman of the Journalists for the Future NGO:

The army had no alternative: it either had to block the access to social networks or the Internet at a high level in Armenia, which would have pushed the country into abyss, or 'to dispatch a mission' to set a virtual environment and the rules of the game. The army chose openness.<sup>16</sup>

On the other hand, the army realizes the danger of the information vacuum that may lead to security-related issues. In the absence of a cooperation between the army and the media, misinformation and the so-called word-of-mouth radio is activated.<sup>17</sup>

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<sup>13</sup> Interview with Artsrun Hovhannisyan, Press Secretary of the Ministry of Defense.

<sup>14</sup> Interview with Ashot Melikyan, Chairman of the Committee to Protect Freedom of Expression.

<sup>15</sup> Interview with Suren Deheryan, Chairman of the Journalists for the Future NGO.

<sup>16</sup> Interview with Suren Deheryan, Chairman of the Journalists for the Future NGO.

<sup>17</sup> Interview with Arman Hayrapetyan, Chairman of the 'Hayreniki Darpasner' (Gates of the Homeland) Social NGO.

Therefore, in case of not providing the public with information through media in due time, there is a risk that such a gap might be filled with misinformation and confidential information; this makes the army work in a more responsive way in this field as well.<sup>18</sup>

## Practice of Dealing with Transparency and Confidentiality Principles

In Armenia, neither the army, nor the representatives of the media have any clear-cut approaches on closed and open information and keeping state affairs secret. In this instance, experts hold definite opinions. There is no clear understanding of the main approaches. Due to this lack of clear understanding, the army and the mass media, as well as the public at large make use of the situation by freely interpreting each principle.<sup>19</sup>

In some cases, ignoring the laws by this or that motive leads to the creation of a breeding ground for the officials of the Ministry of Defense of the Republic of Armenia to take arbitrary actions and decisions. In order to avoid this situation, institutes of civilian oversight should be established in the country. Such institutes will be able to prevent dishonest officials from becoming involved in illegal actions.<sup>20</sup>

There is no clear understanding in terms of dealing with confidential information. This does not apply only among journalists, the army lacks such understanding as well.<sup>21</sup>

Edgar Khachatryan, Chairman of the Peace Dialogue NGO, clarifies as follows:

The gravest problem about Armenia is that such civil institutes of the country have not developed yet or are still weak. If the public officials really had a political will to introduce army reforms, they must have been interested in establishing solid civil institutes. In Armenia, given the lack or at best very weak political will to reform the army, with almost no public order for resolution of the current issues, it is obvious that the Defense Ministry officials have sensed no need at all for developing a clear-cut understanding. In this regard, I share unreservedly the views of Dr. Martin Zapfe, PhD in Political Science, Senior Researcher at the Center for Security Studies (CSS) in the Swiss city of Zurich, a partner organization of Peace Dialogue NGO, who states as follows: "Classification that is intended to block civilian institutions from exerting effective control is clearly undemocratic."<sup>22</sup>

As for the media, it has its own accepted ethical norms. However, such norms do not cover military and army related topics, as a rule. Media NGOs have a clear understanding of how the media should deal with closed and classified information and information concerning the army. However, such approaches have not been shared and accepted by the mass media yet since they are too heterogeneous, divided into camps, serve political interests and use this topic in their own interests and in many cases the clarification of these issues is not based on the work approaches of many representatives of the news media.<sup>23</sup>

The NGOs present the approaches to dealing with information related to confidentiality in a very limited way, namely only should the mass media turn to them, and only when they relate to serious incidents on issues between the media and the law enforcement agencies. In such cases, the NGOs attempt to act as arbiter mediator by expressing their opinions. However, after such disputes, the same mass media representatives often make similar mistakes in their activities. The expert opinion that should be optimal is not shared widely.<sup>24</sup>

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<sup>18</sup> Interview with Arman Hayrapetyan, Chairman of the 'Hayreniki Darpasner' (Gates of the Homeland) Social NGO.

<sup>19</sup> Interview with Ashot Melikyan, Chairman of the Committee to Protect Freedom of Expression.

<sup>20</sup> Interview with Edgar Khachatryan, Chairman of the Peace Dialogue NGO.

<sup>21</sup> Interview with Karen Vrtanesyan, Coordinator of the Razm.info website.

<sup>22</sup> Interview with Edgar Khachatryan, Chairman of the Peace Dialogue NGO.

<sup>23</sup> Interview with Ashot Melikyan, Chairman of the Committee to Protect Freedom of Expression.

<sup>24</sup> Interview with Ashot Melikyan, Chairman of the Committee to Protect Freedom of Expression.

According to experts, media organizations should share the approaches of dealing with army-related information, based on international practices, ethical norms, laws and confidential information requirements. All these approaches are mapped out by the NGOs. The matter is that such approaches have not been introduced in an accessible and written form in Armenia so far. That is to say, a novice journalist willing familiarize themselves with clear-cut approaches will not be able to do so due to the lack of clear sources. "While the higher education institutions have attempted to develop some approaches, such approaches are developed at a level such that students will learn of them only if they ask relevant questions. However, in many cases, the lecturers have no clear understanding thereof either", as stated by Ashot Melikyan, Chairman of the Committee to Protect Freedom of Expression.<sup>25</sup>

Furthermore, another open issue relates to the provision of journalists with guidelines by the army; this gap is not filled by the Ministry of Defense. However, positive changes can be made in this regard. Artsrun Hovhannisyan, Press Secretary of the Ministry of Defense, notes as follows:

In 2015, the army attempted to develop such guidelines, but it failed. The attempt will be resumed in the coming year. The army still has much to do. They want to print booklets on the basic rules of military journalism.<sup>26</sup>

### **Educational Provisions for Military Journalism**

Regardless of the incidents in the army, Armenia has experienced rapid quantitative and qualitative growth in the sector of information over the past five years due to the continuous development of the media, developed blogging and social media sector and improved digital technologies.

Considering the continuous development of the media, there is a greater demand for journalists and the educational system should be adapted in order to meet the requirements of this dynamic development. However, the current situation of the educational institutions that provide training for professional journalists fails to meet these requirements.<sup>27</sup> The failure of the educational institutions in the sectors of general and in particular military journalism causes tensions in the relations between the mass media and the army. On this point, Artsrun Hovhannisyan, Press Secretary of the Ministry of Defense, stated as follows:

Of course, some problems arose. Especially in 2010-2013, we faced a tough situation as we had to deal with officers on the one hand and with the media on the other. It is clear that given this, both the internal and the foreign enemies of the army became active. Besides, the lack of professionalism came as another blow.<sup>28</sup>

The problem also lies in civic journalism, the dynamics of which differ from traditional journalism. In this case, the number of the social network activists grows much quicker than in the case of traditional journalism; however, there are no opportunities in terms of receiving education and professional training in this sector. Artsrun Hovhannisyan, the Press Secretary of the Ministry of Defense, sees no coordinated solution in terms of education in the sector of the civic journalism: "The general public atmosphere should change. If there are a number of good examples, outstanding examples, and if the atmosphere changes, many issues will be settled by self-regulation; the public itself will resolve many issues, people will themselves show their own mistakes."<sup>29</sup>

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<sup>25</sup> Interview with Ashot Melikyan, Chairman of the Committee to Protect Freedom of Expression.

<sup>26</sup> Interview with Artsrun Hovhannisyan, Press Secretary of the Ministry of Defense.

<sup>27</sup> Interviews with Ashot Melikyan, Chairman of the Committee to Protect Freedom of Expression, and Artsrun Hovhannisyan, Press Secretary of the Ministry of Defense.

<sup>28</sup> Interview with Artsrun Hovhannisyan, Press Secretary of the Ministry of Defense.

<sup>29</sup> Interview with Artsrun Hovhannisyan, Press Secretary of the Ministry of Defense.



## Issues of Cooperation between the Army and the Media

According to experts, the media coverage of army-related topics shows positive changes. Over the past five years, the relations between the army and the media have undergone a positive development, which also results from the enhanced professionalism within the media sector. Artsrun Hovhannisyan, the Press Secretary of the Ministry of Defense, clarifies as follows:

Today, by estimates of the army, 80-85% of the media representatives are proficient in their relations with the Defense Ministry. They know for sure on which issues they may and must criticize the Defense Ministry and on which issues no information should be disseminated. There are strongly opposed media representatives that criticize the Defense Ministry to the point of stating that there are issues related to procurement, or funds or apartment to be awarded to a freedom-fighter and seeking clarifications from the army. Sometimes they are mistaken, but this is regulated by transparency. Of course, there are 10-15% of media representatives whose main problem is the lack of professionalism.<sup>30</sup>

According to the experts, in general there are no news media representatives that deliberately work against the army. On the other hand, in some cases the instances in which the media is capable of identifying corruption risks and non-statutory relations in the army are depicted as intentional activities against the army. According to Ashot Melikyan, the Chairman of the Committee to Protect Freedom of Expression:

The authorities possess the levers to explain this to most of the media. There are measures to resolve such issues related to confidentiality. But there are cases when they try to protect themselves through demagogic speech and stand against the freedom of speech to hide the vicious practices. In such cases, the army can respond, apply to court, resort to self-regulatory measures or at least provide clarifications. In many cases, whoever enters the field of the army and criticizes it becomes its enemy. Very extensive work should be done with patience.<sup>31</sup>

## Availability of and Access to Military Expertise

One of the issues in relation to covering military and army issues is that there is no class of military experts in Armenia. At present, the Armenian information sector almost lacks the types of experts who might serve as a bridge between the army, the public and journalists. As a result, the public is often provided with incomplete information about the army that often contains mistakes and lacks any analysis and comments. According to Artsrun Hovhannisyan, the Press Secretary of the Ministry of Defense, the officers who have completed their service in the army might become experts. However, no such expert group has been established so far. "Persons who have served for 5 or 10 years can act as experts. Yet, we face a problem unsolved so far; we have no such people who can speak freely and at ease in front of the camera."<sup>32</sup> Karen Vrtanesyan, the Coordinator of the Razm.info website, describes the issue as follows:

The matter is that there are no experts independent of the army and the Defense Ministry, except for 2-3 experts. And the military sector is so large that it requires specialization. One cannot act as an expert equally proficient in issues of both air defense systems, and the NATO activities in the region, and of the military and education sector.<sup>33</sup>

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<sup>30</sup> Interview with Artsrun Hovhannisyan, Press Secretary of the Ministry of Defense.

<sup>31</sup> Interview with Ashot Melikyan, Chairman of the Committee to Protect Freedom of Expression.

<sup>32</sup> Interview with Artsrun Hovhannisyan, Press Secretary of the Ministry of Defense.

<sup>33</sup> Interview with Karen Vrtanesyan, Coordinator of the Razm.info website.

## Support of the International Community to Reforms

There is no noticeable support on the part of the international institutions in the implementation of the army transparency reforms. Furthermore, there are no well-known programs designed to improve the quality of the activities undertaken by journalists in this area. "There is no significant assistance to the Defense Ministry in this regard", reiterates Artsrun Hovhannisyan, Press Secretary of the Ministry of Defense. "I don't know any international grant issued to strengthen the ties between journalists and the army. I have no awareness of any journalism programs on the relations between the army and the media", notes in his turn Gegham Vardanyan, producer of the Media.am website.

## Key findings

The study made it possible to identify several key factors which either promote or hinder the transparency of the army:

- The public interest is a positive motivating factor for all the parties involved;
- The initiation and promotion of the reform process is significantly influenced by the strategic decisions of top army officials;
- The cooperation between the army and the media and the atmosphere of mutual trust play a significant role;
- Social media and civic journalism play a significant role in forging ties between the army and the media, as well as between the army and the public at large;
- The support provided to the reform process by the international institutions has been minimal;
- There are no clear-cut regulations on dealing with the principles of transparency and confidentiality available to the media;
- The education sector does not manage to meet the requirements of military journalism;
- The lack of military experts constitutes a problem;
- The resistance to the army reforms is conditioned by the factors below:
  1. Soviet legacy;
  2. Military traditions;
  3. Corruption.

## Annex

### List of Interviewed Experts

- Artsrun Hovhannisyan, Press Secretary of the Ministry of Defense;
- Suren Deheryan, , Chairman of the Journalists for the Future NGO;
- Arman Hayrapetyan, Chairman of the 'Hayreniki Darpasner' (Gates of the Homeland) Social NGO;
- Karen Vrtanesyan, Coordinator of the Razm.info website;
- Ashot Melikyan, Chairman of the Committee to Protect Freedom of Expression;
- Edgar Khachatryan, Chairman of the Peace Dialogue NGO;
- Gegham Vardanyan, Producer of the Media.am website.

# Assessment of the State and Activities of CSOs in Azerbaijan

## The CASCADE

### Abstract

This paper overviews the recent state of civil society and CSOs in Azerbaijan by analyzing various important issues. The legal environment for civil society activities has significantly deteriorated with the introduction of the 2014 legislative amendments increasing control over the third sector. These amendments undermined the organizational capacity as well as the financial viability of CSOs in the country since the registration of grants allocated by foreign donors became complicated. The role of civil society actors in the policy sphere and encouraging reforms is limited and they are not involved in any decision-making procedures. The private sector is reluctant to participate in projects designed by civil society due to their negative public image. The results of the research undertaken suggest that a reconsideration of the existing legislation is necessary in order to ensure a stable and sustainable development of the civil society sector. The simplification of the registration of CSOs themselves, as well as grants and foreign donors through a single window principle, would considerably improve the operational capacity of third sector participants by reducing existing barriers. Moreover, the lack of cooperation between CSOs and the private sector needs to be addressed since stronger ties also mean diversified funding and, thereby, lowering the level of dependence for CSOs. For this purpose, the government should stimulate CSR projects and undertake campaigning activities in this respect.

**Keywords:** Azerbaijan, civil society, CSOs, grants, foreign donors, single window

### Introduction

Recently, the state of civil society in Azerbaijan and the challenges it faces has become a topic of heated debate between government authorities and civil society organizations. Despite several years of relative improvements, civil society organizations have experienced significant difficulties following recent legislative amendments made to the laws governing the activities of the sector.

This paper analyzes the latest developments in the civil society sector in Azerbaijan; particularly, what challenges CSOs are facing and what progress they have already achieved. Their position in the social, economic and political spheres needs to be assessed rigorously in order to come up with possible solutions vis-à-vis underlying shortcomings.

The late 1980s mark the beginning of the contemporary NGO sector in Azerbaijan. Intellectuals living in Baku and people trying to escape the oppression of the Soviet Union joined civil society activities and expanded their political participation through the formation of social organizations and charitable societies. After independence in 1991, the civil society sector was able to grow under more promising circumstances. Following the adoption of the Constitution of the Republic of Azerbaijan in 1995, NGOs were established and operated under international standards. The Law on Non-Governmental Organizations was adopted in 2000 and, thereby, a new stage of relations between the government and civil sector organizations began.

Following the World Bank's definition of civil society: "The term civil society refers to the wide array of non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations. Civil society organizations (CSOs), therefore, refer to a wide of array of organizations: community groups, non-governmental organizations (NGOs), labor unions, indigenous groups, charitable organizations, faith-based organizations, professional associations and foundations."<sup>2</sup>

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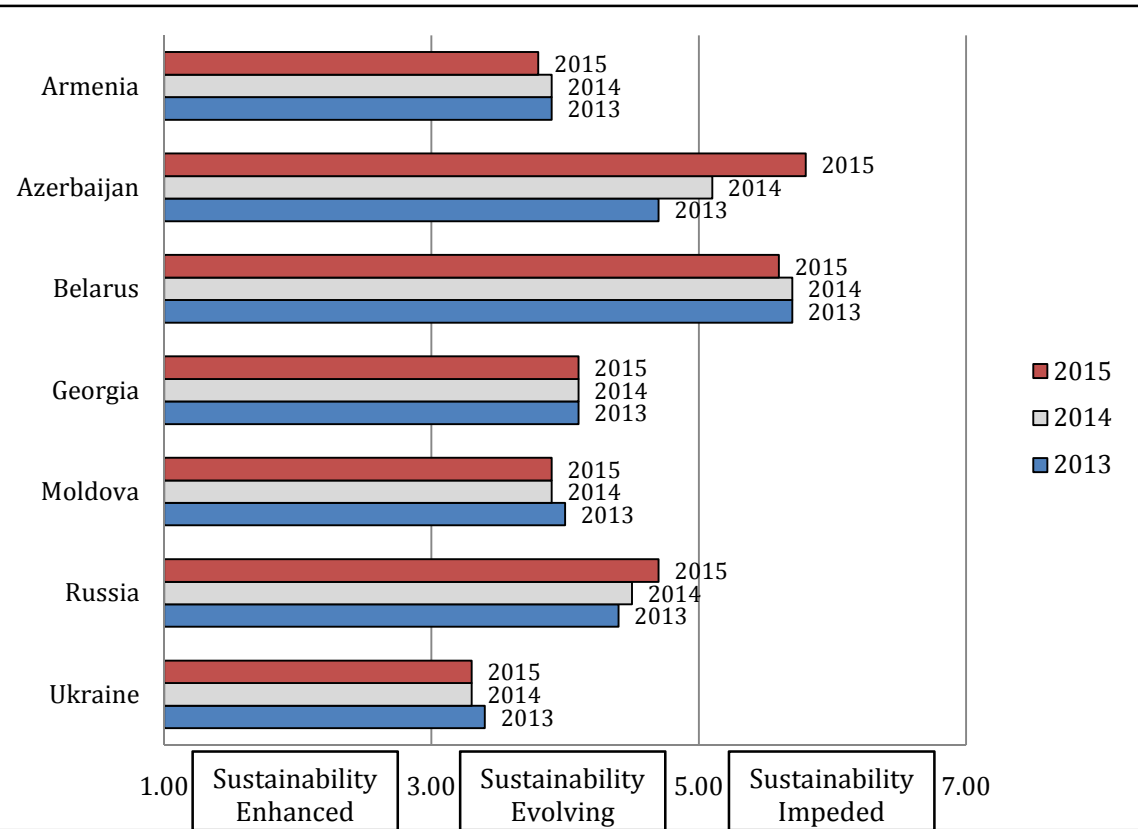
<sup>2</sup> World Bank, Defining Civil Society, retrieved from <http://web.worldbank.org>, 05.04.2016.

Hence, civil society is a broader concept and non-governmental organizations are one of its subgroups. It should be noted that throughout this paper the terms “civil society organizations” (CSOs) and “non-governmental organizations” (NGOs) are used interchangeably. That is to say, only NGOs are being analyzed as representatives of civil society. Civil society is also referred to as the “third sector” after the public and private sectors. In other words, the economy is divided into three actor groups: government, business and civil society.

The CSO Sustainability Index, developed by USAID and which measures the state of civil society, includes seven interrelated dimensions: legal environment, organizational capacity, financial viability, advocacy, service provision, infrastructure and public image. There is also an NGO Sustainability Index which includes the same dimensions. Some of these dimensions; namely, the legal environment, organizational capacity, financial viability, advocacy and public image, are discussed in this paper. Additionally, the relations between NGOs and other stakeholders (mainly government entities and private sector) are discussed as well.

As can be observed, most of the countries in the Eurasia region can be categorized under the “sustainability evolving” stage. Ukraine leads the list in terms of the meaningful progress of its civil society sector while Belarus is the worst performer in this regard. Starting from 2014, with the introduction of restrictive legislation, the sustainability of the civil society sector in Azerbaijan reached an impeded state and deteriorated even more in the following year when a crackdown on the third sector was intensified. Therefore, Azerbaijan has long way to go in order to achieve an enhanced sustainability of its civil society.

**Diagram 1: CSO Sustainability Index in Eurasia**



Source: USAID, 2010 CSO Sustainability Index, 2016

The structure of the paper is as follows. To begin with, the legislature guiding the operations of civil society organizations and the current state of legal environment will be discussed. Secondly, the assessment of the organizational capacity of CSOs; that is, the issues related to governance, administration, human resource management and project management will be presented. Thereafter, the study will analyze the relations between CSOs and other stakeholders; particularly, government entities and the private sector. Financial viability is one of the

major challenges encountered by civil society in Azerbaijan which is why funding and the need for diversified sources are discussed. Furthermore, the role of CSOs in the policy sphere; mainly in the decision-making process and their advocacy process, are evaluated before presenting the public image of civil society organizations. The last section offers concluding remarks and recommendations.

## Methodology

Two main qualitative research methods were conducted to assess the role and activities of CSOs in Azerbaijan; namely, focus group discussions (FGDs) and individual interviews (IDIs). The empirical data obtained as a result of the interviews and the focus group discussions has been integrated into the paper.

This paper analyzes the environment encompassing the activities of civil society based on the results of the abovementioned interviews and focus group discussions. In parallel, the desk research method was also employed and appropriate conclusions and recommendations were drafted after supplementary data was collected. The main target groups include:

- Government – a stakeholder with immediate impact on civil society activities through adopting laws and implementing policies
- Civil Society Organizations – a party striving to achieve participation in state policy formulation
- Donors (including international organizations) – a party willing to enhance the role of the civil society sector in policy processes

Focus group discussions were held using the mini-group approach made up of 12 experts and to discuss the state of the current environment for CSOs.

- First of all, FGDs facilitate the exploration of different positions and alternative solutions and support the research with different possible descriptions, explanations and recommendations.
- Secondly, FGDs help to identify the stakes and influences different parties have on the issue while providing insight into the ongoing politics and dependencies around the issue for institutional and capacity solutions along with regulatory and policy recommendations and the implications which are central to the research.
- Thirdly, FGDs help to identify common positions on strategic positions, identify the advantages and disadvantages associated with different policy options, avoid blind spots and conduct a multifaceted test of favorable options for feasibility analysis.
- Last but not least, FGDs allow the project to map how different stakeholders can be positively involved in the following stages of the research including the preparation of a list of specialists and officials to be contacted for individual interviews. This will be conducted by bringing together eligible individuals under the guidance of a moderator to discuss issues of interest. Different scholars, including members of relevant CSOs, will be gathered together to test different opinions.

Additionally, individual interviews involving semi-structured questionnaires were conducted to assess the state of civil society in the country. The objectives of the interviews include the following:

- to explore deeper individual views and institutional positions, gather alternate opinions and get more information necessary to further analyze the findings of the FGDs,
- to assess the stakes of different institutions and test alternate opinions expressed from different perspectives,
- to group and systemize alternative policy options; to provide legal, regulatory, institutional and capacity framework analyses and

- to conduct feasibility testing on various options to arrive at an optimal strategy and help with necessary recommendations.

## Legal Environment of CSOs

The establishment and activities of NGOs are primarily regulated by the Law on Non-Governmental Organizations (public associations and foundations) which was adopted in 2000.<sup>3</sup>The Law outlines the rules for the establishment, operations, reestablishment and liquidation of NGOs as well as defining their activities, management and relations with state authorities. Additionally, the Law on State Registration and State Register of Legal Entities<sup>4</sup> and the Law on Grants<sup>5</sup> also guide the operations of non-governmental organizations. NGOs fail to get registered given that the documents submitted for state registry contradict the Constitution or the laws of the Republic of Azerbaijan.

According to the Law, the following obligations are imposed on NGOs:

- to maintain accounting records consistent with legislation,
- to publish annual reports on the usage of private property,
- to submit annual financial reports and
- to provide information on sources of NGO profits, structure, expenditure, staff number and labor remuneration.

A favorable legal framework is cited as a key driver for an evolving civil society in Azerbaijan by the Asian Development Bank (ADB, 2011).<sup>6</sup>That is to say, notwithstanding inadequacies, the legal environment was largely conducive to the operational capacity of civil society in the country up until the amendments to the legislation governing the activities of NGOs.

Yet, a major deterioration of the legal environment was observed in 2014, as a result of introduced amendments to the Law on Grants, Law on Non-Governmental Organizations, Law on Registration of Legal Entities and State Registry and the Code on Administrative Offences. Consequently, the operational environment of the third sector encountered a substantial decline during the year as amendments came into force one after another and the suppression of the sector intensified in 2015. As can be observed in the diagram below, the situation became even worse in 2015 and the score of the legal environment went down to 6.4, thereby indicating an alarming state. The overall score of the sustainability of civil society sector in Azerbaijan went down to 5.1 in 2014 from 4.7 in 2013, entering an impeded state and reaching a lower point of 5.8 in 2015.<sup>7</sup>

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<sup>3</sup>Ministry of Justice of the Republic of Azerbaijan, retrieved from <http://www.justice.gov.az/07.htm>, 07.04.2016.

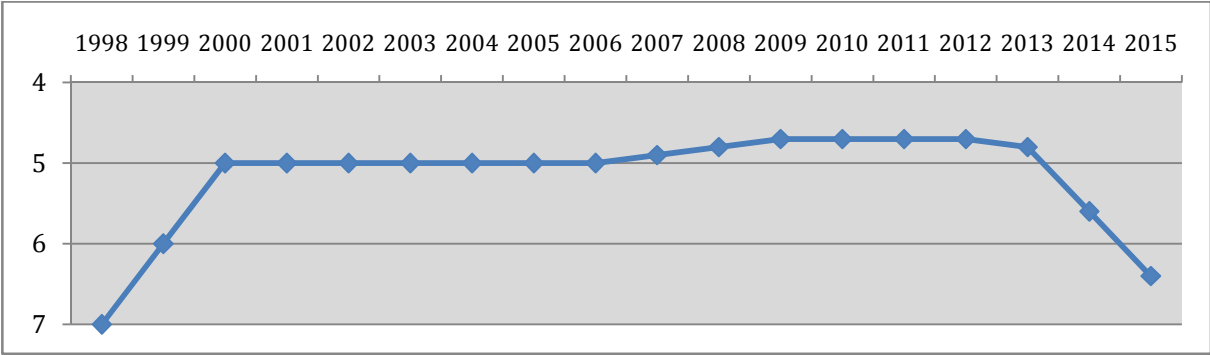
<sup>4</sup>CSSN, Normative-Legal Acts, retrieved from <http://www.cssn.gov.az/en/qanunvericilik/aktlar/20090901165457596.html>, 06.04.2016.

<sup>5</sup>CSSN, Normative-Legal Acts retrieved from <http://www.cssn.gov.az/en/qanunvericilik/aktlar/20090901164601589.html>, 06.04.2016.

<sup>6</sup>ADB (2011), Civil Society Briefs Azerbaijan.

<sup>7</sup>USAID, 2015 CSO Sustainability Index for Central and Eastern Europe and Eurasia, 2016.

**Diagram 2. Legal Environment of CSOs in Azerbaijan**



Source: USAID, 2015 CSO Sustainability Index, 2016

It should be noted that the alleged motives of the government for these amendments are to increase the accountability and the transparency of civil society organizations.<sup>8</sup> That is to say, the introduced amendments contributed to the expanded control over NGOs. Moreover, they created significant restrictions on the activities of NGOs by reducing their operational capacity. All things considered, these amendments negatively influenced the activities of NGOs in Azerbaijan. Accountability and transparency claims were overshadowed by a dysfunctional civil society.

The amendments to the Law on Grants came into force in February 2014 and, thereby, required individuals to register their grants with the Ministry of Justice following similar regulations with registered NGOs. Until that time, individuals enjoyed the right to obtain grants without an official registration with the Ministry; that is to say, most of the non-registered NGOs used to receive grants in the name of their founders and chairpersons. What is more, any changes associated with grant agreements, including their time period, purpose and amount, must be reported to the Ministry of Justice.

