

The problem of citizenship in Georgia - legal and factual aspects

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I. Introduction

Historical background

When speaking about attitudes towards the problem of citizenship in Georgia, one must take into consideration two factors: a) the process of historical development and consequently b) the impact of traditional values on social processes. These values include the way of people's thinking, self-identification and other clear-cut stereotypes of relations between different social or other kind of groups.

The historical development Georgia resembles that of some eastern or Balkan countries (Greece, Armenia, Lebanon, etc.). At the same time, it is noteworthy that nothing like western European city-states or communities developed in Georgia in ancient eastern, antique-Hellenistic or feudal times. As a result, civil interest groups in kind of city population (aristocracy-democracy or patricians-plebeians), which are so characteristic of western societies, never materialised in Georgia.

Permanent external factors (invasions of eastern despotic powers or Asian nomadic tribes) intensified in XIII century, distorting the country's natural development. That is why, neither absolute monarchy nor a parliamentary system - representation of various social strata - developed in Georgia.

In late XVIII century Russian Empire significantly strengthened its influence in the Caucasus. Several weak and poorly institutionalised feudal political entities existed in Georgia at that time. Their main goals were limited to self-preservation and maintenance of statehood and cultural self-sufficiency (Orthodox Christianity).

In early XIX century Russian Empire annexed Georgian kingdoms. As a result, Georgia adopted a social system that was characteristic of the Russian military and then civil governance.

Participation of the native population in state governance was actually reduced to zero. There were no elective or representative bodies to voice the people's will. In 60s-70s of the XIX century Russia carried out semi-liberal reforms but they had little, if any, effect in the Caucasus. Before the collapse of the Russian imperial power, Georgia, as a remote province of the empire, was actually a colony.

The fact that the population was subdued to foreign political structures and language made a negative impact on the relationship between the society and the government. Abolishment of traditional legal institutions contributed to social nihilism. Such a situation was only worsened by the fact that the Russian society itself did not trust its own statehood at all.

The society began to estrange the state body. The process became more evident in XX century. While the bureaucratic apparatus reinforced, the society's trust declined. For this reason clientele relations strengthened. This tendency emerged in Georgia in late XIX century and flourished in the Soviet period.

The October 1917 coup in Russia and, respectively in Georgia gave birth to a totalitarian regime. Since the country lacked conditions for a new civilised system, it opted for a Communist rule but not a constitutional system.

Under such circumstances, Georgia's attempt to regain independence (republic of Georgia in 1918-21) was doomed to fail, though the country adopted one of the most democratic constitutions in the world at the time and a western-style legislation (during its two-year history the national assembly passed 126 laws, such as the laws on citizenship, local elections, judiciary, political-administrative arrangement of ethnic enclaves, national policy in public educational system, etc.).

For the entire Soviet totalitarian period the Soviet Georgian republic, like any other one of the USSR, formally paid great attention to human rights. The reality, however, looked quite opposite.

The last decade of the Soviet system and the *perestroika* period were marked by the process of *naturalisation* of *nomenklatura*. *Nomenklatura* rejected apparent totalitarian methods of governing and tried to achieve only its own personal prosperity by way of corruption. The main feature of the Soviet clientele system was not origin, financial or mental ability, but a membership of the *nomenklatura* club. The idea of the state as a product of the social contract finally vanished at that time.

The current situation

As a result of historical development, a certain social mentality was shaped in Georgia, which has not only original features but also some characteristics of neighbouring cultures. In such a country as Georgia, where the population's way of living is close to the Mediterranean mentality, the

Soviet totalitarian system contributed to the creation of a symbiosis between the bureaucracy and traditional values.

At the time when totalitarian state structures were strong and no legal opposition was possible, dissidence was the only way to oppose the state suppression system. In national republics this movement created an eclectic mix of western democratic values and mythical thinking that emerged at a certain stage of national development.

In pre-independence years, the notions of state, nationality and ethnicity were often mixed up in Georgia. Perception of ethnicity was adequate to mythical thought of the XIX century's social movements.

The Soviet system changed nothing in this respect. The importance of para-society moved to the foreground at that time - anti-state thinking (criminal or clannish mentality, "money-making", etc.) became an indication of the privileged position of individuals or social strata.

With the beginning of the crisis of the Soviet system, given the absence of organisationally structured political pluralism, the dissidence movement appeared the only alternative to the Communist regime.

At the same time, the dissolution of the USSR did not lead to any changes in the mentality of *nomenklatura*. Old stereotypes remain in the activities of the *nomenklatura* elite and middle-level governmental bodies.