The four-tier system of registration made it burdensome for international donors to offer their grants. This legislative amendment includes: firstly, a foreign donor must register its branch in Azerbaijan; secondly, it must sign a contract with the Ministry of Justice; thirdly, the donor must register with the government as an organization qualified to give out grants within a decided upon thematic scope that is pertinent to the Azerbaijani reality and finally, it must obtain the government’s approval for each separate grant. Additionally, before accepting the grant, a recipient organization also needs the approval of the government.

As dictated by the amendments to the Law on NGOs in July 2014, non-governmental organizations must provide information about any changes concerning their governance and organizational structure. Individuals and legal entities eager to take part in the activities of non-governmental organizations are now required to sign contracts with NGOs while previously this kind of participation was not associated with any legal formalities. It is claimed that this improves the administration of the sector rather than being characterized as a restrictive measure by government executives.

Amendments to the Code on Administrative Offences (it went into effect in February 2014) involved the introduction of new penalties for CSOs for various violations such as the failure to submit information required for registration, failure to keep a registry of members and a failure to present contracts with volunteers as well as functioning in contradiction with legal purposes. Moreover, branches of foreign NGOs were not exempt from these penalties since some were said to be operating without registration.

<sup>8</sup> USAID, 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, 2015.



The great number of unregistered non-governmental organizations still remains one of the major problems in this sector. It should be noted that up until the amendments of December 2013, there were no restrictions for unregistered organizations and they were able to implement grant projects just like registered ones. The amendments came into force in June 2014 and, subsequently, unregistered NGOs were denied from participating in grant competitions.

The Law on Grants stipulates any project implemented by an NGO to be registered and registering grant projects, in turn, requires the status of legal entities. Thus, the registration of a non-governmental organization is a necessary condition for being able to receive grants. Even so, several organizations discuss the complications they have encountered in getting their NGO registered. What is more, even registered non-governmental organizations every so often fail to register their grant projects. In that way, they cannot take part in the competitions offered by potential foreign donors as well. The rules adopted by the Cabinet in 2015 with regard to the registration of domestic and foreign grants gave an even broader discretion to the Ministry of Justice and resulted in significant administrative barriers such as extended documentation procedures.<sup>9</sup>

In reality, both unregistered and registered civil society organizations do not employ their full operational capacity; that is to say, the scope of their activities does not vary significantly. But in terms of being advantageous, registered NGOs enjoy an opportunity to participate in both local and foreign grant competitions.

A new regulation<sup>10</sup> about the investigation of the activities of local and foreign NGOs by the Ministry of Justice was confirmed in February 2016, aiming at ensuring their accountability and compliance with the law. Essentially, the subject of the regulation is the compatibility to the rules vis-à-vis the activities carried out by NGOs which includes the registration of members as well. Furthermore, it will be examined whether or not NGOs allocate their funds in accordance with the expressed objectives of the organization. The regulation includes sections about the rights and duties of both the associates of the Ministry of Justice and NGOs in the process of investigation.

It can be argued that these regulations serve the purpose of the government to limit the scope of activities of civil society organizations in the country. On the other hand, this decision is claimed to be a further step towards increasing transparency in the third sector. This is not to deny that the government still extends control over civil society by imposing this regulation. Furthermore, it should be underlined that this decision is at odds with the following decision of the government about the withdrawal of previously seized bank accounts.

The National Action Plan was presented to the President of Azerbaijan which includes proposals about the development of civil society in the country. Council of State Support to NGOs member, Alimammad Nuriyev, noted that in accordance with the Action Plan, several amendments to the legislation governing the activities of NGOs are intended to be implemented. That is to say, in line with his statement “the simplification of the registration of NGOs is recommended.”<sup>11</sup> Moreover, issues related to the operations of foreign donors in Azerbaijan, the registration of grants and the delivering of notifications were also brought up in the Plan. However, whether or not this scheme will be approved and to what extent the amendments will affect the sustainability of civil society in Azerbaijan is a topic for further discussion.

Recently, on October 21, 2016, the President of Azerbaijan signed a decree on the application of the single window principle in regard to the issuance of grants provided by foreign donors on the territory of the Republic of Azerbaijan.<sup>12</sup> This new regulation is to come into force on January 1, 2017 and the main purposes include supporting the activities of civil society organizations, the simplification of procedures in terms of the issuance of foreign grants

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<sup>9</sup>USAID, 2015 CSO Sustainability Index for Central and Eastern Europe and Eurasia, 2016.

<sup>10</sup>Regulations for the investigation of activities of NGOs retrieved from <http://e-qanun.az/framework/32061>, 12.04.2016.

<sup>11</sup>Azadliq Radiosu, retrieved from <http://www.azadliq.org/content/prezident-imza-sened-qht/27691081.html>, 22.04.2016.

<sup>12</sup>Decree by the President of the Republic of Azerbaijan, retrieved from <http://www.president.az/articles/21504>, 23.11.2016.

and ensuring transparency. Moreover, this principle is aimed at safeguarding the appropriate spending of financial resources in terms of directing them for intended projects.

It should be stated that the application of the single window principle includes only one coordinating state agency in contrast to the four-tier system for the registration of grants. That is to say, the Ministry of Economy will be the coordinating body in relation to commercial organizations, the State Committee for Work with Religious Organizations and the Ministry of Justice with non-commercial organizations and natural persons.

Although the single window principle is desirable in facilitating dialogue between the government and civil society and, thereby, supporting the activities of the third sector in the country, it is controversial whether or not the new decree will actually be implemented appropriately. What is more, based on the decree, this single window principle is only intended to be applied to the registration of grants and not including the registration of NGOs themselves. This means that civil society organizations are still likely to face administrative barriers in registering themselves as a legal entity.

It is not a coincidence that this decree was signed just before the 35<sup>th</sup> Board Meeting of the EITI (Extractive Industries Transparency Initiative) on October 26, 2017 when the Board was supposed to make a decision on the status of Azerbaijan. In April 2015, Azerbaijan's EITI status was downgraded from "compliant" to "candidate" country as the engagement of civil society had been significantly restricted.<sup>13</sup> In the case of not implementing corrective actions proposed by the Board within 12 months, the country would have faced suspension.

### **Organizational Capacity of CSOs**

Organizational capacity is an essential part of sustainability for civil society and includes administration, governance, human resource management and financial management as well as project management. The country, however, falls behind international standards in this respect, demonstrating relatively poor performance in the application of management principles.

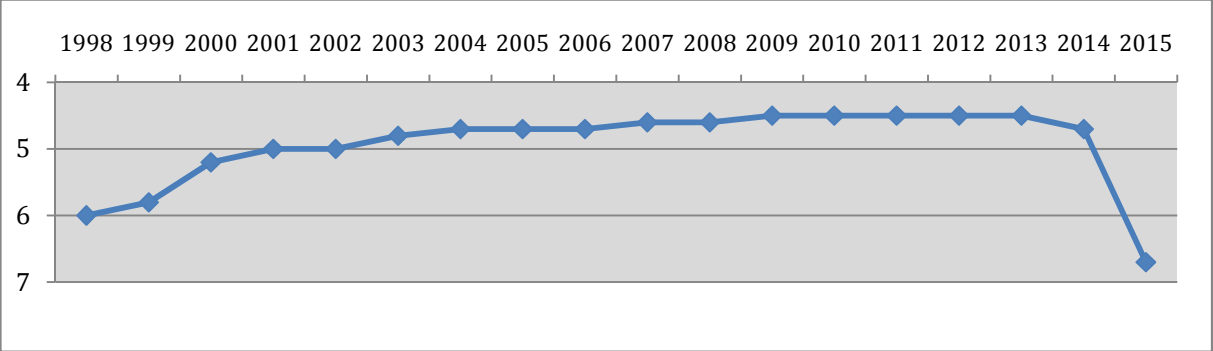
The lack of funding undermines capacity-building prospects; that is to say, most of the NGOs still struggle to afford a permanent staff, including fundraisers and project managers, not to mention an office space. Following the amendments in 2014, both local and foreign civil society organizations encountered complications in receiving donor funding. Consequently, there was a substantial downsizing of human resources by many non-governmental organizations which seriously damaged their organizational management and overall capacity in 2015.

In 2015, more than 50 large local NGOs as well as several international organizations such as Oxfam, OSCE and World Vision had to cease their operation in Azerbaijan as a result of restrictive legislative amendments.

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<sup>13</sup>EITI, Azerbaijan downgraded to candidate country, retrieved from <https://eiti.org/node/4438> , 24.11.2016

**Diagram 3. Organizational Capacity in Azerbaijan**



Source: USAID, 2015 CSO Sustainability Index, 2016

Furthermore, it should be noted that NGOs in the country’s regions are characterized by being relatively passive. That is to say, due to insufficient organizational capacity they fail to come up with good project proposals. For instance, during the period 2009-2012, regional CSOs account for less than 20% of the total projects supported by the Council on State Support to NGOs.<sup>14</sup>

Recent efforts by the Council on State Support to NGOs in terms of organizing trainings for non-governmental organizations both in the capital and regions can be considered noteworthy. The training at the Baku NGO Resource and Training Center covered topics such as Components of the Project, Structure and Model of Project Management, Project Preparation, Planning and Implementation; Reasons for the Failure of Projects and Amendments to the Project Proposal Package.<sup>15</sup> Additionally, at the beginning of this year, the Council held a training in Gabala which was attended by the directors and staff members of 25 NGOs together with neighboring regions.<sup>16</sup> The participants were informed about monitoring and assessment methods, control of budget expenditures and the changes made to the Tax Code in 2016 and “e-qht” service. It should be noted that many NGOs achieved progress in employing modern information and communication technology, including social media, which enhances their outreach.

**Relations of CSOs with the Public and Private Sectors**

In 2000, with the introduction of the Law on Non-Governmental Organizations, a new phase of relations between the government and NGOs was established. The Council of State Support to Non-Governmental Organizations (CSSN) under the President of the Republic of Azerbaijan was established in December 2007 following the Decree of the President. As stated by the regulations on the Council of State Support to NGOs, the Council is principally responsible for promoting cooperation between the state and NGOs as well as providing support to NGOs.<sup>17</sup>

According to the regulation, the Council is autonomous in its activities and intends to contribute to the development of civil society in the country. The Council acts as a mediator between NGOs and the government and distributes funding based on competition among NGOs. Guluzade and Bourjaili (2012) endeavor to assess whether or not the Council accomplished its goals and conclude that the establishment of the CSSN facilitated the development of NGO sector in the country.

<sup>14</sup>USAID (2013). 2012 CSO Sustainability Index for Central and Eastern Europe and Eurasia.  
<sup>15</sup>CSSN, News, “The Council Continues its Trainings for NGOs,” retrieved from <http://www.cssn.gov.az/en/xeberler/20160208093411244.html>, 22.12.2015.  
<sup>16</sup>CSSN, News, “The Council Held Training for NGOs in Gabala,” retrieved from <http://www.cssn.gov.az/en/xeberler/20160208093307543.html>, 25.01.2016.  
<sup>17</sup>CSSN, Regulations on the Council of State Support to NGOs, retrieved from <http://www.cssn.gov.az/en/resmisenedler/esasname/>, 07.04.2016.

There is a limited level of cooperation between the private sector and civil society in the country.<sup>18</sup> It should be emphasized that the private sector can serve as an important source of funding for CSOs. Moreover, building up effective relations with business agencies facilitates project management as well. Even so, only a small number of NGOs implement projects introduced and financed by the private sector.

Business enterprises are predominantly not interested in any kind of cooperation with civil society members. In other words, cooperation areas are mainly restricted to the provision of services and consultations. On the whole, CSOs complain about the lack of active relations with private sector enterprises.

Although CSR (Corporate Social Responsibility) can provide a potential ground for the aforementioned cooperation, the number of companies undertaking social projects associated with CSR is unsatisfactory. That is to say, CSR is a relatively new concept in the country and primarily applied in bigger as well as international companies.

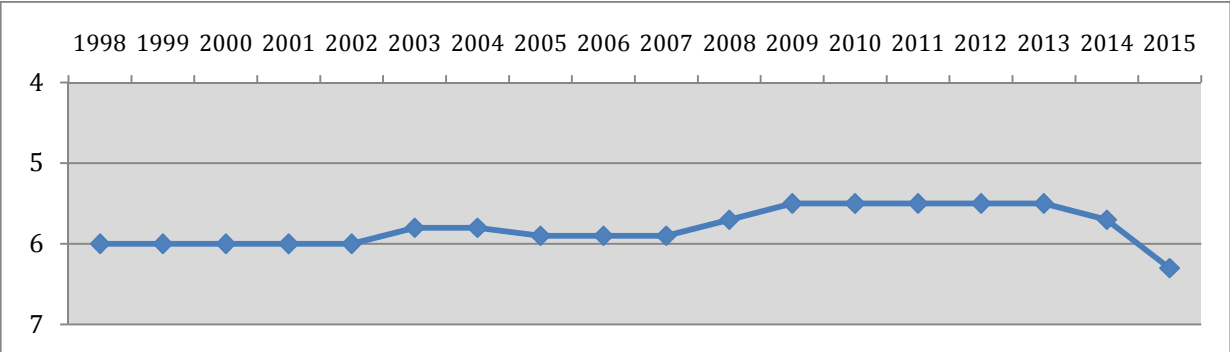
According to the statement of the member of the Council of State Support to NGOs, Alimammad Nuriyev, several proposals were submitted to the National Action Plan concerning cooperation between the private sector and non-governmental organizations.<sup>19</sup> To be precise, businesses are encouraged to act as donors for the civil society sector in keeping with the recommendations although these efforts are not consistent.

**Financial Viability of CSOs**

Financial viability can be viewed as a major obstacle for NGOs in Azerbaijan, taking into account their high reliance on foreign funding and the poor account of local philanthropy. Based on the information provided in the USAID report (2013), in terms of revenues available for the civil society sector, foreign and government sources represent 80% and 15%, respectively, while the rest (5%) comes from other sources, including membership fees, economic activities and donations.<sup>20</sup>

As the diagram below demonstrates, in terms of financial viability, the number exceeds 5, indicating impeded sustainability of civil society organizations in this respect. Although a slight improvement was recorded starting from 2009, legislative changes in 2014 made the situation worse once again. As described in the above section about the legal environment, amendments adopted to the law on grants and on state registry of legal entities made it problematic to receive funding in 2014.

**Diagram 4. Financial Viability of CSOs in Azerbaijan**



Source: USAID, 2015 CSO Sustainability Index, 2016

<sup>18</sup>CIVICUS (2007). Civil Society in Azerbaijan: Challenges and Opportunities in Transition.  
<sup>19</sup>Azadliq Radiosu, retrieved from <http://www.azadliq.org/content/prezident-imza-sened-qht/27691081.html>, 22.04.2016.  
<sup>20</sup>USAID (2013). 2012 CSO Sustainability Index for Central and Eastern Europe and Eurasia.

Additionally, it should be stated that the undiversified budget still poses a significant threat to the financial capacity of non-governmental organizations in Azerbaijan. In keeping with international practice, the sustainability of the civil society sector cannot be enhanced without an appropriately diversified budget which reduces dependence on a specific source of funding. However, recent legislative amendments on the registration of grants and foreign donors complicated the procedures associated with receiving international grants for implementing projects. Without registering their grants, NGOs cannot begin to implement their projects.

In Azerbaijan, two principal sources of funding for NGOs are state funds and foreign funding. Private enterprises are rarely identified as principal donors. The underlying reasons for the limited cooperation between business and CSOs are as follow:

- First of all, the level of public participation in policy is relatively lower in the country which also discourages the private sector from engaging in social policy and, thereby, supporting the activities of NGOs.
- Secondly, businesses are reluctant to support NGOs because predominantly non-governmental organizations are comprehended as being against the interests of the government. The government needs to increase its campaigning efforts to stimulate the business-CSO partnership which ultimately will decrease the reliance on foreign funding as well.

The Chairman of the Council on State Support to NGOs stated: "A number of NGOs were subject to their bank accounts' being frozen or seized due to the investigation of criminal cases. Now, the investigation is complete. Based on the petition by the General Prosecutor's Office, the decision on seized accounts has been withdrawn and there are no longer any frozen bank accounts."<sup>21</sup> According to his statement, non-governmental organizations can freely carry on their operations and none of them encounters problems in this regard. However, some NGO leaders expressed their doubts by uttering that their bank accounts are still frozen or under seizure.<sup>22</sup> Therefore, it is not clear whether or not the decision about the withdrawal is accurate and to what extent it is being applied.

The recently signed presidential decree, discussed in the legal environment section, on the application of the single window principle vis-à-vis the issuance of foreign grants is expected to reduce the financial burden of CSOs if applied properly.

### **CSOs in the Policy Sphere and Advocacy Process**

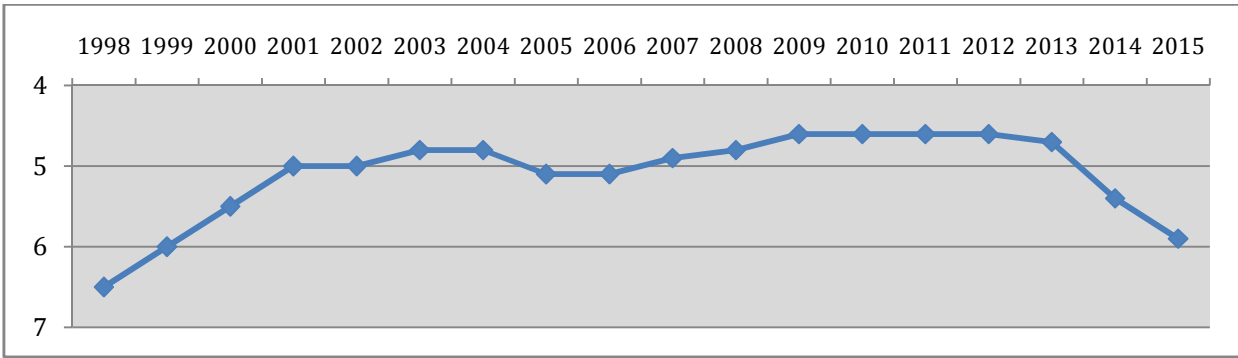
The limited participation of civil society organizations in decision-making procedures is one of the major challenges to be addressed. On the whole, the advocacy efforts of non-governmental organizations in Azerbaijan have been constantly undermined by restrictive measures. Based on the USAID report (2015), even pro-government NGOs are unable to take part in any formal decision-making procedures. After the arrests in 2014, as a result of the amendments adopted to the Code on Administrative Offences, the ability of the third sector to organize any large-scale campaigns was significantly restricted.

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<sup>21</sup> APA Information Agency, retrieved from <http://az.apa.az/news/422172?keywords=qht+h%C9%99bs>, 06.04.2016.

<sup>22</sup> Azadliq newspaper, retrieved from <http://www.azadliq.info/129634.html>, 11.04.2016.

**Diagram 5. Advocacy of CSOs in Azerbaijan**



Source: USAID, 2015  
CSO Sustainability Index, 2016

Nonetheless, the recent decision of the government about the release of imprisoned NGO members can be considered a result of the revived advocacy efforts of civil society in both domestic and international arenas. Still, the extent of civic participation in policy dialogue in Azerbaijan is far below international standards. In terms of promoting institutional reform, the role of civil society organizations is unsatisfactory.

The lack of organizational capacity also acts as an obstacle for the participation of NGOs in state policy. That is to say, non-governmental organizations need to have professional staff in order to be involved in decision-making processes. To train and develop highly qualified personnel and, thereby, to enhance their competence, civil society organizations need to organize training courses for their human capital. In this spirit, recent trainings held by the Council on State Support to NGOs can be considered as a further step toward contributing to the increased professionalism of human resources.

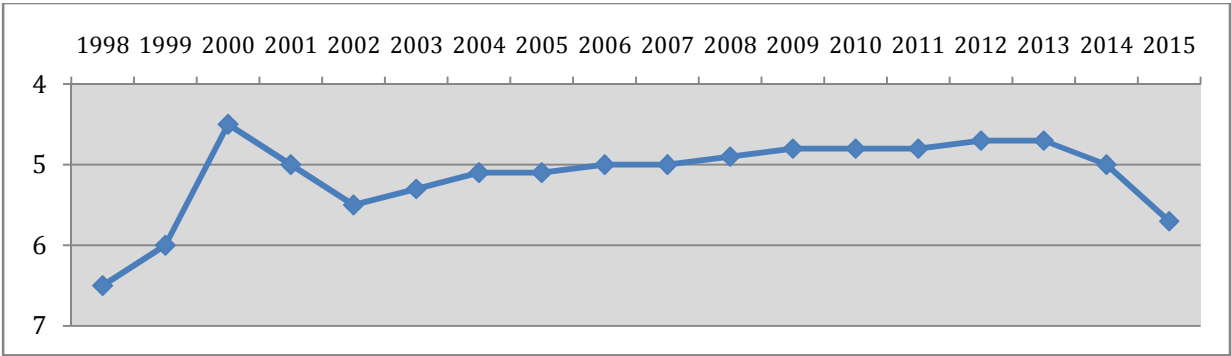
In 2015, there were no significant advocacy actions or campaigns by CSOs. Some coalitions, however, such as the EITI Coalition, Anti-Corruption Coalition and the Eastern Partnership Civil Society Forum did make some efforts in supporting CSOs in their activities.

**Public Image of CSOs**

As can be observed in Diagram 7, the public image of civil society organizations deteriorated in 2014 after a fairly steady pattern of improvement starting from 2008. According to the USAID report (2016), the negative media coverage was by and large responsible for the aforesaid decline. In other words, following the amendments to the law on NGOs at the end of previous year which ultimately constrained the operational capacity of the civil society sector, the pro-government media took the role in presenting NGOs as being against the interests of the government (USAID, 2015, p.36).

Accordingly, both government entities and the private sector have little faith in NGOs as a result of the campaign against them led by state agencies and pro-government media. What is more, the public also shares the negative impression towards civil society organizations and “considers “non-governmental” as being against the government and perceives foreign-funded CSOs as foreign agents intending to destabilize the country” (USAID, 2015, p.36).

**Diagram 6. Public Image of CSOs in Azerbaijan**



Source: USAID, 2015CSO Sustainability Index, 2016

Furthermore, most CSOs have experienced significant difficulties in publicizing their activities during the year, including publishing reports, which is considered as a lack of transparency by the government. In terms of disseminating information on their activities and implemented projects, NGOs turn to social media, especially Facebook.

During 2014, both domestic and foreign civil society organizations were subject to a number of investigations which were followed by frozen bank accounts and arrests or travel bans for several NGO activists. These further complicated the efforts of campaigning by civil society participants and negatively influenced their public image.

**Conclusion and Recommendations**

Following several years of relative stability beginning in 2000 with the introduction of the law on NGOs, a significant decline was recorded in 2014 in the sustainability of civil society due to amendments to the legislature. The legal environment governing the activities of non-governmental organizations in the country worsened with the adoption of new amendments which imposed restrictions on the operations of the civil society sector. Organizational capacity in CSOs was also affected by these conservative legislative changes; in other words, most of the organizations experienced considerable difficulties in maintaining their personnel and technical infrastructure.

The role of NGOs in the policy sphere is limited and they are not involved in any decision-making procedures. By and large, non-governmental organizations that manifest the interest and will of citizens have a limited role in encouraging reforms in the country. In order to increase their participation in public policy, they need to train a professional staff. Recent efforts of the Council on State Support to NGOs in organizing training in both the capital and the country’s regions can be considered capacity-building activities for personnel; however, most civil society representatives still experience the need for trainings.

First of all, in order to achieve a stable and sustainable development in the civil society sector, the existing legislation needs to be reassessed. It should be emphasized that the current conservative regulations significantly restrict the operations of both local and foreign donors. As a result, NGOs are left with no choice except to rely more and more on state support. Additionally, increasing the reliance on state support undermines the independence of non-governmental organizations. Therefore, access to a diversified funding is essential for CSO independence. As long as the activities of international donors are restricted by regulation, CSOs in the country are expected to face financial difficulties.

The simplification of registration procedures is essential in order to improve the legal environment for NGOs and, thereby, support civil society activities. Current registration processes both of grants and foreign donors are quite problematic and need to be liberalized in order to encourage the involvement of foreign donors in the country. It should be underlined that civil society organizations cannot function smoothly without decreasing their reliance on specific sources of funding. For this purpose, the recent amendments adopted to the law on grants and state registry of legal entities need to be reconsidered. A conducive legal environment will also facilitate the organizational capacity

and financial viability of non-governmental organizations. That is to say, if legislation governing the activities of NGOs is liberalized, funding opportunities for civil society will expand.

The limited cooperation between CSOs and the private sector needs to be addressed. First of all, the underlying reasons for the lack of cooperation should be identified. Then, the role that the government must play in strengthening these relations needs to be specified. That is to say, the business sector is reluctant to participate in projects designed by NGOs because of their negative public image as they are labeled to be against the interests of the government. Thus, the government needs to take a role in stimulating business-CSO partnerships via campaigning efforts.

Improving business-CSO relations also means a diversified funding for the civil society sector. As discussed, in Azerbaijan, one of the major challenges CSOs encounter is undiversified funding and reliance on foreign donors. Therefore, this cooperation is necessary in order to decrease their dependence and this can be rewarding for the business sector by means of project management.

The adoption of the Law on Sponsorship with defined tax reductions in legislation for social projects is essential for CSOs since it will boost relations with the private sector. CSOs and companies do cooperate on Cooperate Social Responsibility projects which are very beneficial for both sectors but there are limited numbers of businesses which actually carry out CSR-related projects. Therefore, the promotion of CSR projects by the government is strongly recommended.

Improvements in intra-organizational and external relations with donors, state agencies and the private sector are needed. State recognition and its support of the sector is important in terms of ensuring sustainable development of civil society. Some recommendations on what can be done by the government are as follows:

- The simplification of the registration of the CSOs themselves as well as grants and foreign donors through the single window principle would considerably improve the operational capacity of third sector participants by reducing existing barriers.
- There is a need to introduce an electronic system for obtaining grant notifications and grant registration. Applying via the internet and having effective online electronic communication with the Ministry of Justice will resolve many problems that currently exist in the area of obtaining grants in Azerbaijan. The ASAN service is a possible solution in this regard.
- The formation of a working group with the participation of three stakeholders –the EU delegation, the government and civil society representatives - is needed in order to discuss the obstacles that CSOs face at different times.
- The introduction of an electronic registration system for international donors who do not operate in Azerbaijan.
- Liberalization of some of the latest amendments adopted to the legislation on NGOs in Azerbaijan in order to decrease restrictions imposed on foreign donors and, subsequently, encourage their return to the country.
- Cancellation of the registration of donations.
- Expanding technical infrastructure of CSOs in the country's regions.



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# Towards an “Uncivil” Society? Informality and Civil Society in Georgia

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**Abstract:** Since the early 1990s, the NGO sector in the South Caucasus has faced countless challenges on its road to development. Among these, an endemic “informalization of society” – to a certain degree inherited from the Soviet Union – has posed a seemingly insurmountable number of obstacles for the emergence and establishment of an egalitarian and open civil society in the region. This study explores the uneasy relationship between formal civil society and the informal sphere in the South Caucasian republic of Georgia. We argue that scholars and policy-makers alike need to pay close attention to how informal institutions, as well as their semi-formal equivalents, regardless of their non-civil nature, often become part of the civil sector in the context of developing countries. Informal patronage networks, radical movements and extremist organizations –some registered and some remaining informal – often pose as civil society organizations, functioning as a “dark” side of NGOization in post-Communist countries. This “uncivil” society thrives due to the low popular participation in formal civil society in this region and undermines the potential gains to be made by the development of a robust civil sector.