Today the Georgian society has all peculiar traits of a patrimonial society: nepotism, regionalism (tribalism), clannish attitudes, regional-level and national-level clientelism. Analysis of the roots of corruption in the Georgian state apparatus reveals that traditional values and methods, which fall short of the requirements of modern bureaucracy, still persist there. Privatisation of the post-*nomenklatura* institution is under way in Georgia, while clientele (private or group) relations are being shaped into a single ruling power.

On the other hand, one of the main problems of the country is a lack of public confidence in the institutional system, while the political elite hesitates to acknowledge that the social movement has political grounds.

At present the Georgian society does not have a common approach towards basic values of social life. There is an obvious mixture of the values of various social groups, while each group has its own mentality. Every social stratum creates its own system of values - from the liberal and

democratic thinking of a civil society to radical approaches of marginal groups (ultra-nationalists, orthodox Communists and fanatical Orthodox Christians).

Two tendencies may be revealed if the above-described picture is generalised:

- political and economic elites are trying to re-distribute social rights in order to create clans of their relatives and grant them with rights for economic management.
- the overwhelming majority of the population perceives any kind of re-distribution of rights as a move towards political or economic inequality.

This tendency is strengthened by quasi-state thinking (priority of illegal and informal relations), low level of the society's political culture (in comparison with the West), and domination of ethno-centrist views.

The political elite, as well as the whole Georgian society, is actually not ready yet to propose a common social model to various (first of all ethnic) minorities. The country still lacks a coherent approach towards different minorities. Although the constitution declares personal rights and freedoms, there is no legislation on such important issues as ethnic minorities and gender problems.

Immature and formalised procedural norms, and the absence of strong interest groups cripple citizens' participation in social life. Informal relations, conflicts of interests and corruption have become common in everyday life. Political parties - both the ruling and opposition - are actually none but clannish associations that serve mercantile goals of various individuals.

As a result, social political productivity is rather low, being reflected in poor parameters of the country's development. According to the Transparency International, which examined the level of corruption in 99 countries, Georgia is rated at 84th place. Due to the black economy, the state budget and the GDP differ significantly from real revenues of the country. At the same time, because of the chronic budgetary deficit, even reduced tax revenues are regularly cut down (by 87% and 72% in 1995 and 1999 respectively). By various estimates, full unemployment exceeds 20%. Absolute and relative social guarantees are also rather low. For instance, while EU countries spend 5.4% of their GDP on education, Georgia allocates only 2.2%. Besides, even this figure does not seem real as the austere budget is constantly being cut.

Thus the current general background of the country surely does not contribute to the introduction of liberal standards in the field of personal freedom.

II. The status of citizenship

Legislative activities

To describe the current status of citizenship, one should examine the legal status separately from the actual situation since the present Georgian jurisprudence is a rather bizarre symbiosis of the Soviet judicial system and western legislation. Its reaction to the reality is often inadequate. Principles that are declared at the legislative level do not correspond with the real situation.

First of all about the legislation base.

A whole range of laws has been adopted since 1993, replacing the former legal system that existed in the field of civil rights.

Although the laws often contradict the constitution, each other and sometimes even themselves and despite the fact that a number of such important laws as the laws on ethnic minorities, freedom of religion, etc., have not been passed yet, it may be assumed that the legislation base regulates a wide spectrum of social relations. Georgian citizens or residents without citizenship living on the Georgian territory have quite a large number of civil (property, freedom of speech, labour), political (the right to create political associations, universal suffrage, etc.) and social (social security, education, health care, etc.) rights.

Among the country's current legislative acts, first of all one must note the constitution of Georgia adopted in August 1995. It defines citizens' basic rights and responsibilities.

In accordance with article 14, chapter 2, of the constitution (civil rights), all citizens are free from birth and equal by law regardless of race, ethnicity, gender, religion, political and other beliefs, national, ethnic and social group, origin, property, position, and residence.

The state recognises and protects universally declared human rights and freedoms as supreme human values. In the governing process people and the state are restricted by these rights and freedoms, as well as by the existing law (article 7).

Foreign citizens and residents without citizenship living on the Georgian territory have equal rights and responsibilities with the Georgian citizens (article 47).

At the same time, the constitution defines citizens' responsibilities: every resident of Georgia is obliged to observe the country's constitution and legislation. Implementation of human rights and freedoms must not interfere with rights and freedoms of other citizens (article 44). Every citizen is subject to general military conscription (article 101).

The constitution ensures civil freedoms. It declares freedom of religion (article 9), right for life (article 15)¹, human respect and dignity (article 17), personal freedom (article 18)², freedom of speech, conscience and thought (article 19), privacy (article 20), private property (article 21)³, freedom of movement and free choice of residence (article 22), freedom of work (article 23), free information distribution without censorship (article 24), freedom of rallies (article 25) and labour (article 30)⁴.