**Keywords:** civil society, informal networks, NGOs, uncivil society, Georgia

## Introduction

This article investigates the influence of informal institutions<sup>25</sup> and “uncivil” society on formal civil association in the post-Soviet republic of Georgia. Firstly, we argue that informal institutions have a potential to negatively affect citizen participation in formal civil society. Informal networks and other forms of bonding social capital (Hooghe and Stolle 2003; Rothstein and Stolle 2008)<sup>26</sup> have served as coping mechanisms and private safety nets for the Georgian population for centuries. In the absence of efficient and transparent formal institutions, including civil society, informal institutions have filled the institutional niche by performing functions traditionally reserved for civil society and the state. These include assisting in emergencies, or during moments of need, alleviating economic problems of the population and serving as venues for bonding and (occasional) bridging of social capital. Notwithstanding the significance of informal institutions, public goods are distributed through such institutions unequally creating informal hierarchies and encouraging nepotism and favoritism. Following these observations, this study argues that irrespective of the positive functions of informal institutions in the South Caucasus, the influence of informality on formal civil society in these countries can also be rather detrimental.

It has to be noted, however, that formal civil society in the South Caucasus, as well as in other non-Western contexts (Lewis 2002), is not limited to NGOs but also consists of a myriad of semi-formal or informal social movements and grassroots organizations. These groups do not always function as organizations and, therefore, are part of a broader

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<sup>25</sup> We borrow our definition of informal institutions from Helmke and Levitsky (2004: 727) who define informal institutions as “socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels.”

<sup>26</sup> According to Putnam et al. (1993), social capital “bonding” is a process of inter-personal networking occurring within closed networks. Social capital bridging enables networks to communicate and exchange information with other networks. The networks’ failure to “bridge” leads to limited interaction between various parts of society. Because the lack of “bridging” inhibits the transfer of social capital from private into public sphere, it is detrimental for civil society.

concept – social capital (Putnam et al. 1993). In this study, social capital – which is understood as a sum of social relations and interactions within a society (Coleman 1998) – is seen through the lenses of one of its constituents: informal networks. The next level of distinction is concerned with disaggregating those CSOs which work as mainstream civil society and those which engage in activities that may fall beyond the range of tasks performed by CSOs in most developed welfare states. This takes us towards the so-called “uncivil” society.

Secondly, we argue that the impact of informal institutions on the civil sphere manifests itself in the emergence of the so-called “uncivil” society. The term “uncivil” society, employed by Kopecký (2003) to describe radical organizations and movements in Central and Eastern Europe, assumes a different shape when applied to those forms of social capital which pose as civil society but fall short of equalitarian and civic virtues engrained into the classical definition of civil society as presented in works of de Tocqueville (1967), Cohen and Arato (1992), Putnam et al. (1993). Not limited to radical political and ideological extremist groups, such as those advocating the use of violence, or religious organizations marginalizing individual rights and freedoms of selected minority groups, the term “uncivil” society refers to a broader array of movements and groups which may or may not be legally registered as civil society organizations (CSOs)<sup>27</sup> but which openly claim to represent civic values.

Unlike traditional CSOs, promoting non-violence, tolerance, equality and humanitarianism (Keane 1998), “uncivil” groups prioritize a variety of goals, ranging from financial profit to ethnic self-identification, and deploy various non-civic means to achieve these ends. These groups are not necessarily illegal and many of these movements, such as ultra-radical Orthodox religious groups in Georgia, are registered as active civil society organizations. In contrast to NGOs, “uncivil” elements of civil society often emerge on the basis of informal institutions or semi-formal grassroots movements. Many of these groups continue functioning as informal associations and never become formalized. Others assume formal roles and become part of formal civil society. Nonetheless, the former and the latter continue functioning as marginal organizations, advocating inequality, relying on violence and engaging in corrupt and uncivil practices. In addition, we describe as “uncivil” those NGOs which exist with the sole purpose of grant-hunting and/or seeking material profits and, therefore, undermining one of the key principles of civil society as a non-profit sector.

The “surrogate” of civil society, borne out of the synthesis of informal institutions with semi-formal grassroots movements, in the case of Georgia includes not only mutual assistance networks but also extremist (religious) groups, corrupt nepotistic networks and other uncivil elements. Low participation in formal civil society and the high reliance on informal institutions, typical for the South Caucasus’s societies, encourages the emergence of “uncivil” society which, in spite of its selective and hierarchical nature, offers its participants more benefits than participation in formal civil association. In order to empirically support these arguments, this paper draws its insights from both close-ended representative surveys and open-ended interview data collected by the authors during fieldwork in Georgia in 2013.<sup>28</sup> The goal of this study is not to explore causal connection, or the lack thereof, between registered participation in civil society and engagement in informal networking. Rather, this paper seeks to draw attention to the crucial, yet often overlooked, impact of informal institutions and “uncivil” groups on formal civil association.

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<sup>27</sup> We approach the topic of civil society with a focus on registered civil society organizations (CSO) and informal and unregistered “civic” groups and movements. We apply the term CSOs – a broader concept than non-governmental organizations (NGOs) – to all legally registered civil associations (Keane 1998).

<sup>28</sup> Firstly, initial empirical support for the arguments raised in this article was found from a series of elite interviews conducted by the authors in Georgia. A total of 24 qualitative open-ended interviews were conducted with CSO officials, experts and representatives of international organizations based in Georgia in 2013. A non-random “snowball” method was used to recruit informants. Interview questions and topics were aimed at learning about the functioning of Georgian civil society and about the role of informal relations in the work of NGOs. Secondly, a wide range of academic studies, mass media reports and reports by international organizations was used to support interview findings and to place them within the relevant context.

## Why the South Caucasus?

The emergence of an independent civil society – synonymous with the classical Western perception of the civil sector as a sphere distinctive from the state and the marketplace (Ehrenberg 1999; Cohen and Arato 1992) – in the former Soviet Union is associated with the fall of state Communism and the independence of the South Caucasus's republics from the USSR. Following the assumption that a robust NGO sector makes for greater democracy (Keane 1998), the development of civil society was heavily prioritized by democratization actors in the region. Today, two-and-a-half decades after the collapse of the Soviet Union, the civil societies of the South Caucasian states have received significant amounts of foreign aid and experienced extensive contacts with their counterparts from both international non-governmental organizations and international governmental organizations such as the US government-run USAID (2009).

Despite all of that, the civil societies of the post-Soviet countries still remain on the margins when it comes to counteracting the state and serving as checks and balances on political elites. The literature on civil society is rife with explanations as to why post-Soviet civil sectors are weak and dysfunctional. Persecution by authoritarian governments (Ambrosio 2010), the lack of a tradition of organized civic association (Nodia 2005), low public interest in civic association (Howard 2003), ineffective management of foreign aid (Green and Kohl 2007) and the persistent legacy of Communist institutions (Aliyev 2015b) are cited as the most prominent causes of the civil sector's weaknesses. Among these, low registered participation in the work of civil society is thus far the most obvious indicator of limited levels of the population's engagement with civil society. As reported by the 2014 Caucasus Barometer survey, conducted by the South Caucasus-based research center CRRC,<sup>29</sup> only two percent of the Georgian public mentioned membership in a CSO. This low membership in formal civil society is coupled with high levels of reliance on informal institutions. According to a survey by the European Bank for Reconstruction and Development (EBRD), over 60 percent of the public in the South Caucasus rely regularly on informal safety nets and the use of informal channel (kinship and friendship) networks in emergency situations is among the highest in the former Soviet Union (CRRC 2013).

Notwithstanding all of the positive aspects and the function of informal structures in the region, investigated in detail by a large and growing body of literature (Babajanian 2008; Aliyev 2014), the negative side of informal interactions and, in particular, its impact on formal civil associations remains underexplored. It has been noted that due to extensive institutional reforms implemented over the past decade, administrative corruption significantly decreased in Georgia (Shelley et al. 2007). The reliance on patronage networks and the importance of informal institutions for rent-seeking and power distribution remain unperturbed in Georgia (Muskhelishvili and Jorjoliani 2009). Informal relations on the job market, in economic production and many other areas of the daily economic and social lives of the population are still very prominent (Aliyev 2014). As suggested by Howard (2003), one of the causes behind the weakness of post-Communist civil society and the reason accounting for low popular participation in CSOs is the prevalence of friendship networks. Howard's hypothesis has been reiterated by other scholars who studied the civil societies of Russia (Rose 1995; Gibson 2001) and the Central Asian republics (Luong Jones 2002; Collins 2006) and even Central European EU states (Böröcz 2000; Grødeland and Aasland 2007).

Nonetheless, nuanced studies into the negative effects of informal institutions on formal civil society, not only in the South Caucasus but also elsewhere, are notable by their absence. Besides, little is known as to how exactly informal institutions influence the performance of CSOs on the ground. Bearing in mind the importance of informal relations in

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<sup>29</sup> Caucasus Research Resource Centers (CRRC), accessible at: <http://crrc.ge>

Georgia and their all-pervading impact on formal institutions, this post-Soviet republic lends itself as an interesting laboratory for research on the relationship between civil society and informal institutions.

Although this study is most of all an empirical examination of the relationship between formal civil society and informal institutions pertinent to area studies, it also pursues broader theoretical goals. In other words, this article seeks to demonstrate that in non-Western contexts, civil association assumes a variety of forms, some of which may fall outside of the classical Western conceptualization of civil society. Besides, civil society irrevocably becomes interrelated with other forms of social capital such as informal networks and similar informal institutions.

### **Informal Networks: On the Impact Course with Civil Society**

This section engages with theoretical literature on informal networking and informal institutions which allows us to place the empirical analysis of the Georgian case study in a broader theoretical and conceptual context. Research on the informal sphere dates back to the inception of the informal sector concept by Keith Hart (1973) in the 1960s. As earlier studies had primarily focused on the negative aspects of informal economic activities in developing countries (Bromley and Gerry 1979), more recent research on informality began treating informal relations as need-based coping mechanisms employed by populations to counterbalance the inability of the state to provide basic services to the population (Castells and Portes 1987). Following the pioneering research on informal political institutions by O'Donnell (1994) and Helmke and Levitsky (2004), the initial focus on informal economy, dominant in most early studies on the informal sector, began incorporating informal political structures. The concept of informal institutions has found solid application in political economy (North 1990), developmental studies (de Soto 1989) and political philosophy. As the research on micro-level aspects of informal relations in sociopolitical and socioeconomic spheres began spreading, scholars of informality increased their analytical focus on micro units of analysis such as networks.

Although the study of informal networks was well grounded in sociology (Granovetter 1973) and social anthropology (Boeke 1953), it was introduced into mainstream research on informality through studies by Lomnitz (1988), Mizstal (2002) and others (Mead 2009). Still shunned in institutional economics, networks, nonetheless, were deployed as primary units of analysis in research on informal political and social institutions by a voluminous body of literature (Putnam 2003; Helmke and Levitsky 2004). Despite a range of studies exploring the role of informal networks in civil association in developing countries (Castells and Portes 1987; Gerxhani 2004), the relationship between the informal sphere and civil society is still analyzed through the prism of corruption and nepotism studies. Indeed, the intimate interaction between informal structures and corruption has been at the heart of attention for numerous research works on the organizational dynamics of NGOs in the developing world (Cooley and Ron 2002; Smith 2010; de Sousa et al. 2012).

Yet, due to a number of region-specific characteristics, the contentious relationship between formal civil society and the informal sphere acquires a slightly different shape in the context of the former Soviet Union. To start with, it has been well documented that unlike in other developing regions of the world, informality is both endemic and omnipresent in post-Communist countries (Smith 2002; Morris and Polese 2014). It has also been argued that the reliance on informal networks and institutions in the daily life of post-Soviet societies is more important for the population than in other parts of the world (Round and Williams 2010). Research on the informal relations of former Soviet states began sprawling soon after the collapse of state Communism.

Among others, studies by Ledeneva (1998), Rose (1995) and Polese (2008) highlighted the essential nature of informality in post-Soviet societies. The key argument in the research on post-Soviet informal institutions evolves

around the assumption that informality became entrenched in Eastern European and Central Asian societies due to shortages in the Soviet command economy and the all-encompassing infiltration of the Communist state into the private and public spheres of the USSR (Ledeneva 1998). As the bulk of social and associational life was forced underground, informal networks thrived all across the Soviet Empire (ibid).

The notoriously widespread Soviet-Russian informal practice of *blat*, labelled by Ledeneva (1998) as the “economy of favors” and based on reciprocal exchanges of economic favors, was at the core of informal networking in both the Soviet and (for the most part of) the post-Communist periods. In Russia, as well as in other Soviet (and post-Soviet) republics, *blat*-practices existed upon an ensemble of informal relations sustained through networks. Empirically, *blat* has been compared and contrasted with similar practices around the world such as the Chinese *quanxi*, the Arab *wasta* and the Brazilian *jeitinho* (Amado and Brasil 1991; Cunningham and Sarayrah 1993; Yang 1994). One of the main conclusions of these studies was that informal practices differ among each other not in their functions, but in their spread and importance for the population (Smith 2002). It is with the regard to their scope and presence that post-Soviet informal institutions, including *blat*, surpass their counterparts from other regions of the world.

Since no systematic statistical data has ever been available to researchers of post-Soviet informality, estimating the exact spread of informal relations among post-Soviet societies remains in the domain of speculations. Nevertheless, as found in EBRD surveys (2011), the daily reliance on informal payments and gifts among post-Communist citizens hardly matches the data from other developing countries (WVS 2014).<sup>30</sup> More nuanced studies revealed that not only is informality widespread in post-Communist spaces, but the use of informal channels is also more common among post-Soviet citizens as compared to people from other (Central European and Yugoslav) former Communist states (Rose 1995; Smith 2002).

With the above in mind, the impact of the informal sphere on civil association in the former Soviet Union is also instrumental due to the particularly close synthesis between formal and informal associational life. Although informal structures, such as kinship groups, clans and communal associations have always been a part of traditional forms of civic association in many developing regions of the world (Lewis 2002), the interference of the Communist state into the private lives of its citizens under the Soviet rule has left a fairly unique imprint on formal-informal interaction in the post-Soviet region. The history of intermarriage between formal and informal civil associations, along with the history of informality in the region, dates back to the Soviet period and is closely associated with the emergence of informal dissident groups known as *neformaly* (informals) in the late Soviet period (1960-80s). *Neformaly* – represented by underground circles of intelligentsia, artistic clubs or simply groups of colleagues and friends sharing similar interests – were a surrogate form of civil association free from the all-pervading eyes of the Communist Party.

In the post-Communist period, the appearance of the NGO sector was accompanied by a flourishing of informal forms of civil association represented by grassroots activism of all sorts, informal political campaigns and interest groups (Howard 2003). Across the Caucasus, informal civil association was traditionally engraved into the social structure of local communities which sought to merge indigenous social capital with formal civic association. For example, similar to some Central Asian republics (Collins 2006), indigenous civic association in Azerbaijan was traditionally confined to local communities, *mahallas*, which function as informal centers of social life (Habibov 2012). In Chechnya, Ingushetia and other traditionally clan-organized North Caucasian groups, indigenous civic association was centered on extended clans (*tukhums*) (Souleimanov and Aliyev 2014). In other non-clan centered societies in the North Caucasus, such as Dagestan and Kabardino-Balkaria, as well as among the South Caucasus’s Georgians and

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<sup>30</sup> The WVS survey found that less than 1 percent of respondents in Georgia and around 1.5 percent in Armenia admitted being members of civil society organizations. In contrast, membership in CSOs in the US was reported at around 27 percent and over 20 percent of survey respondents in New Zealand and Austria were active members of CSOs.

Armenians, traditional patriarchal extended families and kinship groups were primary centers of informal civic association.

The bulk of activities within these traditional informal forms of civic association engaged in community assistance, mutual help and in the development of reciprocal social safety nets. With the emergence of formal civil society, these informal civic structures often continued functioning alongside NGOs and, at times, were integrated into formal civil society (Babajanian 2008; Habibov 2012). This symbiotic relationship between formal and informal civil society is mutually reinforcing and is commonly perceived as positive. Previous studies have confirmed that the population's reliance on, for instance, kinship networks does not negatively affect the performance of formal civil society (Aliyev 2014). The positive side of formal-informal relations has previously been examined by the literature on social capital in the South Caucasus (Ishkanian 2008; Habibov 2012) which reveals that extensive human capital embodied in informal structures can both cooperate with and contribute to the work of civil society.

### **What is “Uncivil” Society?**

There is, however, also a “darker” side to the formal-informal relations in the region. While a plethora of patronage and nepotism and other forms of corrupt networks, proficient in post-Soviet societies, undoubtedly pervades the working of formal civil society (Aliyev 2015b), most of these structures – for their own benefit – choose to remain informal and do not seek the status of civil society. Apart from these elements, there is also a growing number of semi-formal and informal structures which, for various reasons, seek formalization and legalization under the all-encompassing term of civil society. Bearing in mind that unlike those CSOs that are internationally recognized either as service-delivery or advocacy groups, these “shadowy” groups, generalized by Kopecký (2003: 10) as “anti-liberal and antidemocratic,” are referred to here under the collective term of “uncivil” society. In Azerbaijan:

Some of the more radical Islamist groups are often presenting themselves as NGOs. When they get persecuted [by the state] ... they claim that they do civil work. In reality, though they try to recruit more people and advance their ideas, some of which are against [secular] values.<sup>31</sup>

This type of uncivil groups has been described by Collins (2007) in her study on religious organizations in Azerbaijan as well as in more general terms portrayed by Swietochowski (2002). In Georgia, ultra-radical Orthodox groups have been similarly seeking to formalize their activities by either presenting their organizations as civil society groups or by assuming a broader status of popular grassroots movements.<sup>32</sup>

In the context of the South Caucasus, “uncivil” society extends well beyond anti-democratic or non-egalitarian movements and groups. Instead, the term “uncivil” society covers a wide array of groups which simply seek to act against and beyond the core principles of civil society: non-violence, equality, tolerance and all-inclusion. These principles are engendered in the distribution of public goods provided by civil society to all social groups within the population regardless of their political, religious or ethnic association. In that respect, “uncivil” society differs from the region's widespread government-organized non-governmental organizations (GONGOs) because, unlike GONGOs – many of which only differ from independent civil society due to their sources of funding and political affiliation – “uncivil” society makes little efforts to resemble NGOs either in their organizational structure or operational methods.

Another important caveat in the distinctions between civil and “uncivil” groups is that the latter exist on the margin between formal and informal spheres. Some “uncivil” groups may actually be registered as NGOs, others may use the

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<sup>31</sup> Authors' interview with a civil society activist, Baku, September 27, 2013.

<sup>32</sup> Authors' interview with a member of an advocacy CSO, Tbilisi, August 23, 2013.

term without having legal registration and yet many more may simply identify themselves as civil movements or popular associations. These murky characteristics of “uncivil” society are directly related to its informal roots. Indeed, typical for the South Caucasus’s societies, methods of informal networking – embodied in the reliance on kinship, peer-groups and vertical patronage networks – lie at the core of “uncivil” groups. Informal relations guide these groups’ operational methods and recruitment patterns.<sup>33</sup>

It is crucial to distinguish the above detailed representatives of “uncivil” society from both radical (right- or left-wing) political parties and terrorist or criminal groups which also often become incorporated into the definition of “uncivil” society (Kopecký and Mudde 2003). The key definitive characteristic of “uncivil” groups – described in this article under the term “uncivil” society – is not only their radical stance vis-à-vis the state or liberal values, but their willingness to assume the shape of civil society. Having employed the rhetoric of civil society, and often received a legal status of CSOs, such groups are poised to take full advantage of being a part of civil society. Unlike political parties or movements and violent groups (such as skinhead gangs) or mafia, “uncivil” organizations struggle to legitimize and popularize themselves in the eyes of the public.

Apart from radical, extremist and other ideology-based elements composing “uncivil” society in the region, there are also numerous informal cliques which seek to acquire the status of an NGO in order to gain access to grants and other sources of funding available to CSOs. As mentioned by an NGO official from Tbilisi:<sup>34</sup>

That is why [we] have a high number of registered NGOs. It means that if I call you tomorrow and say that there is a big opportunity to get some funding we go and create some NGO. There is even a saying that “is your NGO still registered?” because [if] there is a call [for grants] that maybe we can use your NGO.

As confirmed by informants from within the Georgian NGO sector, many of such grant-hunting CSOs disappear soon after they achieve (or fail) their goals of securing grant money. People at the core of these fake NGOs may use their networks and connections to once again form a similar organization when an opportunity arises. These “uncivil” groups are hijacking the status of CSOs primarily for profit-seeking and unlike radical-extremist elements of “uncivil” society are largely disinterested in ideological issues.

Unlike such informal institutions as kinship networks and informal mutual-assistance networks, “uncivil” society does little to positively affect the development of independent civil society in Georgia. To start with, subversive activities of “uncivil” groups presenting themselves as CSOs tarnish the image of civil society both for the state and for the public. With regard to the state-society relations, state actors, particularly in the context of the developing world, are rarely willing to distinguish among various types of CSOs in order to draw clear-cut parallels between civil and “uncivil” organizations. As long as a group poses as part of civil society, especially as concerns registered CSOs, the state applies a one-size-fits-all strategy in dealing with civil society. Talking about radical religious CSOs in Georgia, a representative of Georgian civil society observed that:

For instance, in Georgia we have these religion-tradition based communities which now create CSOs. They came out of the informal world and entered the formal world. This is a challenge because they are self-organized and you cannot prohibit ... [registration] or create some artificial barriers. At the same time, the government might consider creating these kinds of barriers and justifying the erecting of

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<sup>33</sup> Authors’ interviews with a number of civil society activists in Tbilisi, August-September, 2013.

<sup>34</sup> Authors’ interview with a scholar and NGO official at Ilia State University, Tbilisi, September 10, 2013.



these barriers based on these examples, saying look what disastrous organizations are coming out and now we have to scrutinize the mechanisms of legalizing the NGOs.<sup>35</sup>

This example shows that having had negative experience with radical and extremist groups, masked under the term of civil society, the state might potentially employ additional deterrents for the establishment and registration of CSOs in its future practice with civil society.

The empirical objective of this article is not only to map the characteristics of “uncivil” society but also to examine its impact, or the lack thereof, on formal civil society. To that end, the following section offers an analysis of the uneasy relationship between civil and “uncivil” societies as well as of informal relations within formal civil society.

### **Impact of the Informal Sphere on Formal Civil Society**

This section will attempt to find out how informal practices influence participation in formal civil society organizations. One of the main problems facing not only Georgian but generally post-Soviet civil society organizations is the low public awareness about the activities of CSOs and the low level of public participation in the activities of CSOs which is linked to the prevalence of informal practices in society.

According to Paturyan and Gergyan (2014), low levels of trust and public participation have been present in all South Caucasian states since the collapse of the Soviet Union. The World Values Survey that was conducted in 1996 in Georgia and in 1997 in Azerbaijan and Armenia illustrated a very low rate of participation in voluntary associations. In Georgia, only 2 percent of respondents reported being a member of an art, music or educational organization and for other types of organizations, membership was even lower.

The low figure of citizen engagement has remained unchanged in Georgia for the last two decades. The World Values Survey conducted in 2008 shows that only 0.4 percent of Georgians were members of a charitable or humanitarian organization. The civic engagement survey conducted in 2011 found that only 4.5 percent of the Georgian population has attended a meeting organized by an NGO, 3.5 percent have participated in a training sponsored by an NGO, 2.2 percent have paid a visit to the office of the NGO and 5.9 percent have been addressed by representatives of NGOs. As for membership, only 1 percent of the population was a member of an officially registered NGO or a professional union. Along with low membership rates, trust towards NGOs is similarly low. Only 18 percent of the population trusts NGOs and nearly a quarter of the population (23 percent) declares that they do not trust them (Hough 2011).

The low level of volunteerism was illustrated by the Caucasus Barometer survey which showed that only 20 percent of Georgians aged 18-35 years volunteered in 2013 (USAID 2014). According to Lortkipanidze and Pataraiia (2014), CSOs in Georgia, and especially the ones operating in the regions, do not have sufficient human resources. Every fourth organization has no volunteers and almost every third has no trainers.

The poor representation of CSOs in the media is one of the reasons for the low public awareness about their activities. Although CSOs were in the center of media attention in 2014, especially with regard to local government elections, national discussions about surveillance policies and the alarming increase in gender-based violence, representatives of only some NGOs were regularly addressed by journalists. This does not contribute to raising awareness about the diverse activities of CSOs in the country. According to G-PAC’s Civic Engagement Study Report of 2014, 52 percent of respondents were unable to name a single CSO (USAID 2014).

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<sup>35</sup> Authors’ interview with a scholar and NGO official at Ilia State University, Tbilisi, September 10, 2013.

According to experts, another reason for the growing detachment between CSOs and society is the gap between those issues that people identify as most problematic and the issues that CSOs discuss on air. CSO representatives are usually asked to express their opinions on high-profile topics and policy issues, not on the day-to-day needs of various communities (USAID 2014). G-PAC's 2011 survey on civic engagement in Georgia showed that most of the respondents think that NGOs are not addressing the most important issues. In their opinion, poverty, unemployment and social assistance were the most pressing issues facing the country while NGOs are working mainly on the issues related to elections and human rights (Hough 2011).

The donor dependency of CSOs is yet another factor contributing to the detachment of these organizations from the overall population of the country. Since local funding is scarce for CSOs and business entities refrain from funding civil activities in Georgia (Freedom House 2012), foreign donors are the dominant source of funding for CSOs and civil society organizations often try to adapt and meet the program priorities of donors for securing donor support, even if in some cases it takes departing from the mission of the organization (Ademi and Hadjievska 2015). Many CSOs have to move around different sectors and fields of expertise in order to be able to fit donor agendas which makes constituency-building very problematic (USAID 2014).

The low public participation in the civil society activities of post-Soviet states has been attributed by some authors to the distrust towards voluntary organizations stemming from the Communist past, preventing citizens from organizing in associations during the transition period (Lutsevych, 2013). Howard (2002) has the same position regarding the role of the Soviet legacy in the current problems faced by post-Soviet CSOs. According to him, the Communist regime not only repressed independent non-state activities but subverted these activities and forced the majority of their citizens to join mandatory, state-controlled organizations. Even though some Soviet citizens did join these organizations voluntarily, today a large part of the population in post-Soviet states has mistrust towards CSOs because of the negative experiences they had with state-run organizations during the Soviet Union. This is negatively reflected on organizational membership and trust towards post-Soviet CSOs (Howard).

According to Orysia Lutsevych, the Soviet Union left behind flourishing corruption, informal networks and disengaged citizens who had no will to participate in public initiatives. Citizens are reluctant to engage in public initiatives and collective action. They view private connections and links to kinship networks as more useful for achieving their goals (Lutsevych 2013).

The importance of private networks has its roots in the Soviet past. Due to the highly politicized public sphere, close circles of friends and family were the only places where people could express themselves. Apart from this, in a shortage economy with limited goods to buy, connections played an essential role as a survival strategy. The importance of the private sphere and networks has not diminished throughout the last two decades. Unlike Western societies, where voluntary organizations play a central role in social and political life, people are reluctant to join civil society organizations in post-Communist societies, rather focusing on their own private circles (Howard 2002).

After the Rose Revolution, a number of institutional reforms implemented by Mikheil Saakashvili's government contributed to achieving a certain degree of decentralization and the modernization of formal institutions of the country, undermining the importance of informality (Aliyev 2015). After these reforms, the overall importance of informal practices decreased when dealing with the state bureaucracy, the education system, healthcare, law enforcement and some other areas. However, the reliance on informal practices has not completely disappeared and is still used as coping mechanisms and social safety nets. As recorded by the EBRD survey in 2011, over 60 percent of the population of the country relies on private social safety nets. Similarly, the Caucasus Barometer 2011 survey on volunteerism and civic participation shows that in the case of emergency, 95 percent of respondents would

address their families rather than NGOs, state agencies or local governments. Nearly one third of respondents still rely on connections when looking for jobs and about 10 percent use personal informal practices to access services related to healthcare and education (Aliyev 2014). Moreover, 47 percent of Georgian citizens say that having connections is the most important factor in getting a job. This contrasts with 22 percent who think that education is the main factor (Lutsevych 2013).

In Georgia, in-group social networks are strong within which people demonstrate extensive solidarity but Georgians are rarely willing to formalize and institutionalize these collaborations. Thus, Georgia exhibits high degrees of bonding social capital and of trust and collaboration within tightly-knit groups. However, bridging the social capital that is needed to facilitate a more systematic cooperation between people representing different groups is still low. The prevalence of in-group social networks explains the low levels of membership in formalized associations. Instead of collaborative associations, Georgians prioritize close networks of family which leads to the lack of motivation to institutionalize informal practices and relations into formal institutions and associations (Caucasus Research Resource Centers 2011).

The survey on civic engagement in Georgia conducted by G-PAC in 2011 shows that most Georgians think that family comes first to help them in times of trouble. Hough (2011) thinks that the unquestioned norms of altruism within the family create some kind of informal insurance which can substitute for engagement with NGOs. Based on the answers of the majority of respondents that they would rely on their family in a time of crisis and only a small minority considering addressing an NGO for aid, she makes an argument that strong family and informal bonds in Georgia prevent engagement with the formal NGO sector. Responding to the question of why they are not interested in joining a civil society organization, 37 percent of respondents said that they preferred to take care of their own family affairs.

Scholars working on informality do not usually identify only the negative side of informal practices. Informal networks provide post-Soviet citizens with different public goods such as assistance with unemployment, communal services and access to healthcare. In other words, informal networks may function as social safety nets assisting the population in times of financial difficulties and emergencies. However, on the other hand, public goods that are provided by informal institutions are usually distributed unequally. Whether or not one gets public goods depends on his or her kinship ties, ethnicity, social standing or position in a society (Aliyev 2014).

As with Georgian society in general, civil society activists also function as a certain in-group of individuals who are well connected to each other but are quite distanced from other groups of society. According to Lutsevych (2013), evidence suggests that in Georgia, Moldova and Ukraine a rather elitist civil society sector has emerged. CSO leaders perceive citizens as their 'target audience' or as beneficiaries of their services. Only 27 percent of surveyed by her described their organizations as an association of citizens. She thinks that activists of CSOs in these countries are much more efficient in networking with Western embassies and different state agencies than engaging with citizens. Nodia (2005) also characterizes Georgian civil society as elitist where mainly relatively young and well-educated city citizens are involved. The majority of developed organizations are located in the capital and civil activity remains less developed outside of Tbilisi.

Grødeland and Aasland (2011) researched how informal networks are used by CSO activists in post-Communist Europe. According to them, CSO activists first of all are citizens of the societies in which they live and operate and, therefore, their mindset and behavior is influenced by the same norms that impact behavior of the public at large. They work in a highly competitive environment since they often have to compete with each other over limited foreign funds. CSO representatives say that they depend on contacts in terms of obtaining needed information, lobbying issues or bypassing bureaucracy in state institutions.

It is a widespread practice among Georgian NGOs as well to use informal networks and rely on patron-client relations when dealing with donors to secure funding for their activities. Personal connections, contacts or kinship ties are broadly used within the CSO sector of the country. Relying on private networks when dealing with state officials, collaborating with other CSOs, obtaining funding from donors and receiving donations from philanthropists is seen by CSO activists as a necessary tool for the normal functioning of their organizations. Over 80 percent of representatives of CSOs interviewed in Georgia said that their organizations rely on informal networking when dealing with government officials. Despite the fact that anti-corruption reforms implemented in Georgia after 2003 have weakened the culture of bribery in formal institutions, the use of informal networks in the daily activities of NGOs still appears quite widespread (Aliyev 2015). The use of informal networks is seen by CSO activists as a survival strategy in a competitive environment, assisting CSOs to function properly despite a lack of funding and human resources.

Even though the presence of informal networks is sometimes perceived as a positive phenomenon in transitional societies due to their ability to serve as coping mechanisms and provide their members with the public goods that the state or NGOs are not able to provide, informal networks play a negative role in terms of preventing the ‘bridging’ or transferring of social capital from the private into the public spheres and giving the shape of formal institutions to informal practices and relations. There is an overall consensus among scholars that the presence of strong in-group networks does not reflect positively on the development of a civil society (Aliyev 2014).

Interviews conducted by the authors with experts, policy-makers and civil society activists of Azerbaijan and Georgia in July-September 2013 show that the existence of strong kinship ties is seen by some interviewees as contributing to the development of formal institutions since, due to well-developed ‘bonding’ social capital, the chances of people reaching those outside their kinship groups for the sake of the realization of common interests and objectives increases. The heavy reliance on kinship networks, however, was identified by the majority of respondents as an obstacle for volunteerism and active participation in formal civil society organizations. Over 80 percent of informants think that strong kinship networks negatively affect volunteerism and the membership of CSOs (Aliyev 2014).

The importance of informal networks for the population at large and for the everyday activities of CSOs negatively reflects on the participation and membership of these organizations. Due to a high popular reliance on informal networks, people have less motivation to engage in the activities of formal civil society organizations. Membership of informal institutions is viewed as more beneficial than of formal civil society organizations. Therefore, the prevalence of the informal sphere constitutes an obstacle for the emergence of open formal civil society organizations that are based on an association of citizens. Furthermore, the existence of strong informal networks makes it problematic to transfer a strong ‘bonding’ capital into ‘bridging’ by linking different in-groups of people to each other for achieving common goals. However, despite all of these negative sides, informal mutual-assistance networks may have a positive impact as well on the development of post-Soviet CSOs since it provides them with an opportunity to survive in a highly competitive environment.

### **Impact of “Uncivil Society” on Formal Civil Society**

Low civil participation in the activities of formal civil society in combination with a high level of reliance on informal practices leads to the formation of “uncivil” society elements which have a detrimental effect on formal CSOs. Although the prevalence of informal practices and networks creates a fertile soil for the emergence of the “uncivil” elements of CSOs, we are not arguing that the reliance on informal practices and networks makes CSOs “uncivil.” There are informal movements and initiatives led by activists that are not “uncivil.” In most cases, they do not have officially registered organizations or offices and operate through social media and networking to organize future

events, protests and spread and sign petitions. The primary examples of this are green movements and environmentalist groups such as ‘Guerilla Gardening,’ ‘Green Fist’ and ‘Tbilisi Hamqar,’ uniting volunteer activists around a certain cause: the preservation of cultural heritage and the environment. Environmental activists have been regularly organizing protest movements to criticize the ‘Panorama Tbilisi’ project, a multi-functional complex in the old part of the city which, according to protest participants, threatens to destroy Old Tbilisi’s authenticity.<sup>36</sup> As shown by this example, the reliance on informal practices is not enough for an organization to be understood as “uncivil.” In the case of “uncivil” CSOs, a combination of several factors is present: a heavy reliance on informal networking in parallel with propagating illiberal values.

Civil society organizations and radical extremist groups of “uncivil society” pursue different goals and use different means for achieving their aims. In 2013, Georgian CSOs managed to initiate discussions on attempts to discriminate followers of non-major religions and, as a result, religious tolerance became a widely discussed topic in the public. CSO representatives were the first to draw attention to the issue of the protection of minority rights (Lortkipanidze, Pataraiia 2014). In 2014, they actively rallied against manifestations of discrimination, hate speech and hate crimes. CSOs were at the center of media attention regarding national discussions about surveillance policies and the alarming increase of gender-based violence (USAID 2014).

In contrast, radical groups presenting themselves as part of civil society have illiberal extremist agendas and aggressive means for the realization of their goals. Nodia (2005) thinks that radical Orthodox organizations are examples of illiberal “uncivil” society in Georgia. Organizations like the ‘Orthodox Parents Union’ and the ‘Union of Orthodox Parishes’ propagate anti-liberal, nationalistic and radical religious values (Freedom House 2010). They claim that their main aim is to protect Eastern Orthodox values from the negative influence of Western liberalism. Some radical groups have been involved in violent attacks against religious minorities, civil society, the media and the political opposition (Freedom House 2008).

In May 2011, members of the newly-created ‘People’s Orthodox Christian Movement’ attacked a peaceful demonstration against intolerance. Several days later, representatives of the same organization assaulted journalists of one of the Georgian TV channels where the incident was being discussed (Freedom House 2011). Extremist religious organizations were active participants of one of the largest demonstrations held in Georgia in 2011 to protest against the law on religious minorities’ legal status (Civil Georgia 2011) that would enable religious groups to register as legal entities, solving the problem of the undefined status of religious minorities in Georgia (Freedom House 2012). In May 2014, radical religious organizations were protesting against an anti-discrimination law that included sexual orientation and gender identity among the banned grounds for bias (Freedom House 2015).

“Uncivil” organizations negatively impact formal CSOs by representing themselves as similar to formal civil society organizations, associating them to their illiberal agenda. Georgian media refers to all CSOs as NGOs or human rights defenders regardless of their institutional record and activities. The views of groups with extremist political and religious positions are often reported as the views of CSOs or human rights defenders, further blurring the concept of CSOs among the public (USAID 2014). This has a negative effect on how CSOs are perceived by the public and the government of the country. One illustrative example was offered by an NGO official:<sup>37</sup>

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<sup>36</sup> Tamar Svanidze, *Georgia Today*, “Massive Protest Continues Against Panorama Tbilisi Construction”, February 29, 2016, <http://georgiatoday.ge/news/3116/Tbilisi-Residents-Protest-Ivanishvili%E2%80%99s-Panorama-Project-%5BPhotos%5D>

<sup>37</sup> Authors’ interview with the head of an independent NGO, Tbilisi, September 08, 2013.

Some leaders of radical [civil] groups insist that they are true members of civil society because they represent national values and traditions, unlike pro-Western NGOs which, they say, are just “puppets” of foreign regimes that do not care about the people. There are frequent efforts made by religious and conservative CSOs to badmouth other NGOs, particularly those which criticize their activities.

In the context of the low public awareness about civil society organizations, ambiguous media reporting about the activities of civil and “uncivil” society makes it even more difficult for the population to distinguish one from another and strengthens the negative image of civil society organizations. Thus, if in the case of informal networks and practices it is possible to mark some positive effects on the formal civil association together with many negative ones, in terms of the darker side of the informal sphere, “uncivil” society and its impact on the CSO development process in Georgia is largely negative.

## **Summary and Recommendations**

This article has sought to examine the role of informal structures within the Georgian civil sector with an empirical focus on the “uncivil” elements within the NGO sector such as radical or controversial groups engaged in activities contradicting the key principles of civil society. Bearing in mind the lack of clarity among the population as to what civil society is, the borderline between civil and “uncivil” functions of CSOs becomes indistinguishable. As a consequence, informal relations within the NGO sector seem to dominate formal frameworks. This merger between civil and “uncivil” societies and the de-formalization of the civil sector is a phenomenon not endemic to post-Soviet Georgia. Rather, similar processes might be expected to exist in many other post-Communist countries. The case study of Georgian civil society – described in this study – provides an initial framework for the further study of informal relations within post-Communist civil societies. These findings lend preliminary support to the assumption that “uncivil” society manifests itself within the post-Soviet civil sectors. Although we do not exclude the possibility of the endogeneity of our argument and that informal CSOs exist because formal CSOs fail to address the public’s needs and because there is Soviet-era tradition of informality in society, it is evident that informal and “uncivil” structures also have a negative effect on the workings of formal civil society.

This study offers two recommendations for future policy and research. Firstly, bearing in mind the existence of “uncivil” CSOs in the South Caucasus, it is imperative for foreign donors to take into account not only the formal objectives and mission of partner NGOs but also their methods of operation and their reliance on informal channels in their day-to-day work. Although we found no evidence of foreign donors financing “uncivil” organizations, the lack of clear-cut distinctions may cause confusion on the part of foreign donors, particularly those funding agencies that are either new to the region or are operating from outside of the former Soviet Union. Secondly, as informal relations remain firmly rooted across the former Soviet Union, it is crucial to distinguish between the negative sides of informality – such as the transformation of civil society into the “uncivil” one – and its positive effects. Following these recommendations could lead to more effective interventions in the promotion of democracy in this region.

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# Assessment of the Role of Civil Society Organizations in Georgia

Tamar Khidasheli<sup>38</sup>

## Abstract

Generally there are two conflicting opinions regarding the civil society in Georgia. On the one hand, it is often considered as weak with a significantly low level of organization and a low impact on society. On the other hand, it is often argued that Georgia has a vibrant civil society able to mobilize public opinion and instigate institutional reforms. The impact of civil society organizations has been different at different periods of transformation of the country. However, as a general observation, one could conclude that the influence of the civil society has always been inversely proportional of the strength of the authorities. This paper will analyze the state of CSOs before and after the Rose Revolution in 2003 in the context of better understanding political and development processes in the country.

**Keywords:** Georgia, civil society, CSOs, Rose Revolution

## Introduction

Generally, there are two conflicting opinions regarding civil society in Georgia. One would say it is weak with a significantly low level of organization and a low impact on society while others will argue that Georgia has a vibrant civil society able to mobilize public opinion and instigate institutional reforms.

Before assessing the role of a particular actor in transformation processes, one should be clear about the definitions from the very outset. The purpose of this paper will be to evaluate the role, if any, that Georgian civil society has played in institutional reforms in Georgia. While under the generally agreed definition civil society encompasses wide segments of society “outside of the family, the state and the market which is created by individual and collective actions, organizations and institutions to advance their shared interests” for deeply rooted social-economic and historic reasons, this notion has been mainly confined to civil society organizations (CSOs) in Georgia.<sup>39</sup>Therefore, this paper will not have the ambition of analyzing the impact of civil society in general but, rather, focus on the role of CSOs in the process of the country’s democratic transformation. However, to the extent relevant and for the sake of a better understanding of the role of CSOs, the author will look at the contribution of other actors (e.g., political parties, media) in the process of democratic transformation.

The research will briefly analyze the state of CSOs before the Rose Revolution in 2003 only in the context of better understanding the political and development processes at that time. In this respect, the first section will focus on a brief characterization of civil society in the country and a short summary of the development of CSOs. Afterwards, an analysis of the political and transformation processes from the Rose Revolution in 2003 leading to the period of a change in leadership until present day will follow. In this context, the working environment in which CSOs were operating from the Rose Revolution to the 2012 Parliamentary elections and afterwards will be examined. This section will also look at the relationship between the authorities and CSOs as the extent of the interaction with the leadership defines the level of impact that CSOs could make on development processes. These sections will assess the significance of the role that CSOs played in institutional reforms. An analysis of both strengths and weaknesses will sum up the paper.

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<sup>38</sup> Human Rights Expert.

<sup>39</sup> CIVICUS definition of civil society, CIVICUS Civil Society Index Analytical Report for Georgia, 2010, p. 16.

## Methodology

Desk research and in-depth interviews with civil society representatives have served as important sources for this paper. Analytical articles assessing the role, importance, sustainability and development of civil society organizations, accessible in open sources, have also been widely utilized by the author.

In order to have an insider's view of the role of CSOs in the institutional reform process, interviews with civil society representatives were conducted as a part of the research process. A specially prepared questionnaire sought answers to the following questions: Is the working environment in which CSOs have to operate conducive to their operation? Does the attitude of authorities change with the changes in the country's leadership? What are the forms of cooperation with the authorities? What are the spheres where cooperation has been the most successful and the least successful? What is the impact of donors on CSOs and the democratization processes in Georgia? The author thanks those civil society organization leaders who devoted their time to the difficult task of assessing their role in the country's transformational processes.

The overall assessments and conclusions of the paper belong to the author and she is solely responsible for any bias or errors herein.

## Civil Society Organizations in Georgia

Some of those interviewed suggest that the phases of CSO development coincide with the dynamics of state development as the institutional environment offered by the political system largely influences civil society organizations in Georgia. Among the majority of those interviewed, a consensus was reached that the dynamics of CSO development could be divided into three phases: 1. From 1992 to 2003 (from the birth of civil society organizations until the Rose Revolution where CSOs played a significant role), 2. From 2003 to the change of the authorities through the elections in 2012 (the period when the United National Movement was in power) and 3. From 2012 (when the Georgian Dream coalition won the Parliamentary elections and formed the new government) until today.

The dynamics of the interaction of CSOs with the public and the authorities in each of the given time periods are changeable and can be divided into sub-phases. Each period is discussed below for a better assessing of the role of civil society in Georgia's processes of transformation.

## Early Stage of CSO Development

Some authors suggest that the origins of civil society in Georgia date back to the middle of the 19<sup>th</sup> century. Civil society gained its force in the short period of the existence of the independent Georgian Republic in 1918-1921.<sup>40</sup> However, the emergence of *modern day* civil society is closely linked to the years following the collapse of the Soviet totalitarian regime and Georgia's declaration of independence.<sup>41</sup> This period coincides with the interest in Georgia expressed by the United States and European countries. Their interest in promoting civil society and, accordingly, liberal and democratic values in Georgia matched the aspirations of a handful of activists and liberals who, for their part, gained access to new resources and initiatives.<sup>42</sup> Therefore, the shape of civil society largely depended on the development of an institutional environment that Western donor and international non-governmental organizations created for the administration of international aid.<sup>43</sup> This aid, channelled to Georgia through the work of the first donor organizations which were established either as local representations of international foundations or opened

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<sup>40</sup> G. Nodia, *Civil Society Development in Georgia: Achievements and Challenges*, Policy Paper, Tbilisi, 2005.

<sup>41</sup> Civil Society Briefs: Georgia by the Asian Development Bank. Available at: <https://www.adb.org/publications/civil-society-briefs-georgia>

<sup>42</sup> Supra, footnote 2, p. 14.

<sup>43</sup> M. Saldadze, *Collective Interaction and Non-State Institutions between "Public" and "Private" – Civil Society in the South Caucasus* (available only in Georgian).

their branches,<sup>44</sup> contributed to the multiplication or the so-called “mushroomization” of CSOs. The number of active CSOs, often referred to as non-governmental organizations (NGOs) in Georgia, reached approximately 1,500 in 1999 as a result of donor funding.<sup>45</sup> However, the heavy dependence on the actions and policies of donors has frequently been cited as one of the weaknesses of civil society organizations from the very beginning.

Civicus’ Civil Society Index Analytical Report for Georgia distinguishes three phases<sup>46</sup> that Georgian civil society organizations underwent before the Rose Revolution (from 1992 to 2003):

1. Birth and early “childhood” – 1992 to 1995 when Georgian civil society was too young and unorganized to play a significant role in public life.
2. The “oasis” years, from 1995 to 1999, when there was a boom, both quantitatively and qualitatively, of CSOs which were strong and organized by that time and started to make for “some headaches” vis-à-vis the authorities.
3. The “independence period” of the third sector – 1999 to 2003 leading to the peaceful revolution.

The last period of CSO development is the focus of our attention for the significant role that CSOs played in the change of authorities in the country. This will be discussed in the sub-section below.

## **Role of CSOs in the Rose Revolution**

There is a report which describes Georgia, in the period a year before the Rose Revolution in 2003, as “a country plagued by corruption and economic stagnation.”<sup>47</sup> In this period when the popularity of Eduard Shevardnadze’s corrupted government started to fall drastically, in contrast, the credibility of civil society organizations started to grow. According to the 2003 NGO Sustainability Index for Central and Eastern Europe and Eurasia: “[In 2002,] NGOs demonstrated a growing capacity to rapidly disseminate information, form coalitions and take public positions. They began to discover their strength as they successfully united to protect freedom of expression, promote decentralization or demand government transparency and access to public information.”<sup>48</sup>

Stronger civil society organizations, whose “public faces” accumulated some degree of moral capital in society, started to irritate the government with their activeness. The major issues discussed by advocacy NGOs included the issues of widespread corruption and injustice. The government, which at an earlier stage ignored this sector, launched a negative campaign against civil society actors using the pro-governmental media and so-called GONGOs as its response to accusations voiced by CSOs.<sup>49</sup> The term “grant-eaters” takes its origin from this period. The USAID Report views the government’s pressure as a direct result of the increasing strength and outspokenness of CSOs to which the sector responded by forming coalitions and joint advocacy plans.<sup>50</sup>

Civil society organizations were particularly active in demanding fundamental changes for preventing electoral fraud in the run-up to the 2003 Parliamentary elections. In order to facilitate coordinated actions, the Civil Society Georgia Foundation set up a Coordination Council with the aim of mobilizing resources to secure fair elections. Several fundamental proposals prepared by CSOs were put forward, including the assistance of reputable international

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<sup>44</sup> Eurasia Partnership Foundation (opened in 1992 and financed by the US government), Open Society – Georgia Foundation (a private foundation often called the Soros Foundation, opened in 1994) and ISAR-Georgia (opened in 1994).

<sup>45</sup> NGO Sustainability Index, 1999. Available at: [http://csogeorgia.org/uploads/developmentTrends/2/sustainability\\_index-1999.pdf](http://csogeorgia.org/uploads/developmentTrends/2/sustainability_index-1999.pdf)

<sup>46</sup> Sub-phases for our research, see p. 3.

<sup>47</sup> 2002 NGO Sustainability Index for Central and Eastern Europe and Eurasia, p. 74. Available at: [http://pdf.usaid.gov/pdf\\_docs/Pnacw200.pdf](http://pdf.usaid.gov/pdf_docs/Pnacw200.pdf)

<sup>48</sup> 2003 NGO Sustainability Index for Central and Eastern Europe and Eurasia, p. 80. Available at: [http://pdf.usaid.gov/pdf\\_docs/Pnacy893.pdf](http://pdf.usaid.gov/pdf_docs/Pnacy893.pdf)

<sup>49</sup> The term widely used to describe non-governmental organizations established by governmental actors either to confront independent CSOs or participate in particular grant programs.

<sup>50</sup> Supra, see footnote 11, p. 75.

organizations for the improvement of the voters list. However, as the authorities did not meet CSO proposals with enthusiasm, a decision to focus on a “very aggressive monitoring” of the elections was made instead.<sup>51</sup>

In November 2003, continuous peaceful public protests and demonstrations resulted in President Shevardnadze’s resignation. Because of its peaceful and at the same time unconstitutional nature, this change of power was called the “Rose Revolution.” In response to the question of whether or not CSOs played a significant role in the Rose Revolution, all of those interviewed answered positively. According to the respondents, there were two major roles played by civil society organizations therein:

- CSOs played a significant role in discrediting and delegitimizing Shevardnadze’s regime and mobilized moral resources in the hands of the new political elite (the United National Movement). This view is supported by G. Nodia according to whom: “A group of the most active CSOs regularly reacted to the inappropriate actions of the government and promoted the idea that democratic reforms were needed. . . CSOs had a significant influence on the discourse that unspun the Rose Revolution.”<sup>52</sup>
- CSOs were particularly active in mobilizing the public to get out and vote in the 2003 Parliamentary elections. While the major reason for the mobilization of the public was the inability of Shevardnadze’s government to respond to major social and economic needs, the necessity of preventing the government from rigging the elections served as an immediate cause for public mobilization.<sup>53</sup> CSOs were the ones who actually documented and presented major evidence of elections fraud to the Supreme Court of Georgia which subsequently annulled the results of the elections from proportional party lists.

In response to the question of why the government did not manage to silence critical CSOs, most of the respondents replied that it failed for several reasons:

- Weak and corrupted authorities did not enjoy popular public support.
- Civil society organizations, with young, more educated and professional staff, were seen as champions of liberal and democratic values by Western countries and, accordingly, had international support.
- Authorities did not manage to silence the pro-opposition TV channel (Rustavi 2) which voiced alternative views and information. On its part, Rustavi 2 often invited civil society representatives for independent expert opinion.
- Civil society representatives, who targeted the most corrupted areas of public life, were able to articulate their positions professionally and, accordingly, gained recognition in various segments of the public.

## **From Rose Revolution to Prison Scandal (2003-2012) – Ups and Downs in the Interaction with the Authorities**

### *From 2003 to 2006*

Some of those interviewed suggest that civil society considerably weakened in the years following the Rose Revolution. This opinion is generally accepted and shared among experts and the donor community. According to the Asian Development Bank report: “[Civil society] suffered the dual blows of a drain of experienced staff into government positions and a simultaneous shifting of donor priorities and funding, as the latter sought to support the new, reform-minded state. Watchdog and advocacy NGOs, in particular, suffered during this time.” The withdrawal of financial assistance due to the changes in donor priorities had almost irreparable results for Georgian civil society organizations. Many organizations simply ceased functioning due to the lack of human or financial resources.

However, the reasons given above are not exhaustive. The new government, backed up with huge public and international support, did not feel it necessary to listen to those who stayed in the sector as there was a feeling that the authorities had already absorbed a large part of the best human resources available. Some of the representatives of the new government went so far as to express the idea that human rights NGOs should cease their activities (as

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<sup>51</sup> 483 edition, April 18, 2003, *Radio Liberty*. Available at: <http://www.radiotavisupleba.ge/a/1527907.html>

<sup>52</sup> Supra, see footnote 2, p. 16.

<sup>53</sup> Supra, see footnote 2, p. 16.

the government composed of CSO representatives could do it better) and divert their focus to the implementation of social projects.<sup>54</sup>

Most importantly, CSOs as the public in general, become hostage to the positive expectations that they had in the new government. However, in contrast to many expectations, the new authorities prioritized speedy institutional reforms rather than the advancement of democratic institutions. In the first two years after the Rose Revolution, the violation of the procedural rights of those detained in the process of the fight against organized crime and corruption, the massive dismissal of civil servants and pressure on the judiciary were as frequent and evident as in the later period. However, criticism from civil society organizations was very mild or not heard at all. Accordingly, CSO influence on policy formulation and institutional reforms remained extremely weak.

### From 2006 to 2011

The case of Sandro Girgvliani, a young banker who was beaten and left to die in 2006, served as a turning point for Georgian politics. From this point, the irreconcilable differences in the perception of the political reality split Georgian civil society organizations into two camps. One camp believed that the rapid modernization and building of state institutions could have some side effects; namely, that ill-treatment at prisons, the silencing of critical media outlets<sup>55</sup> and the dismissal (although with procedural violations) of corrupted judges and public officials served greater public and state interests. The second camp, mainly composed of advocacy and human rights NGOs, had generally gone back to the regime of confrontation and cooperation with the authorities.