Georgian citizens have equal rights in social, economic, cultural and political life, regardless of ethnicity, religion and language (article 38).

Article 40 declares presumption of innocence - citizens are considered innocent as long as his/her guilt is not proved in court according to the law. Nobody is obliged to prove his/her innocence. Prosecution must take responsibility for proving the charges.

Every citizen of Georgia has a right to require any files with information about him/her or other official documents from state agencies, provided they do not contain state, professional or commercial secrets (article 41).

Every citizen has a right to defend his/her rights and freedoms in court. Every citizen must be tried only by a court with jurisdiction over his/her case. Right for defence is guaranteed. Nobody shall be tried twice for the same charges. Nobody shall be tried for actions that were not qualified as crimes at the time they were committed. Laws have no backward effect, provided they do not discharge or ease indictment. Illegally obtained proof shall not have any legal effect in court. Nobody is obliged to testify against his/her relatives - the list of relatives is defined by law. Any damage caused by illegal decisions of the governmental or self-government bodies must be fully compensated by court ruling from state funds (article 42).

¹ Death penalty was abolished in Georgia by the "Law on Full Abolishment of the Extreme Punishment - Death Penalty", adopted on November 11, 1997.

² Arrests or any other kind of restriction of personal freedom shall be exercised only with court warrant. A citizen can be arrested only in situations defined by law and by an official with extraordinary responsibilities. An arrested or otherwise detained citizen must be brought in court in 48 hours. If the court does not warrant the citizen's arrest or detention in the following 24 hours, he/she must be freed immediately. The term of preliminary detention of suspects shall not exceed 72 hours, while preliminary detention of convicts must not go beyond nine months.

³ Citizens may be deprived of property for urgent social needs in situation defined by law, by court warrant and only with respective remuneration.

⁴ The state undertakes to promote free entrepreneurship and competition. Monopolistic practices are prohibited, except situations defined by law. The law defines mechanisms of consumer protection, fair employment conditions and wages, and conditions for women and underage employment.

The constitution clearly defines citizens' political rights. It guarantees self-government (article 2) and representative or direct democracy - by ways of referendums or other forms of direct democracy (article 5).

Article 12 deals exclusively with citizenship. The Georgian citizenship can be obtained from birth and by naturalisation. Citizens of Georgia cannot have citizenship of other countries. The organic law defines procedures to obtain/abolish the citizenship of Georgia.

Every citizen has a right to create/join public associations, including trade unions. Georgian citizens have a right to create/join political parties or other political organisations in accordance with the organic law. At the same time, the law prohibits such political parties or political organisations that aim to undermine or overthrow the constitutional order of Georgia, or propagate war and violence, ethnic, regional, religious or social intolerance (article 26).

Universal suffrage: Georgian citizens have passive right to vote from 18 years of age and active right to vote from 25 years of age (articles 28 and 49).

The state ensures implementation of citizens' social rights, takes care for equal social-economic development of all regions of the country (article 31), carries out employment programs for the unemployed (article 32), promotes cultural development and citizens' unrestricted participation in cultural life (article 34).

The constitution acknowledges the rights for strike (article 33) and education (article 35). Primary education is obligatory. Citizens have a right for free-of-charge secondary, professional and high education in state educational institutions in accordance with legal procedures.

Marriage is based on equal rights and free will of spouses. The state cares for a family prosperity. Rights of mothers and babies are protected by law (article 36).

Every citizen has a right for medical insurance. Free-of-charge medical treatment is ensured under conditions and procedure defined by law (article 37).

Among other legislative acts, one must note the following laws.

Civil sphere:

- The law on emigration (1993-20-07)
- The law on immigration (1993-27-07)
- The law on ombudsman ((1996-16-05)
- The law on rallies and demonstrations (1997-12-06)
- The law on IDPs (1993-28-06)

- The law on adoption (1997-17-10)
- The law on non-military alternative service (1997-28-10)
- The law on full abolishment of the extraordinary punishment - death penalty (1997-11-11)
- The law on acknowledgement of Georgian citizens as victims of political repression and their social protection (1997-11-12)
- The law on refugees (1998-18-02)
- The law on state support of children and youth unions (1999-22-06)
- The law on imprisonment (1999-22-07)
- The law on the rights of patients (2000-05-05)

Political sphere:

- The law on parliamentary elections (1995-01-09)
- The law on presidential elections (1995-01-09)
- The law on referendum (1995-15-05)
- The law on political associations of citizens (1997-31-10)
- The law on elections of local representative bodies - *sakrebulo* (1998-25-06)