Many would agree that after the violent dispersal of a peaceful demonstration in November 2007, Georgia's development derailed from a democratic path. According to Human Rights Watch, the November 7 violence, when the Special Forces violently dispersed demonstrators and raided the private television station, Imedi, exposed the government's shaky commitment to human rights and the rule of law.<sup>56</sup> From this point, the relationship between the government and civil society organizations belonging to the second camp was at its lowest point since the Rose Revolution in 2003. While at the initial stage there was a space for direct dialogue with the President and the government (although ad hoc and not formalized), all possible formats of cooperation were closed from November 2007. Some examples are as follow:

- Public Monitoring Commissions composed of civil society representatives and created on the President's initiative for the prevention of ill-treatment at penitentiary institutions stopped functioning.<sup>57</sup>
- The authorities failed to take into consideration the appeal of advocacy groups to refrain from banning photo and video recording at courts.<sup>58</sup>
- The call of civil society organizations to investigate high-profile cases of "murders for sport"<sup>59</sup> were ignored and neglected.
- Election monitoring<sup>60</sup> findings were dismissed as ungrounded and biased.
- Obtaining public information from administrative bodies became more complicated than under Shevardnadze's regime.<sup>61</sup>

G. Nodia describes (although mildly) the attitude of the authorities towards civil society representatives in the following terms:

[The government] . . . often repeats the same arguments about the third sector that were used by Shevardnadze's government: that CSOs represent a rather small segment of society and there is no

<sup>54</sup> Interview with Ucha Nanuashvili, Founder of the Georgian NGO, Human Rights Center.

<sup>55</sup> That in the first years of the Rose Revolution was frequently labelled as media self-censorship.

<sup>56</sup> "Georgia: Government Used Excessive Force on Protesters," December 17, 2007, Human Rights Watch. Available at: <https://www.hrw.org/news/2007/12/17/georgia-government-used-excessive-force-protesters>. Last accessed on October 12, 2016.

<sup>57</sup> In December 2007.

<sup>58</sup> "Media Restrictions in Courts Imposed," August 11, 2007. Available at: <http://civil.ge/eng/article.php?id=15593>

<sup>59</sup> Cases of the killing of Zurab Vazagashvili, the so-called "Court Case," the murder of Buta Robakidze, Sandro Girgvliani, etc.

<sup>60</sup> Snap Presidential elections in 2008, Parliamentary elections in March 2008.

<sup>61</sup> *Supra*, see footnote 2, p. 33.

need to take their views into consideration and that CSOs are mainly motivated by the acquisition of grants rather than a genuine commitment to civil society values.<sup>62</sup>

Later on, the argument that CSOs were either representing the interests of the opposition political parties or were traitors of the nation was added to the arsenal.

The relationship between the authorities and CSOs reached its bottom in 2009-2010 when the state-orchestrated campaign against CSOs intensified and took the form of harassment and labelling representatives of CSOs as “working for Russian intelligence” and “traitors of the nation.” In a joint statement issued in January 2010, 18 CSOs condemned the fact that pro-governmental media and political figures from the ruling party used sensitive topics such as the Russia-Georgia war, ethno-territorial conflicts and minorities, etc., to manipulate the public and mislead the people as concerns human rights defenders and their work.<sup>63</sup>

Despite the negative trend in cooperation, the authorities, eager to consolidate their image as a champion of democratic reforms in the region in the eyes of the international community, preferred to create and maintain formal formats of cooperation with civil society representatives. From 2008, these formats took the forms of Inter-Agency Coordination Councils created at the Ministry of Justice. However, participation in the Councils was limited to organizations loyal to the authorities and a handful of critical CSOs. Some of the respondents in this research believe that these formats mainly served as a formality rather than genuine engagement for a number of reasons:

- The majority in the Councils belonged to the representatives of different state agencies with CSOs being a minority.
- The lack of specific knowledge and skills by CSOs to meaningfully engage in reform discussion formats.
- Reluctance of the authorities to address the areas identified as problematic by CSOs.
- Most importantly, the absence of a genuine political will to implement reforms.

One of the trends observed in this period was the formalization of the division of civil society organizations into the two camps as mentioned above. The example that best illustrates the problem within the sector is the creation of two parallel coalitions aiming at enhancing Georgia’s European integration. The Eastern Partnership Civil Society Forum’s Georgian National Platform was founded in November 2010 as a follow up to the 2009 Prague Summit that specifically asked the European Commission to propose modalities for the establishment of a Civil Society Forum of the Eastern Partnership. The Platform was established by 25 CSOs and united around 100 civil society organizations. As the idea for the creation of the National Platforms in each partner country<sup>64</sup> was supported by the European Commission, this underlined its importance in the eyes of the authorities. Accordingly, the government’s interest in the Platform and its future activities was unusually high. While the authorities could not directly interfere in the Platform’s activities, a considerable number of CSOs loyal to the government and hostile to the idea of the Eastern Partnership and the requirements imposed by the EU became its members.<sup>65</sup> The internal disagreement on major issues impeded the Platform’s activities and damaged its unity. In a month’s time after the launch of the EaP National Platform, a new Coalition for a European Georgia was launched by CSOs loyal to the authorities.<sup>66</sup> With the existence of two parallel structures, it became evident that the authorities aimed at artificially creating an alternative civil society for an alternative assessment of the existing reality.<sup>67</sup> However, the intention of the authorities to create an artificial civil society failed. The Coalition for a European Georgia ceased its functioning after the 2012 elections.

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<sup>62</sup> Supra, see footnote 2, p. 32.

<sup>63</sup> “NGOs in Georgia Condemn the Smear Campaign Against Human Rights Defenders in the Country,” January 18, 2010. Available at: <http://humanrightshouse.org/Articles/13107.html>

<sup>64</sup> Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

<sup>65</sup> “Georgian Civil Society Sector is Hopeful of Stephan Fule’s Support,” September 16, 2011, *Rezonansi*. Available at: [http://www.resonancedaily.com/index.php?id\\_rub=2&id\\_artc=7647](http://www.resonancedaily.com/index.php?id_rub=2&id_artc=7647)

<sup>66</sup> “New NGO Coalition for a European Georgia,” December 15, 2010. Available at: <http://www.radiotavisupleba.ge/a/2249119.html>

<sup>67</sup> For comparison, see the assessment of the violent dispersal of May 26, 2011, demonstration by the Coalition for a European Georgia (available at: <http://geonews.ge/geo/news/story/10777-koalicias-evropuli-saqartvelostvis>) and the assessment of the First Working Group of the Eastern Partnership Civil Society Forum (available at: <http://eap-csf.eu/en/news-events/news/statement-of-the-first-working-group-of-the-eap-civil-society-forum-on-events-of-26th-of-may-in-georgia/>).

In this period, representatives of civil society organizations also lacked the most important tool for interaction with the public and the authorities – access to the mainstream media which was under the direct control of the authorities. However, as one positive trend, donors who recognized the gap left by the post-revolution withdrawal of funding for civil society organizations developed substantial programs for advocacy and watchdog organizations.<sup>68</sup>

In response to the question of whether or not CSOs played a significant role in the transformational changes in the given period, the answers of the respondents interviewed for this research mainly agreed that CSOs were not able to influence the political agenda. However, one of the respondents suggested that CSOs played a fundamental role in documenting the cases of grave violations of human rights – the violent dispersals of peaceful demonstrations on November 7, 2007, June 15, 2009 and May 26, 2011; the unlawful killings by state actors in several notorious cases, the cases of the illegal confiscation of property, fraud and the usage of administrative resources in elections. In addition, CSOs developed significant evidence-based recommendations in the field of state procurement, elections, media freedom and the judiciary.

Accordingly, taking into account the combination of the abovementioned factors, the influence of civil society on policy formulation and implementation in the given period remained relatively weak and was limited to the documentation of gross human rights violations and the formulation of recommendations that later on served as a basis for policy change with the change in leadership.

### 2011-2012

By 2011, when Georgian billionaire Bidzina Ivanishvili announced his intention to enter politics, the opposition was fragmented and without effective leadership. In a situation where the government almost cleaned out the political field and silenced any critically-minded broadcast and print media, civil society organizations were the only actors able to oppose the government. According to one of the respondents in this research, civil society became a subsidiary infrastructure for political parties which did not have enough resources to shape the political agenda.

The creation of a credible and well-financed political alternative under the leadership of Bidzina Ivanishvili radically changed the political landscape in the country. The authorities were quick to strip Mr. Ivanishvili of his Georgian citizenship, introduce stringent party financing regulations that significantly increased the discretionary power of the State Audit Office, banned donations from legal entities and imposed disproportionate fines and restrictions on companies and individuals with declared political and electoral goals.

The radically changed political landscape gave new impetus to the activities of civil society organizations. According to the 2012 CSO Sustainability Index for Central and Eastern Europe and Eurasia, while the CSO advocacy capacity remained unchanged overall, “the political competition that manifested throughout the election year created more space for CSOs to raise their concerns, comment on relevant political developments and advocate on major issues.”<sup>69</sup>

Most of the respondents agree that the most successful advocacy campaign which brought tangible results was the CSO campaign entitled This Affects You, Too. The campaign was launched in February 2012 by CSOs and local media organizations to advocate against election-driven amendments to the Law on Political Parties passed in late December 2011. The amendments banned donations from legal entities and imposed disproportionate fines and restrictions on companies and individuals with declared political and electoral goals. CSOs raised concerns that the vague restrictions provided by the law could have had a chilling effect for civil society organizations cooperating with political parties. After a large countrywide advocacy campaign and a petition signed by 170 CSOs and media entities, the Parliament agreed to liberalize the legislation.<sup>70</sup>

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<sup>68</sup> Supra, see footnote 3, p. 1.

<sup>69</sup> 2012 CSO Sustainability Index for Central and Eastern Europe and Eurasia, p. 83. Available at: [https://www.usaid.gov/sites/default/files/documents/1863/2012CSOSI\\_0.pdf](https://www.usaid.gov/sites/default/files/documents/1863/2012CSOSI_0.pdf)

<sup>70</sup> Supra, see footnote 31, p. 83.



Another example of a successful advocacy campaign was launched by the CSO coalition for Media Advocacy established by 11 watchdog and media organizations in 2011. In June 2012, the Coalition convinced the Parliament to adopt the “Must Carry” rule which obligated cable providers to carry all television channels that had news programs for 60 days before the elections. This allowed pro-opposition private channels to increase their penetration into the urban areas being reached by cable networks. The adoption of the amendments to the law was assessed as “a major milestone for CSOs and democracy in Georgia.”<sup>71</sup> While several experts would suggest that these achievements were only possible due to pressure from the international community, CSOs were the ones who managed to convince Georgia’s partners to exert pressure on the authorities.

## **Advocacy Efforts of CSOs under the GD Government – Has the Cooperation Been Smooth?**

### *From 2012 to 2013*

The Parliamentary elections held in October 2012 and the subsequent change of leadership seemed to open up new opportunities for civil society organizations to advance their work for contributing to the establishment of a more democratic and human rights-oriented political system. The Georgian Dream government came to power with a clear message of implementing fundamental changes and showed its willingness to engage civil society organizations in reform processes. Indeed, at the initial stage, interaction with the authorities was frequent and a space for a meaningful dialogue was indeed created. As a result, CSOs managed to lobby successfully for advances related to justice, media, elections and other areas.<sup>72</sup>

The new government sought competent advice and expertise which CSOs readily provided in the form of draft policies and legislation. The intensified meetings of the Inter-Agency Council at the Ministry of Justice serves as an example. The Ministry of Justice sought and received assistance from local CSOs and international organizations for the development and introduction of fundamental amendments to the Law on Legal Aid. The law separated the Legal Aid Service from the Ministry of Penitentiary and Probation following a recommendation which had been rejected by the previous authorities on a number of occasions.

CSOs played a fundamental role in the elaboration of a reform package aiming at enhancing judicial independence (the so-called “first wave” of reform). The recommendations developed by the Georgian Young Lawyers’ Association served as a basis for the draft amendments developed by the Ministry of Justice in 2013.

### *From 2014 up to Present Time*

While the doors of cooperation remained open, the government showed less acceptance to criticism in 2014. The main disparity of visions became clear with the discussion of the draft law on electronic communications. With support from the Open Society Georgia Foundation, the brand campaign entitled This Affects You, Too pushed for a mechanism that would limit the power of the State Security Service to carry out unrestricted surveillance. In return, the Prime Minister publicly accused the CSO coalition of scheming against the government and its institutions.<sup>73</sup>

The same trend prevailed throughout 2015. According to the 2015 CSO Sustainability Index for Central and Eastern Europe and Eurasia: “The government is increasingly open to collaborating with non-state actors, but this rarely translates into tangible results. . . . According to many CSOs, government agencies continue to position themselves as open to partnership on a number of issues on CSOs only to shut down cooperation as soon as CSOs raise serious issues.”<sup>74</sup>

While one would say that it is difficult to assess the extent to which CSO recommendations are considered in policy decisions, there have been success stories, too. In the high-profile case against Rustavi 2, when the city court

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<sup>71</sup>Supra, see footnote 31, p. 83.

<sup>72</sup>2013 CSO Sustainability Index for Central and Eastern Europe and Eurasia, p. 84. Available at: <https://www.usaid.gov/sites/default/files/documents/1863/E%26E%202013%20CSOSI%20Final%2010-29-14.pdf>

<sup>73</sup>2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia, p. 89.

<sup>74</sup>2015 CSO Sustainability Index for Central and Eastern Europe and Eurasia, p. 106. Available at: [https://www.usaid.gov/sites/default/files/documents/1861/Europe\\_Eurasia\\_CSOSIReport\\_2015\\_Update8-29-16.pdf](https://www.usaid.gov/sites/default/files/documents/1861/Europe_Eurasia_CSOSIReport_2015_Update8-29-16.pdf)

ordered a change in the management of Rustavi 2, CSOs and the international community took a strong position. The court later reinstated the management of Rustavi 2.<sup>75</sup> One of the respondents interviewed for this research also indicated a number of cases when CSOs managed to get through important legislative initiatives or made legislators abandon the idea of legislative amendments. For instance, the Ministry of Internal Affairs withdrew a legislative initiative making the insult of religious feelings an administrative offence after strong criticism from civil society organizations and the Ombudsman's Office.<sup>76</sup> Another legislative initiative, withdrawn due to criticism from the civil society sector, concerned the limitations on the right of a person to leave the country.<sup>77</sup> CSOs were also heavily involved in developing the National Human Rights Strategy of Georgia for 2014-2020 which provides numerous mechanisms for CSO engagement in human rights monitoring.

While the CSO campaign, *This Concerns You, Too*, did not manage to convince the Parliament to take its proposals into consideration, the Constitutional Court accepted its arguments and declared the disputed provisions as unconstitutional.<sup>78</sup>

### **Instead of a Conclusion - Strong and Weak Sides of Civil Society Organizations Affecting their Ability to Make Change**

All of the respondents for this research agree that CSOs proved to be consistent advocates of democratic values and human rights in the country. However, as society did not have the practice of a democratic lifestyle, these values were perceived as something imposed from the West and created the impression of elitism – when only a small group of capital-based civil society organizations knew what was best for the public. The failure to provide a platform for wide public participation was seen as a major mistake of the sector. According to one of the leaders of civil society organizations, CSOs struggling for financial sustainability found themselves confined to their projects, leaving aside the idea of the creation of public movements.

Another weakness closely related to the problem above is the dependency on donor funding. Moreover, it affects CSO independence – due to the limited financial resources, CSOs feel ready to adjust their activities to the priorities of donor organizations, even if they are outside of their spheres of competences. This could sometimes reinforce the idea that CSOs are working only for the purposes of securing donor funding.

According to the CSO Sustainability Index Report on Georgia, while CSOs may have limited impact on policy, their coalitions and campaigns do influence public opinion. This ability is directly proportional to access to the media that, in most cases, shapes public discourse. However, as practice shows, the mainstream media is not always accessible or it follows its own political agenda. This once again underlines the constraints of the environment in which CSOs have to work.

The analysis above shows that the impact of civil society organizations has been different at different periods of transformation of the country. However, as a general observation, one could conclude that the influence of civil society has always been inversely proportional to the strength of the authorities. CSOs were vocal and able to influence public opinion at the time when the popularity of Shevardnadze's corrupted government started to fall drastically although they were not able to make any tangible impact on policy discourse in the heyday of Saakashvili's regime. To the contrary, in the latter case, the role of CSOs was limited to documenting the cases of gross human rights violations and the preparation of recommendations and policy papers that saw daylight only in the presence of strong political will. On the other hand, the implementation of reforms based on CSO recommendations by the

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<sup>75</sup>Supra, see footnote 36.

<sup>76</sup>"How the Ministry of Internal Affairs Plans to Protect Religious Feelings," November 1, 2013, *NetGazeti*. Available at: <http://netgazeti.ge/news/26832/>

<sup>77</sup>"Limitations on the Right to Leave the Country will be Reconsidered," September 30, 2013, *Radio Liberty*. Available at: <http://www.radiotavisupleba.ge/a/sakanonmdeblo-cvilebebi/25122114.html>

<sup>78</sup> On April 14, 2016 the Constitutional Court declared the provisions of the Law on Electronic Communication unconstitutional. The decision can be accessed at the website of the Constitutional Court of Georgia at: <http://constcourt.ge/ge/legal-acts/judgments/saqartvelos-saxalxodamcveli-saqartvelos-moqalaaqeebi-giorgi-burdjanadze-lika-sadjaia-giorgi-gociridze-tatia-qinqladze-giorgi-chitidze-lasha-tugushi-zviad-qoridze-aaip-fondi-gia-sazogadoeba-saqartvelo-aaip-saertashoriso-gamchvirvaloba-saqartvelo-aaip-saqar.page>

Georgian Dream government proved the openness of the authorities rather than their weakness. This observation reinforces the idea suggested by one of the respondents for this research that the environment created by the political system affects civil society organizations and not vice versa. However, the success stories discussed above prove that civil society organizations could shape the political agenda when, on the one hand, they manage to involve the wider public (like in the case of the campaign This Affects You, Too) and/or when the interests of different stakeholders, including interested political parties, international stakeholders and media, coincide with each other.

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# The Political Constraints for Civil Service Reform in Georgia: History, Current Affairs, Prospects and Challenges

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## Abstract

This study provides an examination (and an evaluation) of the reforms of the civil service of Georgia since its independence. These developments can be grouped into four distinct periods since the early 1990s. The first one encompasses the time immediately after independence until the adoption of the Law on Civil Service in 1997. The second lasts until the end of the President Shevardnadze's government as a result of the Rose Revolution in November 2003. The third period encompasses the next nine years when President Saakashvili and his United National Movement (UNM) were in charge of the country. The last period starts with the electoral victory of the Georgian Dream (GD) coalition in the parliamentary elections in 2012 when the power changed hands in Georgia through a democratic process for the first time since independence. Although these periods seem to coincide with specific governments, the underlying logic for such a division rests more with the varying trends of civil service developments than with the changes of governments.

**Keywords:** Georgia, civil service, reforms, political constraints

## Introduction

Bureaucracy or civil service is considered one of the most important institutions for the modern state. From the beginning of the 20<sup>th</sup> century onwards when Weber identified the civil service based on a rational-legal model as one of the most telling traits of the modern state, it can be safely said that most scholars and practitioners believe that competent, efficient and effective bureaucracy is key for the successful achievement of the many complex objectives that the modern state is supposed to accomplish. Alongside the glorious civil service as described by Weber, there also existed the sinister portrayal of bureaucracy that was associated with rigidity, red tape, incompetence and corruption. In fact, these are the two ideal extremes and any given civil service fluctuates between them. There seems to be a consensus emerging, however, that given the complex tasks that a modern state has to handle, such as social welfare, international security, law and order, economic development, healthcare, and education, it is bound to have an institutionalized state machinery employing quite a number of civil servants in an attempt to meet these challenges.

This study presents an overview of the reforms of the civil service of Georgia since independence. These developments can be grouped into four distinct periods. The first one encompasses the time immediately after independence until the adoption of the Law on Civil Service in 1997. The second lasts until the end of the President Shevardnadze's government as a result of the Rose Revolution in November 2003. The third period encompasses the next nine years when President Saakashvili and his United National Movement (UNM) was in charge of the country. The last period starts with the electoral victory of the Georgian Dream (GD) coalition in the parliamentary elections in 2012 when the power changed hands through a democratic process for the first time in Georgian history since formally becoming an independent nation in 1992. Although these periods seem to coincide with specific governments, the underlying logic for such a division rests more with the varying trends of civil service developments than with the changes of governments.

In the years immediately following independence, Georgia underwent dramatic changes for the worst. The secessionist armed conflicts in Abkhazia and the Tskhinvali region, alongside with the Civil War that lasted until 1994, saw the country dismembered, its economy in shambles and law and order in complete disarray. In this period, the country could have easily been categorized as a failed state with paramilitary and criminal organizations

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successfully challenging the state's monopoly on the legitimate use of force. Thus, it is not surprising that the civil service was affected very negatively by these developments; salaries plummeted, corruption surged, any rational procedure for career advancement was undermined and services provided to citizens became scarce and highly corrupt. At times, it was just as if the civil service functioned only to solicit bribes from the population and make use of their position to access some of the still remaining public goods.

After the adoption of the 1995 constitution, the situation stabilized, criminal and paramilitary organizations were pushed back and the state assumed control. This control, however, was far from comprehensive and failed to improve the lives of citizens in a significant manner. Nonetheless, the state now had the time and some resources to devote attention to the civil service. In 1997, the Parliament adopted the Law on Civil Service that tried to put the existing practice in a formal legal framework.

After the Rose Revolution, the new revolutionary government took on public administration reform very seriously and with considerable zeal. The government realized that it was the public sector where they could make substantial and visible gains to build on their public standing and create an efficient modern state. It can be safely said that it was only after 2003 that modern state-building took place in the country. Although the ruling party and its leadership firmly believed that the civil service needed a major overhaul, they were divided between competing models for the bureaucracy: those in the executive heavily favoured the New Public Management (NPM) while those in the parliament wanted a Weberian-style career-based civil service to be established. By the end of 2007, it became clear that the NPM supporters won as the new Civil Service Code proposed by the incumbent party members in the Parliament did not go through. The proposed bill aimed at creating a career-based civil service but was defeated after the executive branch exerted the necessary pressure. Thus, the United National Movement, despite many transformational changes that they instituted in the country, was not able to modernize the civil service legislation and continued to operate in the general framework of the 1997 law. Still, this period marked a dramatic improvement in all aspects of governance and economy, duly confirmed by the rising country ratings as expressed in various indices. The most significant progress was made in fighting corruption where most of the government's efforts were concentrated.

Following the 2012 elections which brought the Georgian Dream coalition to power, there seems to be a dramatic swing towards reshaping the civil service to Weberian ideals. In 2015, the Parliament adopted a new Law on Civil Service that is to go into effect in 2017. Thus, it took 20 years to replace the first code despite a myriad of changes which the civil service experienced in practice over these decades. The new law provides a general framework that is to be supported by numerous decrees and other laws and envisions the creation of a modern, career-based, effective and politically neutral civil service. It seems that some of the reforms instituted by the previous government will stay in place, especially those that have to do with new technologies and personnel appraisals but most of the underlying principles of the bureaucracy's organization will change.

The process of civil service reform is far from over; as of this moment, there are about a dozen normative acts and laws to be adopted before it goes into effect in January 2017. The content of these legal documents will largely determine whether or not it will indeed be possible to create a unified, modern and efficient civil service in Georgia. Moreover, there are several other procedures to be implemented such as certification exams for prospective civil servants before the new law comes into effect. The real impact and success of the reform can only be judged several years later when it can be observed how and which provisions of the code are implemented in practice.

The main task of this study is to analyse the reforms as they were attempted or successfully implemented considering the prevailing political context of the time. Successful reforms or policies in any field require proper design, planning and timing as well as subsequent monitoring and evaluation mechanisms. Given the complexity of such endeavours, it is obvious that reforms may fail or bring only partial results for reasons not related to politics. Thus, even in the presence of a strong political will, a given reform or policy may not deliver as expected because of poor timing, bureaucratic red tape, a lack of flexibility, resources and/or capacity and changing political priorities. Still, it seems that a favourable political context and the willingness of the incumbent to follow through with the announced plan is central to giving the proposed policies a life chance. This paper examines the several sequences

of civil service reform in this context and focuses on the likelihood of the success of the current wave of reforms that started after 2012 and is still ongoing.

## Methodology

To evaluate civil service reform, one has to look at various interrelated indicators such as the retention rate of competent personnel, the eradication of red tape and corruption, and the efficient and effective delivery of services to the public. At the same time, these indicators give only indirect evidence that it was the reform and not other intervening circumstances that brought about the desired change. Nonetheless, this seems to be the best strategy to evaluate the success or failure of the policy. At the same time, civil service reform falls into a wider public administration reform and some of the positive changes in the provision of the public goods could be achieved without the dramatic overhaul of the entire bureaucratic system. Thus, when examining civil service reforms in Georgia, we keep in mind the changes that concerned public administration as a whole.

The main task of the bureaucracy can be defined variously as the efficient provision of public goods or its capability to adequately perform the tasks assigned to them by the politicians who are held accountable to the electorate. Certainly, there is no government that would want to have a civil service incapable of performing the tasks necessary for governance. The governments may differ, however, in choosing the type of civil service to accomplish these goals. Thus, it can be safely said that in the case of Georgia, all of the governments desired to have a civil service that would be an effective, efficient, meritocratic, loyal, capable and respected institution. They did differ in prioritizing the aspects of bureaucracy that they deemed more important. Nonetheless, the values of bureaucracy as described above were considered by all to be desirable albeit in varying sequences. Some of them were more effective in achieving the improvement of civil service quality than others. This paper examines the political constraints that the incumbents were facing to produce the desired type of bureaucracy in the past while more thoroughly examining the prospects of civil service reforms that are underway at the present. In order to evaluate the achievements or failures of proposed policies or foregone initiatives, we have used two complementary approaches. The first approach was to analyse the opinions and assessment of the developments provided by the major stakeholders that actively participated in the drafting of the civil service legislation and reform process in general. We have used numerous secondary sources to evaluate the attitudes of the stakeholders in the previous waves of reform and conducted several in-depth interviews with the current stakeholders from various branches of the government, civil servants and representatives of political parties, international and local non-governmental organizations who were and are directly involved in the process. There are several studies available on the ongoing reform and we have used them extensively as well where relevant.

To complement this approach, a set of available indicators was selected to assess whether or not the implemented reforms brought meaningful advances in terms of improving good governance in the country. For this purpose and in line with the existing research on the topic, we will use a set of the World Bank's Worldwide Governance Indicators (WGI) that addresses the issue at hand. There are six indicators in the dataset covering 215 countries and territories from 1996 to 2014. Four of these indicators seem more relevant for assessing the general impact of public administration and civil service reform in particular. These are:<sup>80</sup>

- **Government Effectiveness** described as *perceptions of the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies*
- **Regulatory Quality** described as *perceptions of the ability of the government to formulate and implement sound policies and regulations that permit and promote private sector development*
- **Rule of Law** described as *perceptions of the extent to which agents have confidence in and abide by the rules of society and, in particular, the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence*

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<sup>80</sup> World Governance Indicators, <http://info.worldbank.org/governance/wgi/index.aspx#doc>. Last accessed on August 30, 2016.

- **Control of Corruption** described as *perceptions of the extent to which public power is exercised for private gain, including both petty and grand forms of corruption, as well as "capture" of the state by elites and private interests*

These indicators are measured on a scale from -2.5 to +2.5 where lower numbers denote negative performance (e.g., low Government Effectiveness) and higher values indicate more positive performance (e.g., strong Rule of Law). For the purposes of this research, we have standardized the index to a 100-point scale. The WGI also measure the percentile rank of a country in a given year so we will be using this measurement to make sure that the improvement or deterioration in the index is not explained by the overall trend. Unfortunately, these indicators are available only from 1996 and there is no other relevant measurement that we could use to assess the state of Georgia's civil service in the years preceding the date. Some researchers use International Country Risk Guide (ICRG) measurement components but their data do not cover Georgia. So, we will take the year 1996 as the starting point despite the obvious fact that it may not describe the real state of affairs in the country in the previous years. That is because the year 1996 is the year when Georgia more or less stabilized with the active phases of separatist conflicts and the Civil War being over. Thus, the indicators in 1996 do not come close to describing what Georgia's Government Effectiveness was like in the first years of independence. We can safely assume, however, that it was in a much worse state than in 1996.

The effective and respected civil service is a *sine qua non* for the proper functioning of the modern state. If the state machinery is not able to perform as needed, then corruption spreads to the whole of society, economic growth is hindered and general welfare deteriorates. Thus, it should be on all governments' agenda to have a well-functioning bureaucracy lest the country fall into the abyss of poverty and chaos. However, as many scholars, and Douglas C. North earlier than most, have correctly pointed out that weak and inefficient states abound in the international arena, it seems that the *survival of the fittest* does not really apply to governments and states in the past decades.<sup>81</sup> The logic at work here variously described by North, Olson, Fukuyama, Acemoglu and others duly notes the survival imperative of the ruler.<sup>82</sup> The latter faces a difficult choice between maintaining the hold on power while delivering growth. If the growth is not controlled then the wealth spreads and challengers to their rule multiply. On the other hand, if the growth is controlled then initiatives and innovations are stifled. Consequently, long-term growth is not possible. Thus, when the ruler can make a choice between staying in power or growth, he will choose to stay in power and forego growth opportunities. This logic explains why inefficient and weak states are so widespread. Only in extraordinary circumstances when the state faces an existential external threat will the ruler make the risky choice and opt for the policies that will let the benefits of economic growth go to the wider public. At times, however, the survival of the ruler directly depends on viable and widely spread economic growth. This situation arises in a democracy where the effective electorate of the ruler is so wide that the dominant strategy for him becomes the provision of public goods instead of relying on the provision of private goods and benefits to his small circle of supporters.<sup>83</sup> Additionally, there is a chance for an authoritarian ruler as well to pursue efficient policies when he does not feel challenged by political competition. In this case, the ruler supports independent initiatives in the short term as long as he remains immune from potential challengers. In the longer term, however, the spread of wealth will create potential independent power centres and the ruler will revert to conservative policies, thus, stifling growth.

Discussing the political constraints for civil service reform, we take into account this framework and apply it to specific policies that aim at making the public administration, in general, and civil service, specifically, more efficient and effective. Accordingly, we expect that the successive governments in Georgia attempted meaningful reforms in the civil service when these reforms supported the regime's survival or did not affect this objective adversely. Thus, as expected from 1992 to 2016, the policies aimed at meaningful reforms were more an exception than the rule. Throughout this period, Georgia remained a partly free state according to Freedom House's Gastil index that ranks

<sup>81</sup> Douglass C. North, *Structure and Change in Economic History*, W.W. Norton and Company, 1981, p. 22.

<sup>82</sup> Douglass C. North, *Institutions, Institutional Change and Economic Performance*, Cambridge University Press, 2008, p. 16; Mancur Olson, "Dictatorship, Democracy, and Development" in *American Political Science Review*, Vol. 87, No.3, September 1993, pp. 567-576; Francis Fukuyama, *The Origins of the Political Order*, Farrar, Straus and Giroux, 2012, p. 452-453; Daron Acemoglu and James A. Robinson, *Why Nations Fail*, Crown Business, 2012, pp. 73-87.

<sup>83</sup> Bruce Bueno de Mesquita et al, *The Logic of Political Survival*, The MIT Press, 2005, pp. 100-103.



countries based on civil and political liberties.<sup>84</sup> Although the same organization classified Georgia as an electoral democracy for almost half of the examined period, it never included the nation into the free country category.<sup>85</sup> Consequently, the democratic process in Georgia was never enough for the rulers to make choices that would regularly favour the provision of public goods over private goods most of the time; the opposite was usually the case. We divide the public administration and civil service reforms in Georgia into five distinct periods. The first starts at independence and ends in 1997 with the adoption of the Civil Service Code. The next period ends in 2003 with the Rose Revolution. The third period ends in 2007 marking the first wave of reforms by the revolutionary government. The fourth period lasts until 2012 when the Georgian Dream (GD) coalition assumed power as a result of legislative elections in October of the same year. Currently, we are in the middle of the fifth period of the reforms that is marked by the adoption of the new Law on Civil Service replacing the old one after a full 20 years. Each period will be examined and the effects of the reforms will be assessed using the four most relevant WGI indicators as described above. In each period, the major reforms and/or policies will be described. As more data become available, the reforms shall also be evaluated based on stakeholder interviews, statements and/or reports, government, international development agencies and NGO publications, and published academic papers on the subject. To assess the impact of the reforms in each period, we will use the selected indicators from the WGI index. Thus, for the first period we will use the data from 1996, for the second period correspondingly the year 2002 will be used, the third and fourth periods will be assessed correspondingly in 2007 and 2011, and for the fifth period of reforms we will use the latest data available from the dataset – 2014. It was decided to evaluate the reforms initiated under the UNM government twice because many observers note two distinct periods of reforms corresponding to the years we have chosen. In the first period, the government was more proactive while in the second, the momentum of change slowed considerably.

We use the definitions of public governance systems provided by the Organization for Economic Co-operation and Development (OECD) to discern the type of civil service creation aimed at by the adopted legislation and implemented policies in Georgia. The OECD defines the traditional or Weberian public administration as input-based where the state plays a major role, efficiency is provided by the bureaucratic hierarchy and the reform is aimed at stabilizing the civil service through meritocratic recruitment and career advancement. In this type of civil service, the formalization of processes and input management is paramount. The other alternative, already mentioned above, the NPM system, is more results-based and output oriented, the role of the state is circumscribed to provide an enabling environment and a significant amount of services is allocated to the free market.<sup>86</sup> The direction of particular reforms as expressed in legislation or policies enacted shall be assessed by examining the effects on the following major components of the civil service:

- **Recruitment and Dismissal** – a key component that determines the firing and hiring procedures. In the traditional model, one would expect stringent procedures and regulations, generally, recruitment by open competition based on clear and ideally uniform criteria through institutionalized mechanisms. Sometimes, the selection for the service save the entry-level positions is limited to the already available pool of civil servants that are either already employed by the state or are on the reserve list. Dismissal procedures are also clear and detailed circumscribing the discretionary power of those in charge. The NPM model would opt for more flexible regulations including the options for direct appointment and in the case of open competition, recruitment will not be limited to entry-level positions. Dismissal procedures would also be more flexible and offer more discretionary power to those in charge.
- **Remuneration and Benefits** – in a Weberian model the aim would be to have uniform and transparent salary scales, bonuses and fringe benefits closely tied to position, rank and years served. This would allow for the

<sup>84</sup> Freedom House – *Freedom in the World Comparative and Historical Data*, [https://freedomhouse.org/sites/default/files/Country%20Ratings%20and%20Status%2C%201973-2016%20%28FINAL%29\\_0.xlsx](https://freedomhouse.org/sites/default/files/Country%20Ratings%20and%20Status%2C%201973-2016%20%28FINAL%29_0.xlsx). Last accessed on August 31, 2016.

<sup>85</sup> Freedom House – *Electoral Democracy Data*, <https://freedomhouse.org/sites/default/files/Electoral%20Democracy%20Table%2C%20%27%27Yes-No%27%27%20list%2C%20FIW%201989-2016.xlsx>. Last accessed on August 31, 2016.

<sup>86</sup> OECD – *OECD Sourcebook: Donor Approaches to Governance Assessments*, 2009, pp. 13-14. <http://capacity4dev.ec.europa.eu/governance/document/donor-approaches-governance-assessments-2009-sourcebook>. Last accessed on August 31, 2016.

easier mobility of public employees between various government agencies. In the NPM system, salaries, bonuses and benefits would vary from one government agency to another to allow greater flexibility in attracting competent professionals.

- **Career Growth and Performance Measurement Mechanisms** – In a traditional model, we would find clearly delineated job descriptions and regular performance measurement mechanisms that would be attuned to reward the fulfilment of one's duties as described in respective job descriptions. It would also be expected that long service would be rewarded with career advancement. Likewise, there would be a clear and detailed list describing various grades of misconduct and underperformance in performing duties with applicable measures of punishment. In the NPM, career advancement would not be dependent on the longevity of service. It would be dependent on performance but measurement mechanisms would concentrate on deliverables rather than on the proper adherence to procedures and regulations as in the traditional model.
- **Corruption Control Mechanisms** – In this case, the mechanisms in both models could be similar. It can be suspected that managers would have more discretion under the NPM model to address suspected corrupt behaviour.
- **Overall Policy Development** – In the traditional model, it would be expected to have some agency responsible for the overall development, monitoring and managing of the civil service. In the NPM model, the process may be much more decentralized reflecting the flexibility of the system.

At the same time, it should be taken into account that these models describe the ideal aspirations of the Weberian and NPM systems. In practice, as we shall see shortly, the legislation and the policies may fall short of these principles.

To highlight the progress Georgia has made towards building an effective state machinery, seven countries were selected for comparison. These are: Azerbaijan, Armenia, Belarus, Belgium, Lithuania, Moldova and Slovakia. All of the selected countries have a more or less comparable territorial size and population to that of Georgia. All of them except Belgium were once part of the Socialist Bloc. Belgium was chosen because of the comparable population size and as a model example describing an average performer from Western well-established democracies. Slovakia serves as an example of a country that although part of the Socialist Bloc was never a part of the USSR. Armenia, Azerbaijan, Belarus, Moldova and Lithuania are all former republics of the Soviet Union. Belarus and Azerbaijan are autocracies throughout the examined period, Armenia oscillated between being autocratic and a hybrid regime, Moldova was either a democracy or a hybrid regime and Lithuania was democratic throughout the period described along with Slovakia and Belgium. Azerbaijan, Armenia and Moldova suffered from violent conflicts just like Georgia did. At the same time, the intensity of the conflict in terms of violent deaths and the displacement of people was more severe in Armenia and Azerbaijan, followed by Georgia, while Moldova suffered the least of the four. Comparing the effects of civil service development in Georgia as expressed by the WGI indices on the performance of the selected countries allows us to make informed guesses about the relevance of the impact of the reforms instituted discounting the set of alternative explanations. For example, it could be expected that more democratic countries would do better than autocratic ones over the long term and the countries rife with internal violence would do worse, especially, shortly after or during the conflicts. Similarly, Slovakia might have performed better than the countries that were part of the USSR.

## Analysis of the Main Findings and Discussion

Being one of the 15 republics of the Soviet Union, Georgia inherited a bureaucracy that would easily qualify as inadequate for the task of functioning in the realm of an independent nation; not only most of the political decisions were made in the Kremlin during the existence of the Soviet Union but most of the processes that related to the fulfilment of these decisions were crafted centrally in Moscow, the capital of the USSR. Moreover, the Soviet bureaucracy embodied everything that could go wrong with the civil service – it was overstaffed, inefficient, corrupt and incompetent. The only task that this bureaucracy fulfilled more or less adequately during the late 1980s just

before the dissolution of the Union was making sure that formal adherence to Communist ideology was not challenged openly by the public.<sup>87</sup> Thus, the Soviet bureaucracy would easily fall into the category of the civil service that Juan Linz and Alfred Stepan call incapable of fulfilling any meaningful tasks under democratic government.<sup>88</sup> We would only add that this bureaucracy would not be in any way useful to any state, be it democratic or not, that aimed at achieving a measure of economic development as well. Apparently, this was realized by the Gorbachev team that embarked on *perestroika* that aimed at overhauling the whole political and economic system of the Soviet Union in an attempt to make the state more competitive and efficient in the long term. It is certainly true that the main objective of the reform was modifying the vices of the planned economy by introducing private property and, consequently, new incentives for innovative approaches, but there were additional processes that were also put into motion. One of them was introducing the ideas of *glasnost*, the concept that can be loosely translated as transparency, where citizens were encouraged to speak freely about the ills of the system without the fear of being persecuted. That initiative was eagerly taken up by most of the population and, among other issues, the evils of Soviet bureaucracy were exposed at their fullest. The result of these reformist moves was not a successful reform but the dissolution of the Soviet state, the fall of Communist regimes in Central and Eastern Europe and the emergence of newly independent states in the former Soviet space. These states, more so than their formerly socialist counterparts in Eastern Europe, inherited a state machinery that was not adequate for the tasks ahead.

## First Years of Independence

In fact, effective bureaucracy was only one among the myriad of existential problems Georgia faced immediately after regaining independence in 1992. The official dissolution of the USSR was announced just when Georgia was embroiled in a Civil War that was to last for several years. The country also inherited ethnic tensions in two autonomous regions that soon escalated into full-scale conflict ending in the effective separation of significant parts of these regions from the rest of the country, largely due to Russian intervention on behalf of the secessionist forces. These developments adversely affected every aspect of political and social life in the country. Following the armed rebellion against President Gamsakhurdia, who was democratically elected a year before, a military junta took power. Facing international isolation, the junta decided to call for the Former Soviet Minister, Eduard Shevardnadze, to head the nation. Shevardnadze, erstwhile head of the Georgian Soviet Republic, accepted the offer and immediately started to give the regime some semblance of civility. Elections were held in 1992 and it was made sure that all political forces were represented in the Parliament except, obviously, the former President's supporters who were waging the Civil War against the government in charge. At times, the government in Tbilisi had effective control only over the half of the country. The Ajara Autonomous Republic, headed by Aslan Abashidze, remained de facto out of central control and remained so until 2004 when the UNM government managed to oust the Abashidze government through peaceful demonstrations and mounting international pressure. The political, economic and social environment in these years was deteriorating at an astounding pace. Various paramilitary and criminal organizations effectively challenged state power effectively subordinating police and other law enforcing institutions. In 1992-1994, the government could hardly provide any security to its citizens, not only in the regions but in the capital as well. The level of economic depression was unparalleled. According to the European Bank for Reconstruction and Development (EBRD), Georgia's economy in Real GDP in 1994 was 25% of what it had been prior to the breakup of the USSR in 1989.<sup>89</sup> Following the failed attempt on his life shortly after the Constitution was adopted by the Parliament on August 24, 1995, Shevardnadze managed to consolidate power and paramilitary formations were finally disbanded with their leaders arrested for their part in the plot to assassinate him. November elections in the same year affirmed Shevardnadze's leadership which was to last until 2003. It is clear that in this period, the Georgian Government had very little time or capacity to spare for any meaningful civil service reform. The country faced existential threats and, apparently, decisions were largely taken on an ad hoc basis. The civil service and public administration quality, in general, deteriorated further, the population faced food scarcity, severe electricity and heating fuel shortages along

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<sup>87</sup> Miroslav Beblavy, *Management of Civil Service Reform in Central Europe*, 2002; Peteri Gabor (ed.), 2002, *Mastering Decentralization & Public Administration Reforms in Central and Eastern Europe*, LGI, p. 58. Available at SSRN: <http://ssrn.com/abstract=2402676>. Last accessed on August 31, 2016.

<sup>88</sup> Juan Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation*, Johns Hopkins University Press, 1996, p. 11.

<sup>89</sup> EBRD – Transition Report 2012: Integration Across Borders, <http://www.ebrd.com/downloads/research/transition/tr12.pdf>. Last accessed on August 31, 2016.

with a deteriorating security environment. In 1996, some of the most dramatic challenges were overcome as the Civil War ended and the conflicts in the separatist regions entered a frozen state although economic and social security remained largely unchanged. Still, the WGI indicators for 1996 show a more favourable situation than they would have in 1993 or 1994.

**Table 1. Georgia Governance Indicators 1996**

Indicators	Estimate	Rank
Government Effectiveness	36.56	27.8
Regulatory Quality	30.23	18.1
Rule of Law	20.95	8.1
Control of Corruption	22.22	4.9

**Note:** Here and elsewhere unless otherwise noted, *Estimate* denotes the score scaled to 100 and

*Rank* denotes percentile rank among all countries (ranges from 0 [lowest] to 100 [highest] rank). Here and in subsequent tables, the numbers in the second column have been rounded.

The table is based on WGI data.

Still, as one can see from the data above the country entered the 5<sup>th</sup> year of its independence in dismal conditions. Rule of Law and the rate of Corruption, particularly, offer a glimpse about the conditions in which Georgia found itself in 1996. It is no surprise that Government Effectiveness, in general, and Control of Corruption were so abysmally low if one recalls that one of the most easily manageable public service – the customs – was so corrupt that the Shevardnadze government decided to outsource customs control to a foreign company. At the time, the size of the shadow economy in Georgia was one of the highest in the post-Soviet space and amounted to about half of the entire GDP.<sup>90</sup>The salaries in the public sector were several times below those of the private sector and they were well below the subsistence minimum. Only this factor would have sufficed for public servants to be corrupt and ill-qualified. As a consequence, the public revenues were extremely low, falling to 2.3% of the GDP in 1993 and never rising above 10% of the economy; to make things worse, inflation was rampant, reaching almost 16,000% in 1994.<sup>91</sup>As one can see from Table 2 below, all of the countries we have chosen as a comparison are doing much better than Georgia in terms of Government Effectiveness.

**Table 2. Governance Indicators for Selected Countries 1996**

Country	Government Effectiveness		Regulatory Quality		Rule of Law		Control of Corruption	
	Estimate	Rank	Estimate	Rank	Estimate	Rank	Estimate	Rank
ARMENIA	41.8	40.0	43.0	37.7	40.2	34.4	40.5	36.1
AZERBAIJAN	31.2	16.6	28.1	15.2	26.9	12.9	24.9	6.3
BELARUS	41.8	40.0	28.2	15.7	35.4	27.8	31.4	20.0
BELGIUM	86.3	93.2	73.9	86.3	76.2	90.0	76.3	86.3
LITHUANIA	56.4	63.9	73.5	85.8	57.2	60.8	48.8	57.6
MOLDOVA	42.5	41.5	50.4	53.4	46.3	47.4	45.9	50.7
SLOVAK REPUBLIC	61.5	71.2	60.3	66.7	53.1	56.5	57.1	66.3

<sup>90</sup> Christoph H. Stefes, *Understanding Post-Soviet Transitions: Corruption, Collusion and Clientelism*, 2006, Palgrave Macmillan, p. 145.

<sup>91</sup> World Bank in Georgia 1993-2007: Country Assistance Evaluation, pp. 2-4.

<http://siteresources.worldbank.org/EXTCOUASSEVAL/Resources/GeorgiaCAE.pdf>. Last accessed on August 31, 2016.

The table is based on WGI data.

The table above shows that even Armenia and Azerbaijan, which suffered from the bloodiest and longest conflict among the countries, were examined to do better than Georgia in terms of Corruption and the Rule of Law. The other countries including conflict-ridden Moldova have scores that are several times superior to that of Georgia.

## I Period of Reforms

The second period of state building and accompanying reforms starts from 1995 and for the purposes of this article, the most important event is the adoption of the Georgian Civil Code in 1997. It seems that it took full two years for Shevardnadze, since consolidating power as the President of Georgia, to address the issues related to the civil service. At this moment, the Baltic Republics and the newly-democratized countries of Eastern Europe were already experimenting with the New Public Management (NPM) principles in attempts to reform their bureaucracies.<sup>92</sup> These principles became the staple of reforms in the West by the mid 1980s and they were informed by the need to downsize the government, make it more efficient and outsource services to the private sector as much as possible. These trends were very much falling in line with the so-called early Washington Consensus.<sup>93</sup> The examination of the Civil Code adopted in 1997, however, reveals that these trends were not considered by Georgian legislators at the time. Still, the adoption of this legislation is a landmark event because from this point onward, we can follow how the civil service was taking shape in the country.

The 1997 Law on Civil Service was adopted by the Parliament of Georgia in October 1997 and entered into effect on December 1 of the same year.<sup>94</sup> The original version consists of 17 chapters and 136 paragraphs. As the law remains in force until January 1, 2017, it is understandable that 107 changes were made to it in the past two decades.<sup>95</sup> These changes reflect the changing attitude of various governments towards public administration and the civil service. According to the research plan, we shall analyse these developments divided into the periods as described above. Thus, in the second period of civil service reforms the law underwent 25 changes. Most of these changes reflected administrative changes but on occasion modified remuneration and severance packages.

The 1997 law allows for discretionary recruitment practices and leaves the possibility of open competition for bureaucracy positions as largely a voluntary choice for the agency. Dismissal procedures are very general and leave a wide latitude of action for management. Remuneration and benefits are not uniform and do not have to follow a unified standard. They do envision a pay rise with longevity of service. Longevity of service initially affected the size of the severance package and was later amended. Yet another amendment introduced an obligatory retirement age of 65 years for men and 60 years for women. In the initial version, there was no provision for maternity leave but it was introduced later on. Employees are provided with three months of study leave after five years but there was no obligation for the agency or the employee to use this opportunity. In terms of career growth and performance measurement, the law does not establish any regular mechanism against which the employee's work is to be assessed. It does require employees undergo an attestation process every three years. However, this mechanism simply confirms whether or not an employee is fit to continue in the position or not. Only in extraordinary circumstances, such as the abolition of a given agency or restructuring where staff has to be downsized, the management may take the results of the attestation into account. This formulation makes it clear that management

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<sup>92</sup> Miroslav Beblavy, *Management of Civil Service Reform in Central Europe*, 2002; Peteri Gabor (ed.), 2002, *Mastering Decentralization & Public Administration Reforms in Central and Eastern Europe*, LGI, p. 59.

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2402676](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2402676). Last accessed on August 31, 2016.

<sup>93</sup> Pippa Norris, *Making Democratic Governance Work: How Regimes Shape Prosperity, Welfare, and Peace*, Cambridge University Press, 2012, p. 32.

<sup>94</sup> Legislative Herald of Georgia – Law on Civil Service 1997. Original version.

<https://matsne.gov.ge/ka/document/view/28312?publication=0>. Last accessed on August 31, 2016.

<sup>95</sup> Legislative Herald of Georgia – Law on Civil Service 1997. Consolidated version.

<https://matsne.gov.ge/ka/document/view/28312?publication=107>. Last accessed on August 31, 2016.

is free to disregard these results. Disciplinary measures are enumerated but a list of infractions is not present. Anti-corruption mechanisms are reasonably well represented and regulate such issues as accepting gifts, disclosure of financial statements, the temporary ban of employment of the former civil servant in the industry that used to be directly supervised by them when employed in the public sector, etc. The law establishes the Civil Service Bureau to oversee the process of reforms and developments but its role and structure remains thinly defined.

Development of the civil service in practice remained largely stagnant in 1997-2003. The discretionary powers allotted to decision-makers allowed them the freedom of action in hiring and firing, often disregarding obvious conflicts of interest. As a result, the trust towards public institutions remained low, the provision of public goods and services was far from adequate and corrupt practices remained unchallenged. As it was noted earlier, corruption was so rampant that the government decided to outsource customs work to a private, British company in 1999. This particular effort proved to be unsuccessful but governance did not improve significantly elsewhere and tax collection did not reach more than 15%. Electricity and heating fuel shortages remained widespread.<sup>96</sup> The WGI indicators for 2002 show that the situation remained largely unchanged.

**Table 3. Georgia Governance Indicators 2002**

Indicators	Estimate	Rank
Government Effectiveness	32.40	19.51
Regulatory Quality	33.80	20.59
Rule of Law	26.60	12.44
Control of Corruption	27.20	7.32

The table is based on WGI data.

It can be observed that in seven years, there was no meaningful progress made in any of the four dimensions examined. On the contrary, in terms of the Government Effectiveness measure, there is a decline both in absolute and comparative terms. The stagnation in terms of the indices is apparent.

The comparison with our selection demonstrates that Georgia has not made any meaningful gains. The only country that is doing worse is Belarus. Autocratic Azerbaijan scores better in all indicators save for one. All other countries are doing much better; Armenia not a high performer by any measure but ranks several times higher than Georgia.

## II Period of Reforms

Such a dismal performance in a relatively free political and economic environment turned out to be explosive and the Georgian Government could not maintain its hold on power. The contested legislative elections in 2003 transformed into a peaceful revolution that was triggered by widespread ballot stuffing and electoral fraud on a massive scale. This event spurred a wave of coloured revolutions in the former Soviet area. These revolutions had major impact on the whole region but their success was mixed. The Rose Revolution, however, had tremendous consequences for Georgia.

<sup>96</sup> World Bank, Fighting Corruption in Public Services: Chronicling Georgia's Reforms, 2012, p. 45. <http://documents.worldbank.org/curated/en/518301468256183463/Fighting-corruption-in-public-services-chronicling-Georgias-reforms>. Last accessed on August 31, 2016.

The new government set out to make changes at once. The leadership was young and a significant number among them was Western educated. They believed they could deliver immediate results by making the state more efficient. In fact, they turned out to be right as the country had fallen so low that any improvements would be impressive.

The new leadership decided on a frontal assault and did not spend much time on fine-tuning the reforms. They hit the most visible corrupt institutions first, dismissing around 16,000 traffic police overnight. The streets were left unregulated for a couple of weeks but this turned out to be a welcomed development as the traffic police was only engaged in soliciting bribes. Shortly thereafter, a new patrol police was put in charge of traffic regulation composed of new recruits who underwent only a few weeks of training. The duration of the training was gradually increased as the positions slowly became filled. They made sure that the bosses of the organized crime were arrested as well as the most hated oligarchs who were either top officials of the former government or closely tied to them. They raised millions of USD by instituting a plea bargaining system that allowed these oligarchs to buy their freedom. There were reforms in the economic, financial and education sectors that reduced corrupt incentives dramatically. All of these changes were instituted swiftly, decisively and had several traits in common. First, salary raises were combined with extensive oversight and zero tolerance for corruption. Those discovered to be engaged in corrupt behaviour were jailed and shamed publicly, irrespective of their rank or their contribution to the Rose Revolution. Second, most of the government regulations, procedures and taxation were simplified. Third, the government was dramatically downsized. Fourth, the introduction of new technologies reduced the discretion of individual civil servants.<sup>97</sup> In all of these efforts, the government was more outcome than procedure oriented. In most of the cases, the government either stretched the existing law to the limit or neglected the due process altogether. These methods were to have adverse consequences for the development of democracy and government survival in the medium term. For the initial period, however, the results delivered were impressive.

**Table 4. Governance Indicators for Selected Countries  
2002**

Country	Government Effectiveness		Regulatory Quality		Rule of Law		Control of Corruption	
	Estimate 2002	Rank 2002	Estimate 2002	Rank 2002	Estimate 2002	Rank 2002	Estimate 2002	Rank 2002
ARMENIA	46.55	49.76	50.14	53.43	42.41	42.58	37.00	34.15
AZERBAIJAN	31.04	15.12	35.61	24.02	32.94	24.88	28.93	10.73
BELARUS	30.79	14.15	18.41	4.90	24.56	9.09	34.42	28.78
BELGIUM	89.72	96.59	75.58	87.25	76.32	89.00	79.00	91.22
LITHUANIA	60.54	69.76	71.32	82.84	57.07	61.72	50.89	59.51
MOLDOVA	37.82	31.22	41.86	38.73	37.14	32.54	31.09	18.54
SLOVAK REPUBLIC	61.44	72.20	68.84	78.92	54.78	59.33	48.01	55.12

The table is based on WGI data.

<sup>97</sup> Fighting Corruption, pp. 1-11.

**Table 5. Georgia Governance Indicators 2007**

Indicators	Estimate	Rank
Government Effectiveness	52.16	56.31
Regulatory Quality	55.67	60.68
Rule of Law	43.28	45.93
Control of Corruption	45.02	50.97

The table is based on WGI data.

The table above shows that the government made impressive gains in all of the selected areas. The corruption ranking of the country improved six-fold. All of the other indicators also show significant improvements ranging from two to three times the 2002 data. This transformation was not a region-wide trend as the table below demonstrates.

**Table 6. Governance Indicators for Selected Countries 2007**

Country	Government Effectiveness		Regulatory Quality		Rule of Law		Control of Corruption	
	Estimate 2007	Rank 2007	Estimate 2007	Rank 2007	Estimate 2007	Rank 2007	Estimate 2007	Rank 2007
ARMENIA	42.94	44.17	55.37	59.22	40.92	40.67	36.73	29.13
AZERBAIJAN	34.69	23.30	41.18	35.92	34.20	23.92	29.64	12.62
BELARUS	27.48	12.62	21.36	5.83	27.14	11.96	36.37	27.67
BELGIUM	82.21	91.75	78.30	91.26	76.12	89.00	75.94	85.92
LITHUANIA	64.13	74.76	71.71	83.50	63.43	70.81	50.70	58.25
MOLDOVA	33.85	22.33	44.44	43.69	39.49	36.84	37.97	33.01
SLOVAK REPUBLIC	64.89	77.67	70.65	82.52	59.03	63.16	56.08	67.48

The table is based on WGI data.

Georgia is surpassing all countries on the list that are not EU members in all indicators. Moreover, there is no single country on the list that had improved its performance in comparable terms. The reforms that brought such impressive results could not have been done without reforming the civil service and public goods provision. Yet no new law was adopted and the government felt it could do with changing the practice and amending the existing law as necessary. There were 55 amendments made to the law in the period under discussion and most of them weakened the position of civil servants with the aim of facilitating firing and hiring practices, and eliminating various benefits allotted to them in the original version of the legislation.<sup>98</sup> At the same time, the amended law created a new institution – the Civil Service Council (CSC)– in June of 2004. The Council was headed by the President of Georgia and included key government members. The Secretary of the CSC, appointed by the President, was to head the CSB. This decision denotes how important achieving a successful transformation of the bureaucracy was to the government. The ways and means to achieve success were hotly disputed among the members of the government with one faction, led by the State Minister for Reform Coordination, Kakha Bendukidze, favouring the NPM system and the other, mostly comprised by the representatives of the Parliament, headed by Khatuna Gogorishvili, preferring traditional

<sup>98</sup> Legislative Herald of Georgia – Law on Civil Service 1997. Updated version 2007.

<https://matsne.gov.ge/ka/document/view/28312?publication=48>. Last accessed on August 31, 2016.



approaches.<sup>99</sup>Both sides agreed that the existing bureaucracy was not fit to perform the tasks which the government wanted to accomplish. It seems that in the initial phase of reforms, the government was united in the belief that the old, corrupt cadres had to go. The differences started to emerge after the first wave of staff replacement. The NPM proponents believed that government should retain full control of the bureaucracy, keeping the right to appoint and dismiss public employees as needed. The supporters of the traditional Weberian model stressed the importance of the bureaucracy in maintaining institutional knowledge. One of the most fervent advocates of the NPM, the Deputy Minister at the Office of the State Minister for Reform Coordination (OSMR), Vakhtang Lezhava, explained to researchers at the Georgian Institute of Public Affairs in an interview that the contractual and more flexible civil service is optimal for Georgia for five main reasons:<sup>100</sup> First, the professional, Weberian civil service never existed in Georgia and, thus, it would be a taxing effort to create one from scratch, especially given the availability of alternatives like the NPM. Second, it would be impossible to change the staff at a rate required for the reforms. Third, institutionalized civil service would derail ministerial autonomy, thus, powerful ministers would undermine the creation of such a state machinery by stalling, making various loopholes and exceptions, consequently rendering the whole process intractable. Fourth, it is unlikely that the *best* people would want to be in the civil service permanently. Fifth, the autonomy of ministerial discretion in recruiting staff is instrumental in curbing corrupt activities. As corruption is hard to prove, ministerial discretion to fire people suspected of corrupt behaviour is the only way to keep the public administration on the right track. The other faction, however, pointed out the frequent reshuffling of ministers in the government that usually resulted in the replacement of key staff in ministries, thus, compromising institutional knowledge and a sense of stability in the bureaucracy. This in turn would decrease civil service efficiency in the medium term. The government itself was undecided which option to follow and the very creation of the OSMR served as a counterweight to the CSB that favoured the creation of the professional civil service. The NPM supporters were always a dominant faction given their positions in the executive branch of the government but their complete victory over the opposition was finalized in 2007 when the Parliament rejected the Civil Service Code proposed by the advocates of the Weberian civil service on June 18 of the same year.<sup>101</sup> Since then, the CSB also joined the ranks of the NPM supporters and started to concentrate on the issues that stressed efficiency and meritocracy instead of institutional knowledge creation or permanency of the civil service. Thus, the bureaucracy of the revolutionary government which operated in the first four years after 2003 strongly resembled the NPM model. Recruitment and dismissal were totally under the discretion of the heads of agencies and did not take into account the longevity of service or the values of bureaucratic autonomy. Remuneration and bonuses were decentralized and heads of agencies were given a wide latitude in punishing or rewarding their employees as well as in setting the standards of achievement. Career growth was of secondary importance as the government believed in the “revolving door” strategy whereby staff would constantly flow in and out of the civil service. The corruption control mechanisms depended on the ministerial political will and government oversight and so ministers and heads of agencies were personally responsible for any corrupt behaviour in their offices. This mechanism assured that the managers exerted due effort in eliminating corrupt behaviour. The responsibility for an overall strategy formally rested with the CSC and the CSB but the OSMR played an increasingly important part. Generally, each major agency of government was allowed to implement individual policies as they saw fit as long as they delivered the required outcomes.

### III Period of Reforms

In the third period, the reforms started to peter out. The causes for such a development of events were several. The most important of them was undoubtedly the troubled democratization process. Although the government managed to create a viable and efficient state, the incumbent party would take no chances in maintaining the hold to power. Thus, reforms that would ensure a non-partisan character of institutions did not take root. The government’s unwillingness to introduce meaningful reforms in the justice system and state security is a case in point. It seems that reforms under non-democratic premises have a very small chance to proceed in the longer-term. The November events that saw the government use excessive force against a peaceful demonstration created a deadlock that could

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<sup>99</sup> George Welton et al., *The Prospects of Civil Service Reform*, 2007. [http://www.geowel.org/index.php?article\\_id=28&clang=0](http://www.geowel.org/index.php?article_id=28&clang=0). Last accessed on August 31, 2016.

<sup>100</sup> GIPA interview with Vakhtang Lezhava (October, 2007).

<sup>101</sup> Parliament of Georgia – Official Website, <http://info.parliament.ge/file/1/BillReviewContent/119771>. Last accessed on August 31, 2016.

only be resolved by early presidential elections in 2008 which were won, and only barely, by the incumbent United National Movement leader, Mikheil Saakashvili. The election results were hotly contested and international observer missions spotted significant infractions and irregularities on the part of the incumbent.<sup>102</sup> The 2008 August war with Russia did not help and the government routinely started to employ the Russian threat to divert criticism regarding the slow pace of democratic reforms or the autocratic tendencies it increasingly displayed. Still, the UNM managed to keep corruption under control and made some gains in increasing state efficiency. It failed, however, to match the successful state-building process with commensurate progress in building democracy and the rule of law. The table below shows that while the major indicators hold, the pace of progress is not the same.

**Table 7. Georgia Governance Indicators 2011**

Indicators	Estimate	Rank
Government Effectiveness	61.05	69.19
Regulatory Quality	63.03	73.93
Rule of Law	47.45	51.64
Control of Corruption	49.51	56.87

The table is based on WGI data.

Compared to the previous period, the improvements in absolute terms in all variables are three times less. Georgia is still rising in the percentile ranks as the worldwide trend deteriorated. The trends were equally worsening in most of the selected countries as can be observed below.

**Table 8. Governance Indicators for Selected Countries 2011**

Country	Government Effectiveness		Regulatory Quality		Rule of Law		Control of Corruption	
	Estimate 2011	Rank 2011	Estimate 2011	Rank 2011	Estimate 2011	Rank 2011	Estimate 2011	Rank 2011
ARMENIA	47.90	51.66	55.25	58.29	41.51	42.25	38.07	32.23
AZERBAIJAN	34.89	25.12	42.66	38.39	32.76	22.07	27.63	11.37
BELARUS	28.09	13.27	25.87	9.48	28.34	14.08	35.50	24.64
BELGIUM	83.19	93.84	74.77	86.73	78.07	89.20	81.20	91.47
LITHUANIA	64.33	72.99	68.79	78.67	65.13	73.24	54.80	64.93
MOLDOVA	37.95	32.23	48.37	51.18	42.57	44.13	37.48	29.38
SLOVAK REPUBLIC	66.70	75.83	70.06	80.09	61.44	67.61	54.87	65.40

The table is based on WGI data.

It can be observed that in all countries the state of affairs remained largely the same as in the previous period across the board and Georgia still progressed in closing the gap with the nations from the EU. In line with the arguments presented above, Georgia was doing rather well in terms of Control of Corruption and fared worst in the Rule of Law

<sup>102</sup> OSCE – Final Report: Extraordinary Presidential Elections in Georgia, January 5, 2008.  
<http://www.osce.org/odihr/elections/georgia/30959?download=true&Last> accessed on August 31, 2016.

direction; that is, the government maintained the results of the already successful reforms but was failing to achieve the same in the fields where democratization and Rule of Law were important.

#### IV Period of Reforms

The parliamentary elections held in October 2012 mark a new era in Georgian modern history. As a result of these elections, the ruling UNM peacefully relinquished control of the government and went into the opposition. The Georgian Dream coalition that assumed power vowed to restart the democratization process and divest public institutions from partisan sentiments. It was in this general framework that the role of the state bureaucracy came under government attention and it was decided that the new government would institute reforms that would create an independent, apolitical, meritocratic and professional civil service. The process involved extensive planning and analysis on the part of the government, especially the CSB, that included the exchange of ideas with a number of foreign and national experts, civil society organizations through numerous consultations and working sessions. The result was the adoption of the new Law on Civil Service on October 27, 2015 by the Georgian Parliament<sup>103</sup> that enters into effect on January 1, 2017.

The law is generally hailed by most of the stakeholders involved in the process as a promising start of making Georgian civil service more efficient in the long run. It roundly rejects the major tenets of the NPM, retaining only a technology-friendly attitude that the former reforms in this sector had established. The reform envisions changes in ten key directions or categories, among them the adherence to a career-based civil service, the political neutrality of the bureaucracy, a stronger coordinating role of the CSB, remuneration linked to a unified ranking system, performance measurement and detailed recruitment and dismissal regulations.<sup>104</sup>

The new law in line with the aspirations expressed above attempts to promote the professional civil service based on life-long career of the public servants, establishes uniform hiring, firing, assessment, rankings, remuneration and qualification enhancing procedures for most of the civil servants in the country. The CSB has quite a role to play in the monitoring, evaluation and directing both the policy and the implementation of the code and associated activities. As Catherine Kardava, Head of the CSB, explained this accomplishment was in large predetermined by the political will of the new government to do away with the “politicization” of the civil service as was the practice throughout the previous governments. The main idea of this process was to ensure more independence of civil servants from changing political fortunes. In the past, it was customary for the new government to seriously overhaul the staff employed by the public institutions by preplacing the existing cadre with new government loyalists. Besides, new appointees for ministerial offices within the same government would generally replace quite a few personnel upon assuming office. During government reshuffles, it was customary for ministers to take core staff along to their new offices.<sup>105</sup>

So, according to Kardava, the decision to depoliticize the civil service was made as early as the 2012 electoral campaign and, subsequently, there was no opposition within the government against this goal. However, as not all electoral promises are fulfilled, there was no guarantee that this particular pledge would be followed through. According to her, the process started almost from the very first day that the new government came into office and that was important.<sup>106</sup>

Other respondents also believe that the law improves the situation in the civil service but point out that it provides a framework and much will be decided on the content of the normative acts to be adopted prior to the entry of the said law into force. According to Zaur Abashvili, who was involved in the process of the reform, the issues of certification, salary scales and the extension of the law to cover the activities of legal entities of public law (LEPL) will be decisive

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<sup>103</sup> Legislative Herald of Georgia – <https://matsne.gov.ge/ka/document/view/3031098>. Last accessed on August 31, 2016.

<sup>104</sup> CSB Annual Report 2013-2014, pp. 12-14. [http://csb.gov.ge/uploads/Annual\\_Report\\_2013-214\\_opt.pdf](http://csb.gov.ge/uploads/Annual_Report_2013-214_opt.pdf). Last accessed on August 31, 2016.

<sup>105</sup> Interview with Catherine Kardava (June, 2016).

<sup>106</sup> Interview with Catherine Kardava (June, 2016).

in this regard.<sup>107</sup> These issues have always been contentious and politically sensitive according to Marika Gorgadze, Program Manager of the USAID-funded Georgia Good Governance Initiative (G3).<sup>108</sup> She is also positive about the new law but points out that at times it is too rigid when not allowing for the recruitment of civil servants for ranks above the entry-level. It could render the bureaucracy less adaptable to changes but, on the other hand, it offers a needed sense of stability to public sector employees who underwent quite tumultuous turnovers during the previous government. Nino Gogelashvili, who has worked in the civil service for more than a decade and is currently working in the LEPL National Bureau of Enforcement at the Ministry of Justice, also points out that in the last years employees are feeling more secure.<sup>109</sup> At the same time, it is still not clear whether or not the law will apply to LEPLs and this creates some ambiguity. Elene Gotsadze, from the Good Governance initiative, believes that normative acts pertaining to LEPLs could be divisive and may hinder the meaningful implementation of the law.<sup>110</sup> The proper applicability of the law to local governance institutions is another issue where the new reform will be tested. According to Alexander Svanishvili, it will take much effort to implement the law in good faith in the provinces.<sup>111</sup> He pointed out that the local authorities sometimes find ingenious ways to circumvent the regulations in order to ingratiate their political supporters. For example, the current regulations do not allow the municipalities to spend more than one quarter of their total budget on salaries. This limitation is often overcome by the local incumbents through the establishment of various local organizations and then contracting them to perform various tasks.

The reform is still ongoing and the results will be dependent on the continuing and focused support of the top leadership of the country. Still, even in 2014, the latest year from which we have the WGI data, the trends were encouraging.

**Table 9. Georgia Governance Indicators 2014**

Indicators	Estimate	Rank
Government Effectiveness	59.69	71.63
Regulatory Quality	68.51	79.33
Rule of Law	54.04	64.42
Control of Corruption	64.84	75.48

The table is based on WGI data.

The country had made impressive gains in fighting corruption and improving the rule of law environment. The previous government also made impressive gains in fighting corruption but then the pace slowed as top-level corruption remained very much present. The increase in scores for the new government in all likelihood is explained by a significant reduction in elite corruption while maintaining the achievements of the previous government in combating mass corruption. The rule of law indicator offers the strong suggestion that the government was serious about making democratic changes but this area still remains as the most problematic when compared to the other indices.

<sup>107</sup> Interview with Zaur Abashvili, Ministry of Justice, Department of Legal Drafting (June, 2016).

<sup>108</sup> Interview with Marika Gorgadze (June, 2016).

<sup>109</sup> Interview with Nino Gogelashvili (August, 2016).

<sup>110</sup> Interview with Elene Gotsadze (June, 2016).

<sup>111</sup> Interview with Alexander Svanishvili, Expert on Local Governance, UNDP Programme (June, 2016).

**Table 10. Governance Indicators for Selected Countries  
2014**

Country	Government Effectiveness		Regulatory Quality		Rule of Law		Control of Corruption	
	Estimate 2014	Rank 2014	Estimate 2014	Rank 2014	Estimate 2014	Rank 2014	Estimate 2014	Rank 2014
ARMENIA	46.61	46.15	54.35	60.10	43.58	43.75	41.18	40.38
AZERBAIJAN	43.22	42.31	44.15	43.75	37.87	30.77	31.59	17.79
BELARUS	40.08	35.10	29.10	13.94	33.74	22.60	43.59	47.60
BELGIUM	77.99	88.46	73.46	85.10	80.22	88.94	81.05	91.35
LITHUANIA	69.89	78.85	73.99	87.02	68.13	78.37	59.58	68.75
MOLDOVA	42.36	39.90	50.50	53.85	44.53	46.63	33.09	20.67
SLOVAK REPUBLIC	67.42	75.48	67.93	78.85	59.46	69.23	52.34	60.10

The table is based on WGI data.

The gap between Georgia and the EU countries is closing fast. In corruption control, Georgia has already surpassed Lithuania and the Slovak Republic and has better scores than the latter in providing a better environment for private business. Still, there is much to be done if the initiated reforms are to bear fruit.

## Conclusions

So far, the reform has been going in the right direction but risks remain. It is very difficult for a government that has about half of all its hired employees in the public sector to completely abstain from patronage in distributing public sector jobs. The fact that the reform is still progressing could be best explained by the fortuitous sequence of events that lead to successful adoption of the code. One of the theories of drastic political reform as expressed by common political idiom as a first one hundred days, etc., implies that such dramatic changes are possible in two general contexts: One, after the revolutionary change when the old system has no legitimacy and popular support for the new incumbent is widespread and intense, and second, when the major stakeholders do not feel sufficiently threatened by the announced changes. The second explanation seems to fit the case as the defeat of the UNM in the elections was so unexpected for the victors they might not have fully grasped the minute details that civil service reform would bring. The nature of the new government must have also played a part in contributing to such an outcome; the victorious Georgian Dream coalition was exactly that – a coalition – where cohesion such as expected in an established party was largely absent. Comprised of six independent political forces that distributed ministerial positions among themselves, the constitutive members of the coalition did not value the benefits of power concentration as they would have if they were representing a single political entity. It seems reasonable to suggest that the coalition members were at best ambivalent to such a development, being unsure that the initial disbursement of positions favoured them in the long run. Thus, the idea of creating a more independent civil service did not seem as objectionable to them as it did to the previous governments. Still, these circumstances would not matter if the CSB did not take quick and decisive steps to seize the moment. Any delays would have resulted in the formation of the entrenched interests from the part of the ministries and the political entities that they represented. These delays could have translated into a stable and entrenched status quo where particular member parties of the coalition would have concentrated on ensuring that their ministries were staffed according to their political needs, thus, creating a more secure hold to that particular office. Seemingly, that was the modus operandi of the Shevardnadze government that relied on constant competition among the rival political groupings within their government. Now after the four years and the new elections at hand, much will be decided by the approach that those in power will have about uniform salary scales, position ranks, certification exams and the scope of the coverage of the law.

The latest developments suggest, however, that the reform is far from over. It is now very likely that the new Code will not be entering into force on January 1 as planned,<sup>112</sup> The new Parliament where the Georgian Dream coalition has a constitutional majority is set to delay the law by six months.<sup>113</sup> This development is directly caused by the inability of the Georgian Government to fulfil the transitional provisions of the law including but not limited to the adoption of key legislation regarding remuneration of civil servants, LEPLs, various ordinances and measures as enumerated in Chapter XV of the Law of Georgia on Public Service.<sup>114</sup> There may be deeper causes for explaining the failure of the government to make the law effective as originally planned; these, according to our respondents, are the fast pace in the actual adoption of the law and the content of the law where the most contested issues were relegated to the transitional provisions that the government failed to address in time. It seems that until the new wave of reforms starts transforming the nature of the civil service in Georgia, there is much to be done and still a long way to go.

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<sup>112</sup> Parliament of Georgia. Agenda for the Plenary Session, December 21, 2016. <http://parliament.ge/ge/saparlamento-saqmianoba/plenaruli-sxdomebi/plenaruli-sxdomis-dgis-wesrigi/saqartvelos-ix-mowvevis-parlamentis-2016-wlis-21-dekembridan-mowveuli-riggareshe-sesiis-21-23-dekembris-plenaruli-sxdomebis-dgis-wesrigi.page>. Last accessed on December 22, 2016.

<sup>113</sup> Inter-Parliamentary Union. Last elections of the Georgian Parliament, October 8, 2016. [http://www.ipu.org/parline-e/reports/2119\\_E.htm](http://www.ipu.org/parline-e/reports/2119_E.htm). Last accessed on December 22, 2016.

<sup>114</sup> Legislative Herald of Georgia. Law of Georgia on Public Service. <https://matsne.gov.ge/en/document/view/3031098>. Last accessed on December 22, 2016.

# Independent Media, Grassroots Initiatives and Women: A Potent Mix to Save the North Caucasus from Itself?

Sarah Modde

**Abstract:** This paper argues that in spite of strong limitations to freedom of expression and the press, the independent media do publish in the North Caucasus. It focuses on the cases of Chechnya and Dagestan which, in spite of their geographical proximity, present very different pictures when it comes to independent media. While Chechnya's highly authoritarian regime prevents any critical voice from challenging the official narrative, Dagestan hosts several independent newspapers and often faces protest meetings. However, the paper goes to show that in spite of Chechnya's will to completely control the republic's image, it is still challenged by civilian non-violent actions while Dagestan's weaker hold on critical voices does not insure journalists' safety. In the second part, the paper focuses on three independent media outlets working in Dagestan and Chechnya and, by analyzing their relation to power and the way they view and implement their work, reflects on the strategies used to publish in a difficult context.

**Keywords:** Independent journalism, authoritarianism, freedom of speech, violence, North Caucasus

## Introduction

### Independent Journalism in Chechnya and Dagestan: How Critical Local Journalists Work in Challenging Contexts

The mention of independent media in the North Caucasus would be deemed by most as an oxymoron. Indeed, this southern-most region of Russia made up of seven republics has the sorry reputation of being both an authoritarian and violent area where freedom of speech does not exactly flourish. It recently underwent two wars (Chechnya: 1994-1996, 1999-2009) and is still grappling with their direct consequences which affected the neighboring republics and, especially, the republic of Dagestan which will be at the heart of this paper together with Chechnya. In spite of the high level of violence still affecting the daily lives of the people of Dagestan and Chechnya, and authoritarian traits present in both regimes which do not encourage the publishing of critical material, some media write and spread opinions challenging the regimes. This paper's aim is to give a glimpse of how local journalists manage to deal with the specific conditions in which they work and keep publishing critical content.

It is the result of several interviews conducted over a one-year period during which I worked for a French NGO which supports some of the aforementioned media. The interviews took place both in Paris during the partners' visits and in Moscow, Makhachkala and Grozny during fieldwork conducted in 2014 and 2015. In spite of the talks of violence commonly associated with the North Caucasus, I had no difficulties during my fieldwork and was able to both meet with journalists and editors working for different well-known Dagestani publications as well as carry out observation work during a press conference and seminar. This paper will first give a brief summary of the new Russian laws limiting the freedom of the press before focusing on the specific cases of the republics of Chechnya and Dagestan and showing how two seemingly authoritarian regimes can host very different realities. I will then present the cases of two independent newspapers in Dagestan and discuss how their stance towards the government influences their work and the safety of their journalists. Finally, I will present the work of a Chechen magazine and the ways it manages to keep acting in the republic in spite of the current regime.

## Freedom of Speech and Independent Media in Russia

A lack of freedom of speech and censorship are two of the four criteria given by Juan Linz<sup>115</sup> to define what makes a regime authoritarian alongside the confiscation of power by the state via an absence of elections or rigged ones and

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<sup>115</sup> Juan Linz, *Authoritarian and Totalitarian Regimes*, Boulder, Colorado, Lynne Rienner Publishers, 2000, p. 343.

police repression. Currently, the situation of the independent media in Russia is rather dire. Since 2014, following the annexation of Crimea, a wide range of laws has contributed to making writing in non-governmental media a very difficult task.

Independent media, contrary to their official counterparts financed by the state, have to earn their keep through subscriptions and publicity or foreign grants. However, a law passed in 2015<sup>116</sup> prevents foreign donors from financing more than 20% of a Russian media outlet. On top of this, laws have also been passed limiting the amount of publicity that can be advertised in a given media source as well as its content (no alcohol on the cover and back pages).<sup>117</sup>

The independent media, therefore, have to face more and more restrictive laws which impact not only their capacity to financially thrive but also the contents they can publish. These technical laws reducing financing possibilities come hand in hand with a law against terrorism<sup>118</sup> which remains vague enough to encompass a huge variety of topics and terms. This law enables the state to block a newspaper website via the internet provider if the newspaper is suspected of publishing material supporting and spreading terrorism or separatism. As there are no clear guidelines or examples of what the state intends by these terms, the media can sometimes be blocked without knowing exactly why. Every time they publish something about a terrorist attack, they have to specify that the organization mentioned is forbidden in the Russian Federation.

These limitations have already had strong practical consequences on the freedom of expression inside Russia. Some independent newspapers, such as Grani.ru, were shut down and had to leave Russia to keep publishing from abroad.<sup>119</sup> Journalists were fired, such as the chief editor of Lenta.ru, after an article questioning the Crimean annexation.<sup>120</sup> Western owned newspapers had to be sold or stop publishing after the law restricting foreign-owned newspapers from publishing in Russia.<sup>121</sup> However, in spite of these restrictive laws, officially registered independent newspapers keep publishing.<sup>122</sup>

The situation described above illustrates the state of most of the Russian current media sphere. However, the two republics which interest us, Chechnya and Dagestan, show atypical situations which, according to some experts,<sup>123</sup> might be studied as cases of what is to become of the rest of Russia.

## Chechnya and Dagestan: Two Models of Authoritarianism?

Just like Russia at large, Chechnya and Dagestan, two of the North Caucasus's autonomous republics, show authoritarian traits which seem exacerbated as compared to the rest of Russia. Indeed, the absence of free and fair elections in the area has been well documented as the North Caucasus usually gives Putin's party its best results, often bringing more votes than there are actual voters in the republics.<sup>124</sup> The same is true for police repression which, in the case of Chechnya and Dagestan, comes hand in hand with other types of legal repression carried out by

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<sup>116</sup> Anastasia Bazenkova, "Foreign Publishers Quit Russia Over Media Ownership Law," *The Moscow Times*, 09/09/2015, <http://www.themoscowtimes.com/business/article/foreign-publishers-quit-russia-over-media-ownership-law/529645.html>

<sup>117</sup> N. Gulyaeva, "News in Russian Advertising Law," *Global Media and Communication Watch*, 27/03/2015, <http://www.hlmediacomms.com/2015/03/27/news-in-russian-advertising-law/>

<sup>118</sup> "Russia: Media Freedom Curtailed Under Veneer of Legality," *Index On Censorship*, 28/01/2016, <https://www.indexoncensorship.org/2016/01/russia-media-freedom-curtailed-under-a-veneer-of-legality/>

<sup>119</sup> Maryana Torocheshnikova and Claire Bigg, "Russia Blocks Websites Critical Of Kremlin," *Radio Liberty*, 14/03/2014, <http://www.rferl.org/content/russia-blocks-websites-critical-of-kremlin/25297188.html>

<sup>120</sup> "Russia Lenta.ru editor Timchenko fired in Ukraine row," *BBC News*, 14/03/2014, <http://www.bbc.com/news/world-europe-26543464>

<sup>121</sup> Anastasia Bazenkova, "Foreign Publishers Quit Russia over Media Ownership Law," *The Moscow Times*, 09/09/2015, <http://www.themoscowtimes.com/business/article/foreign-publishers-quit-russia-over-media-ownership-law/529645.html>

<sup>122</sup> *Ibid.*

<sup>123</sup> Anne Le Huérou, Aude Merlin, Amandine Regamey and Sylvia Serrano, *Tchéchénie: une affaire intérieure? Russes et Tchétchènes dans l'état de la guerre*, éditions Autrement, 2005.

<sup>124</sup> Olof Staaf, "Electoral Frauds in the North Caucasus," *Central Asia-Caucasus Institute*, 01/11/2012, <http://old.cacianalyst.org/?q=node/5698/print>



different actors ranging from Kadyrov's personal militia, the *kadyrovtsy*, to federal special counter terrorism forces stationed in Dagestan alongside a big army contingent.

However, the notions of freedom of speech and censorship draw a line between the republics of Dagestan and Chechnya. In Chechnya, there is no freedom of speech, be it public or private. By this, I mean that there are no independent media working from the republic and publishing material which goes against the main official narrative advertised by the governmental media. Furthermore, this absence of freedom of speech goes even further as individuals can also be punished for opinions shared on social networks or even during private WhatsApp conversations.<sup>125</sup> This leads to personal censorship on all potentially subversive topics as the consequences for voicing a critical opinion can be very serious.<sup>126</sup> This strong censorship is backed by a very powerful official narrative retelling recent Chechen history<sup>127</sup> under a more “positive” light in order to fight against the negative stereotypes associated with the region and demanding individual participation through compulsory governmentally organized meetings.<sup>128</sup> This seemingly total control over the media and the censorship inhabiting the whole of Chechen society are made possible by the smallness of the republic and the regime's extraordinary means, both financial and human, which, through fear, manage to impose a silent background for the official voice of the republic.

The situation is very different in neighboring Dagestan, a poorer neighbor which lacks the human means and finances to impose a complete lock-down on its local press. The republic which, contrary to Chechnya, hosts close to 40 different ethnic groups, has a tradition of newspaper outlets written in the different languages spoken inside the republic. According to local journalists, this tradition enabled the persistence of a bunch of independent media outlets which keep working alongside the officials. These media rely on local advertisement and sales to support their staff and production, they are not affiliated with any political party and write critical content highlighting Dagestan's issues. Most of them were launched in the 1990s while at least one began in the 2000s in the wake of the internet's arrival in the region.

Even though these independent media sources publish on a weekly basis and enjoy a following strong enough to keep them afloat, they remain subjected to very high levels of violence and the past ten years have claimed the lives of dozens of independent journalists.<sup>129</sup> Therefore, if Dagestan, unlike Chechnya, has not crushed all critical voices, it also does not openly support them as shown by the president's statement in 2015 in which he announced that all inquiries about journalist murders were to come to an end.<sup>130</sup>

By focusing mostly on what does not work in Dagestan, these media are in direct contradiction with the positive image the republic wants to give to the rest of the country, echoing Chechnya's positive propaganda, but they also contribute to preventing Dagestan from following the Chechen path and becoming an authoritarian political system. Moreover, these independent media sources give an outlet to the many civilian organized protest meetings<sup>131</sup> which take place in different parts of the republic. These meetings, unlike the Chechen ones, are not organized by the government and stem from popular discontent. It is important to stress the fact that meetings are currently forbidden in Russia and that protesters in the main cities are only allowed to show their disapproval of governmental decisions by standing alone in the street (“picketing”).

Therefore, it would seem that the weakness of Dagestan's regime coupled with traditions of outspoken protest make it one of the wealthier republics in terms of independent media and freedom of speech. That is why, even if this

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<sup>125</sup> “Chechnya's Kadyrov Calls for Whatsapp Ban for Wives,” *BBC News*, 19/05/2015, <http://www.bbc.com/news/world-europe-32802456>

<sup>126</sup> Moscow/Grozny: Chechen respondents do not wish to talk about politics even though the interviews take place either at their home or office,” Interviews, 2014/2016.

<sup>127</sup> Paul Goble, “Kadyrov again blocks commemoration of deportation anniversary,” *The Interpreter*, 23/02/2016, <http://interpretmag.com/kadyrov-again-blocks-commemoration-of-deportation-anniversary/>

<sup>128</sup> “Na vstrechi v den' konstitutsy Chechny zayavlen million uchastnikov” (“A million participants took part in the Chechen day of constitution meeting”), *Caucasian Knot*, 22/03/2016, <http://www.kavkaz-uzel.ru/articles/279577>

<sup>129</sup> Johan Bihr and T. Dzyadko, “Terreur, menaces corruption: pris dans les filets du Caucase,” Rapport de mission, Reporter sans frontieres, 2011, <https://rsf.org/sites/default/files/rapport-caucase-russe-rsf-oct-2011.pdf>

<sup>130</sup> “Ramazan Abdulatipov zayavil chto vse ubiistva zhurnalistov v Dagestane raskryty,” (“Ramazan Abdulatipov stated that all the journalists' murders have been solved”), *Golos Islama*, <http://goloslama.com/news.php?id=26039>

<sup>131</sup> “In Daghestan, 300 truckers start protests,” *Caucasian Knot*, 16/11/2015, <http://eng.kavkaz-uzel.ru/articles/33656>

situation is unintended by the regime, it seems difficult to put Dagestan and Chechnya under the same label. I would argue that for the time being, instead of authoritarian, Dagestan could be deemed a hybrid political system along Camau's definition of hybrid regimes combining both democratic and authoritarian traits.<sup>132</sup>

We, therefore, have two rather different settings for independent journalism and freedom of expression and this in spite of a close geographical proximity. However, without denying Chechnya's crackdown on critical speech, I would like to use the will of these two republics to show a positive image of themselves to briefly explore the limits of authoritarianism before focusing on the independent media themselves.

## Authoritarianism and its Limits

In spite of a complete absence of independent media in Chechnya and almost total control over freedom of speech in the republic, Chechnya still allows non-governmental organizations to work on its territory. Most of these NGOs had to put an end to their human rights oriented activities in the past few years but their social projects carry on under close surveillance. I would argue that by allowing them to remain in Chechnya, the regime uses them to show itself under a positive light, softening the accusations of authoritarianism. This “positivization” of the region's image is very important as the republics would like to develop tourism which for now is almost non-existent because of the region's instability and the violent stereotypes attached to it.<sup>133</sup>

However, one of the programs supported by the Heinrich Böll Foundation, called “Chem zhivut deti na Severnom Kavkaze (How do Children Live in the North Caucasus),”<sup>134</sup> shows the limits of Kadyrov's imposed official narrative and its efforts to show an idyllic version of the republic. The fact that it unintentionally shows the real limits of any dominant discourse, no matter how strongly imposed, cannot completely erase reality. In the framework of this project, several schoolchildren living mostly in the rural mountainous areas of Chechnya and Dagestan were given a camera to document their everyday lives. Through their pictures available online, one can see a very different image than the one advertised in the main media. The schools are small, barely heated, with very few supplies and very young teachers. The yards, if there are any, are muddy and in bad condition, sometimes hosting grazing animals. The children do their homework in dark, sparsely furnished households and play on the streets. This does not prevent the children in the pictures from smiling and appearing to lead carefree lives and this obvious happiness contributes to showing the genuine quality of the little documentaries which, in spite of themselves, show the limits of the officially broadcasted image of Chechnya.

In Dagestan, a similar situation can be observed with the 52/52 project. This state funded project, launched in 2013, aimed for a certain number of non-official bloggers to travel through the whole of Dagestan's 52 districts over a year and write posts praising the republic's heritage.<sup>135</sup> The bloggers were given a minibus and traveled to different areas over a weekend. If most of the blog posts praise Dagestan's beautiful nature, fitting the aim of the “positivization project,”<sup>136</sup> some also show sights which go against the official will to advertise an attractive image of the republic.

Just like in my first example, these discordant posts do not appear to have been written in an attempt to criticize the local situation. They show old abandoned villages, high in the mountains, still inhabited by a few old people, without any access to running water or electricity. However, the pictures show delighted faces and old men and women showing the bloggers around, telling the villages' story, sharing food and music. For the bloggers, mostly coming from the capital city, Makhachkala, these places are depicted as exotic and almost part of a local past mostly ignored by the local population which does not travel much.<sup>137</sup> Indeed, it is not easy to travel in Dagestan, in part because of the

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<sup>132</sup> Michel Camau and Gilles Massardier, *Démocraties et autoritarismes: fragmentation et hybridation des régimes*, Karthala, 2009, p. 363.

<sup>133</sup> “Representative of the Board of AMM NCFD meet with Dagestan journalists,” *Ria Dagestan*, 28/04/2015

<sup>134</sup> “Chem zhivut deti na Severnom Kavkaze,” *Yod*, <http://yodnews.ru/2016/02/08/kavkaz>, <https://www.facebook.com/boellphoto/timeline>

<sup>135</sup> “In Daghestan, project 52/52 to tell Dagestani about their homeland, started with a trip to the Kubachi village,” *Caucasian Knot*, 21/08/2013, <http://eng.kavkaz-uzel.ru/articles/25541/>

<sup>136</sup> “Exhibition of Nikolai Lavkov's paintings to destroy stereotypes of Dagestan, organizers assert,” *Caucasian Knot*, 20/05/2016, <https://eng.kavkaz-uzel.ru/articles/35656/>

<sup>137</sup> Neizvestnyi Kavkaz, Daghestan, den' 2. Staryi Aul Koroda, Polnolunie v Gunibe, <http://radioman07.livejournal.com/741500.html>

state of the roads and also because of counter terrorist operations which regularly close off large chunks of the republic.

Through this project, the locals themselves ended up discovering their republic and its disparities and showing both Dagestan's assets but also its government's limits. Both projects are available online and have not been censored. In their small way, they show that a different narrative is possible even under very authoritarian regimes and that in spite of the regime's attempts at controlling everything, and painting an artificial image of the reality, it ends up slipping through seemingly harmless cracks.

If these examples are unwilling criticisms of the regimes, then the question remains concerning the purposeful attacks or the denunciations of flaws and the ways they can be carried out without causing the media's shut down or, in the worst cases, the death of journalists.

## How to Publish as Independent Media in Dagestan?

As previously explained, Dagestan has a rather large independent press when compared to the rest of Russia. It is home to five independent newspapers, about 80 non-governmental titles and overall more than 200 newspapers (governmental and non-governmental) published regularly.<sup>138</sup> These figures are particularly striking considering the republic is 50,300km<sup>2</sup> with a population of not yet 3 million inhabitants. Additionally, these figures do not take into account the very many blogs written by active locals. When asked about this profusion of media, local journalists explain:

In the Soviet era, almost all villages had their own newspaper, usually written in the local language (...) The absence of a single opinion leader in the republic (the republic is made up of over 40 ethnic groups without any clearly dominating the others), every ethnic group is entitled to have its say on the events of everyday life, and inside the very ethnic groups themselves, this right is widely ascertained by individuals.<sup>139</sup>

According to the journalists, “this constant dialogue acts as the best protection for the local independent media.”

Two of their best-known representatives are *Chernovik* and *Novoe Delo*. The former was launched in 1991, amidst a flurry of newly created independent titles. But contrary to the others, *Novoe Delo* is still going strong in the republic as it competes with *Chernovik* for the rank of the third most read newspaper with a readership of 18% of the republic's population.<sup>140</sup> *Chernovik*, on the other hand, was launched in 2003 by G. Kamalov, an engineer by profession, who felt the urge to “shake” the profession.<sup>141</sup> These different origins have shaped the ways the newspapers see their task and the relationship they share with the power which has direct consequences on their survival.

*Novoe Delo* is a traditional newspaper, organized around a vertical model of redaction. By this, I mean that even though the team meets up once a week to discuss the newspaper's content, the final decisions are made by the chief editor. This rather rigid structure is reflected in the layout of the redaction, with a few big offices shared by up to five journalists, while the chief editor sits in a wide office managed by a secretary. The building where it is located is guarded as well. This set-up enables the newspaper to keep up a “respectable” reputation towards its readers but also towards the government. The chief editor explains:

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<sup>138</sup> “Respublikanskije SMI,” *Glava respubliki Dagestan*, <http://president.e-dag.ru/respublika/2013-03-24-22-59-04>

<sup>139</sup> Interview with journalists from the independent newspapers and *Novoe Delo*, fieldtrip, Makhachkala, May 2015.

<sup>140</sup> Official website *Novoe Delo*: <http://www.ndelo.ru/contact/>

<sup>141</sup> Official website *Chernovik*: <http://chernovik.net/content/kontakty>

*Novoe Delo* delivers a critical version of the news not because it works for the opposition but to better inform the government on the real state of affairs in the republic. Our job is to fill the gaps left by the official media and to denounce the civil servants who are the real problem of our republic.<sup>142</sup>

He explains further: "*Novoe Delo* reconnects the government to the people by bypassing the civil servants who create inequalities and prevent Dagestan from developing by taking both the government and the population hostage".

By blaming civil servants for all of Dagestan's troubles, he protects the newspaper from powerful members of government and does not take much risks as civil servants are blamed for everything. However, he, at the same time, indirectly criticizes the government for its inability to control its employees and its weakness in general. This lack of direct criticism and seemingly collaborative posture with the power create a real pressure for the government's officials when their "ally" publishes the story of a scandal "to help" the government to deal with it.

The chief editor explains that he sees himself as: "a benevolent whistle-blower at the service of the government in order to improve the situation of the population of Dagestan."

In spite of all of these precautions, one of the newspaper's journalists, Akhmednabiev, was killed in 2013 while investigating. The current chief editor of *Novoe Delo* also suffered a beating at the newspaper's office itself and since then constantly carries a gun. He explains:

As a journalist working for the improvement of the republic and as a citizen of Dagestan, it is the government's responsibility to protect me. As it cannot, I have to do it myself and, as chief editor, I am also responsible for the safety of my journalists.

On the other hand, *Chernovik* is a horizontally structured satirical media which does not pretend to be collaborating with the government. Its straightforward style has its competitors accusing it of a "*lack of professionalism, bordering on sensationalism*." But the newspaper uses its critics to its advantage, turning them into its slogan: "Many dislike us, but everybody reads us." Just like *Novoe Delo*, *Chernovik*'s staff gather once a week to decide on the newspaper's contents although the decisions are taken by a majority which means that if a majority of journalists disagrees with the chief editor, their decision prevails. The current spokesperson for the newspaper explains: "This was often the case when Kamalov (the founder) was the chief editor as he often went for dangerous stories and we would not agree, even if he had a very bad temper."<sup>143</sup> According to a journalist:

This way of doing things guarantees the continuity of dialogue and the freedom of opinion among the newspaper as everyone is allowed to express his mind and try to convince the others. It also brings everyone on the same level, the journalists, the editors ... and makes everyone responsible for its written production.

Moreover, the fact that the decisions are made in common also enables the burden of the journalists' safety to be shared by all. Indeed, all are aware of the risks there could be to write about certain stories and if the whole newspaper votes for it, then it does so knowingly. These obligations of constant dialogue among the staff and for the respect of a diversity of opinions are at the heart of the newspaper which hires journalists for their style and not for their journalistic skills. The spokesperson for the newspaper explains that most of the current journalists come from different backgrounds (geography, economy, history) and that they are hired for their understanding of the local context and their capacity to write clearly and to the point. The newspaper believes that a "plume" can be easily acquired unlike skills in economy.

Indeed, unlike *Novoe Delo*, *Chernovik* writes first and foremost for its readers and considers that what they lack most is clear information about the local news. They refuse to follow a careful line like *Novoe Delo*, by targeting civil servants only, and write about anything as long as it has been approved by the editorial board. This way of working

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<sup>142</sup> Interview with *Novoe Delo*, Makhachkala, May 2015.

<sup>143</sup> Interview at *Chernovik*, Makhachkala, May 2015.

scares other independent media, such as *Novoe Delo*, whose chief editor explains that he does not want his newspaper to suffer from what he calls “*Chernovik's* reckless behavior.”

These fears are well founded as *Chernovik's* founder, Kamalov, was killed in 2011 in front of the newspaper's office while he was investigating a story of corruption. However, his death, instead of putting an end to the newspaper, gave it even more of a “raison d'être” and brought former journalists back to the newspaper to keep Kamalov's work alive.<sup>144</sup> This will to write in spite of the dangers affecting the profession is made clear by the editor who explains:

As you can see, anyone can come inside, we do not have a security agent standing at the door. We know that if they want to kill us they will, if not at the office, then in our cars (Kamalov and Akhmednabiev were both shot in their cars) so what is the point in paying a security agent or even locking the door?

On top of this type of armed violence, the newspaper also has to contend with legal attacks such as accusations of defamation or of supporting terrorist groups. It underwent two trials in 2008 and again in 2013<sup>145</sup> but was twice acquitted. The most recent accusation came from I. Barynov, Head of the Federal Agency for Nationalities, during the Third Forum for North Caucasian Media, held in December 2015 in Pyatigorsk.<sup>146</sup> During this meeting, *Chernovik*, *Novoe Delo* and their colleagues at the *Republican*, were accused of spreading extremism in order to destabilize the republic, a statement which met with the agreement of R. Abdulatipov (Dagestan's Governor) who is often targeted by the newspapers' critical articles.

This goes to show that no matter what strategies are thought up by independent media to keep publishing in relative safety, they cannot rely on the government for their security and have to constantly adapt to new threats while keeping on testing the limits of the regime.

### Independent Media and Expertise: A Recipe to Keep Publishing in Chechnya?

Contrary to Dagestan, there are no independent media in Chechnya. The first and so far last attempt at an independent media in post-war Chechnya was launched by two journalists in 2003, advised by Anna Politkovskaya, who was then working for the Moscow-based independent newspaper, *Novaya Gazeta*, covering the Chechen wars. These two journalists, I. Sovkhalov and A. Duduev, left their jobs at the national TV to start, in 2003, the “first independent newspaper of the North Caucasus:” *Dosh*.<sup>147</sup> Their ambition then was “to show Russian readers a different take on Chechen news than the one they were being fed by Russian official media.”<sup>148</sup> At the time, the official press was blatantly anti-Chechen and the use of fabricated information to depict darker pictures of the situation and Chechen people was common practice.<sup>149</sup>

This editorial line then shifted to target the North Caucasian readership, among which the Chechen people, which soon after the war found itself prevented from accessing sources of information other than those promoted by R. Kadyrov's regime. I. Sovkhalov and A. Duduev had to leave Grozny together with their families in 2008 after receiving threats which eventually turned into physical abuse. The office was moved to Moscow where *Dosh* was officially registered. It now occupies a tiny room lent by the Mothers of Soldiers NGO in Moscow city center and had to adapt

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<sup>144</sup> Nikolai Protsenko, “Ubijstvami nashi vragi nikogda nichevo ne dobyutsa” (“Our enemies won't get anywhere by killing us”), *Ekspert Online*, 23/07/2012, <http://expert.ru/2012/07/23/ubijstvami-nashi-vragi-nichego-ne-dobyutsya/>

<sup>145</sup> Суд принял иск от газеты “Черновик” против прокурора и Россвязькомнадзора Дагестана  
Источник: <http://www.kavkaz-uzel.ru/articles/156847/>; Главред “Черновика”: иск прокуратуры Дагестана к газете - попытка давления, <http://chernovik.net/content/inve-smi/glavred-chernovika-isk-prokuratury-dagestana-k-gazete-popytka-davleniya>

<sup>146</sup> M. Shamkhalov, “Abdulatipov i predateli iz Tchernovika i Novogo Dela,” 12/19/2015, <http://onkavkaz.com/news/563-abdulatipov-i-predateli-iz-chernovika-i-novogo-dela.html>

<sup>147</sup> Official website *Dosh*: <http://www.doshdu.ru/>

<sup>148</sup> Sovkhalov, Moscow, May 2015.

<sup>149</sup> Material from Memorial and Civic Assistance Committee, 24/12/01, <http://www.noborder.org/chechnya/display.php%3Fid=85.html>: “Regional organs of power create public opinion by feeding mainstream media with fake records of crimes committed by immigrants, citizens of other CIS states and refugees (...)”

its work according to its new localization. The magazine, which comes out once every two months, relies on articles written by a team of local correspondents working all over the North Caucasus. I. Sovkhalov and A. Duduev centralize all the articles and edit them in Moscow, on top of doing interviews with personalities or writing analytical reviews based on surveys they organize in the North Caucasus. The result is a sleek colored magazine organized around central interviews and analytical articles. Sovkhalov explains: “The aim of the magazine is not to report on the everyday life events taking place in the republics but to give the readers tools to better analyze and comprehend the reality with which they are surrounded.”

The magazine, contrary to its Dagestani colleagues, takes a powerful stance against the Chechen regime. It fights against the official amnesia slowly denying the existence of all of the events that took place before the wars and associates the beginning of Chechen history with the coming to power of A. Kadyrov.<sup>150</sup> It publishes testimonies of people remembering the wars, families who are still looking for a missing relative and descriptions of the horrors perpetrated by the Russian army but also good memories of these same Russian soldiers, young, cold, hungry and lost, fed and helped by Chechen families during the first Chechen war. There also is a historical section coming back to specific events of the Chechen past, often clashing with the “old/new” traditions the current regime promotes among Chechen society.<sup>151</sup>

Sovkhalov and Duduev insist:

Our goal is to remind the people of Chechnya that they have a voice, that the reality they live in is different from the one they are shown on TV and that they can and need to act to challenge this. A lot of people are lost. They have forgotten what is right and what is wrong. They do not have points of reference anymore and are very confused by the news which does not match their everyday reality. We try to give them tools and ideas with our articles to act by, for instance, tackling issues such as the environment which are less politically loaded but still say a lot about the way our republic is managed.<sup>152</sup>

*Dosh* aims both at giving the readers keys and tools to understand a reality which does not fit with the reality promoted by the regime and challenge it and it also works at keeping Chechen roots alive, even when they are the recent violent ones. It uses the space opened by the magazine to act as witness from Moscow's relative safety but this distance from the readers makes it difficult to assess the real impact of the newspaper which seems to be mostly read by the European diaspora. Moreover, the fact that *Dosh* is not financed by local companies and local sales but by foreign funding can only badly impact the magazine in the current highly suspicious climate.

Indeed, on top of being journalists and willing their magazine to follow the usual journalistic criteria guaranteeing a good level of information, the two founders are also part of the world of NGOs and human rights. *Dosh* is a project mostly funded by grants coming from foreign donors (Secours Catholique Caritas France/Swedish Foreign Ministry) which give financial assistance to NGOs or projects supporting human rights. *Dosh* is being financed as part of a project belonging to the association called the Center for Caucasian Initiatives, opened by I. Sovkhalov and A. Duduev, in Grozny in 2012. It consists in an office rented by the NGO and used as a place where journalists and activists can meet and discuss projects. It is also used twice a year to host trainings for aspiring journalists, or official ones or independent bloggers, wishing to improve their writing and new media skills. The trainings are organized and led by I. Sovkhalov and A. Duduev who rely on their acquaintances still working in Grozny's universities to enlist interested students but also on their professional contacts remaining in the official media sphere who make up the bulk of the trainees.

So, while they are not allowed to work as publishing journalists in Chechnya, they can still host trainings about journalism which might seem highly ambiguous at first sight. Sovkhalov explains:

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<sup>150</sup> Liz Fuller, “Kadyrov Launches New Assault on Chechens' Collective Historic Memory,” *Radio Liberty*, 23/02/2014, <http://www.rferl.org/content/kadyrov-launches-new-assault-on-chechens-collective-historic-memory/25274246.html>

<sup>151</sup> Alice Szczepanikova, “Chechen Refugees in Europe: How Three Generations of Women Settle in Exile,” 2014, in A. Le Huérou, A. Merlin, A. Regamey and E. Sieca-Kozłowski (Eds.) *Chechnya at War and Beyond*, Routledge.

<sup>152</sup> Interview in Paris, December 2014.

We train mostly official journalists who are aware of the poor quality of the official press. They come to our trainings because they know we are good professionals and experts in new media technologies which have not reached Chechnya yet. So, they come first for the expertise and not so much to be lectured on how to write good journalism. However, even though they learn techniques during our sessions, they almost never use them at work as there is no space for any change. Therefore, I would say that these trainings only have a very limited impact and local journalism remains very bad.

This ambivalent posture is best illustrated by the fact that even though *Dosh* cannot be produced in Chechnya anymore, the magazine itself can still be found in most of the kiosks around Grozny. It is also advertised in Dom Pechati (Press House) in Grozny's very center. Furthermore, I. Sovkhalov and A. Duduev explain:

We know by local sources that *Dosh* is read by the government which finds itself so badly informed by its own media that it needs to turn to independent ones to know about the republic's challenges, crises, but also daily life.<sup>153</sup>

*Dosh* seems, therefore, to be able to keep publishing in Chechnya thanks to the regime's own failures in terms of good journalism and thanks to a lack of expertise in new media technologies. Furthermore, even though the trainings do not seem to bear fruit, Sovkhalov explains:

During the trainings, we also initiate reflections about what journalism is, freedom of expression, censorship... We know that it will not bring a revolution to the regime but at least it offers another vision of the profession to young journalists who might never have heard of it. We see our work as planting seeds which might shoot up in a different context.

*Dosh*'s example shows that even in a very authoritarian regime, there are still cracks that can be inhabited by professional subversive voices by using very practical means which are sought by the regime. It seems that the best protection for the actors trying to promote ways that question the power's discourse is to make themselves essential for this very power which lacks expertise.

## Conclusion

Even though they are neighbors and share similarities in terms of government, Chechnya and Dagestan have very different ways in dealing with the freedom of the press and censorship. This said, the profession of being a journalist remains extremely dangerous in both republics in spite of Dagestan's seemingly more open climate. Indeed, our few examples show that no matter what the political context is, journalists are killed or beaten up for writing critical material. Still, in spite of the dangers of the profession, the independent press still produces news in the region. As shown above, there is no one successful strategy allowing independent media to do so. All actors have different techniques which work for a time, protecting them more or less, but all share the fact that they have to constantly adapt to a context that becomes less and less open to critical voices.

The format of this work does not allow one to expand on the connections between journalism and militantism but all the journalists quoted are also actively engaged in activism or media-activism as Dominique Cardon and Fabien Grandon have named it.<sup>154</sup> This form of engagement which transcends journalism is also one of the motivations which pushes all of these actors to keep up their hard work. These fundamentally committed individuals (both to their profession and to their republics) perfectly illustrate Laetitia Atlani Duault's thesis which states: "Commitment is not determined by the possibilities available at a given time but, on the contrary, commitment adapts to these

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<sup>153</sup> Interviews with *Dosh* chief editors, *Dosh*'s office, Moscow, May 2015.

<sup>154</sup> Dominique Cardon and Fabien Granjon, *Mediactivistes*, SciencesPo, Les Presses, 2010.

possibilities.”<sup>155</sup> I would go further and argue that it even shapes them or, at least, it keeps them from closing as in the case of these journalists.

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<sup>155</sup> Laetitia Atlani Duault, *Le Bonheur des autres*, 2009, Armand Colin, p. 191.