Social sphere

- The law on social protection of the invalids (1995-14-06)
- The law on protection of consumer rights (1996-20-03)
- The law on trade unions (1997-02-04)
- The law on the scheme of calculating the subsistence level (1997-17-04)
- The law on medical insurance (1997-18-04)
- The law on insurance (1997-02-05)
- The law on education (1997-27-06)
- The law on public health care (1997-10-12)
- The law on non-state pension insurance and maintenance (1998-30-10)
- The law on the procedure of settling collective conflicts at work (1998-30-10)
- The law on primary professional education (1998-09-12)
- The law on protection of cultural heritage (1999-25-06)

Among other important legislative acts, which are connected with citizens' legal guarantees, one must note the following ones:

- The law on the constitutional court (1996-31-01)

- The law on independent arbitration (1997-17-04)
- The civil code of Georgia (1997-26-06)
- The law on military service and military obligation (1997-17-09)
- The general administrative code of Georgia (1999-25-06)

and etc.

The above-specified laws are based on the constitution. They ensure legal implementation mechanisms for the principles declared by the constitution.

These laws and a dozen of some others, which also deal with civil rights, regulate this sphere. At the same time, a lot of them look as mere declarations and have symbolic importance (for instance, the law on human rights day - 1998-04-02).

A limited scope of the given article does not allow to examine all these laws even in general. That is why, we will look into only one of them - the law on citizenship of Georgia, which was adopted on April 25, 1993. The law has the following basic principles.

In accordance with article 1 of the law, Georgia has single citizenship. Georgian citizens have no right to have another country's citizenship simultaneously.

Any individual who has permanently resided in Georgia at least five years and resided in the country at the time the law was enforced can be granted the Georgian citizenship in compliance with the given law (article 3).

In accordance with article 4, all Georgian citizens have equal rights by law, regardless of race, language, gender, religion, political and other beliefs, ethnic or social group, origin, property and position, and place of residence.

The state undertakes to protect rights, freedoms and legal interests of the Georgian citizens on the country's territory and abroad (article 6).

Foreign citizens residing in Georgia and residents without citizenship shall respect and observe the Georgian legislation. The state guarantees their legal rights and freedoms, including the right to appeal to court or other state structures for protection of their privacy, property and other rights (article 8).

The Georgian citizenship is granted from birth, by naturalisation, or by other means stipulated in international agreements and laws (article 10).

The Georgian citizenship can be granted to any adult foreign citizen or resident without citizenship, who have permanently resided in Georgia for the last ten years, who have jobs or real estate in Georgia (article 26)⁵.

The Georgian citizenship can be terminated if a citizen withdraws from the citizenship or if a citizen is deprived of citizenship (article 30).

If Georgia is a signatory to an international agreement that stipulates rules other than in the given law, the norms of the international agreement are given priority, provided they do not contradict the Georgian constitution (article 46).

All the provisions, rights and responsibilities stipulated by the given law are universal. There are no legal grounds for discrimination of any social group.

The real situation

Unfortunately, the real situation significantly differs from the above-described one. The state is completely unable to protect citizens' rights. This relates not only to social security, which is seriously crippled by hard economic depression and permanent budget deficit, but also to civil and political rights, which are rather often violated by the state apparatus (especially enforcement agencies).

Georgian citizens' rights are violated not only by governmental agencies but also by radical majority and minority groups.

Interests of violators of these rights (radical groups or the state) are often so intermingled that one can hardly distinguish which of them is to blame most of all in every particular case. However, it makes no principal difference to the victims (the society in general or its particular groups).

As to civil rights, confrontation between ethnic majority and minorities gives rise to greatest concern.

Traditionally, the idea about tolerant nature of the Georgian nation was very popular in the society. In reality, however, there was no opportunity to verify this assertion in the time of either the Russian Empire or the following Soviet totalitarian rule. In the first years of the Georgian independence, when Moscow-backed political forces of ethnic enclaves demanded to expand their autonomous status, Tbilisi showed no willingness for a compromise.

⁵ Initial reading of the law required all applicants for citizenship to have knowledge of the state language,

Such a situation was largely conditioned by ethnic Georgians' strong feeling of their ethnic superiority. This mentality was voiced by ultra-radical nationalistic groups, which managed to get enough support from the overwhelming majority of the society.

Despite certain concessions (the Georgian leadership actually granted ethnic Abkhaz with apartheid rights in 1991), the Georgian political elite failed to reach common ground with Abkhaz and Ossetian nationalists.

Georgia was defeated in ethno-political conflicts in 1990-93 and the process of political settlement has actually reached deadlock by now.

It is noteworthy that Georgia (both the society and the state) still has no concrete strategy to settle the problem. As a rule, Tbilisi appeals to "historical justice" and claims that it will sort out the problem sooner or later (without specifying exact dates).

At the same time, rights of the ethnic majority are also seriously violated. Separatist authorities carried out real ethnic purges on their territories. As a result, the number of population dropped dramatically there (approximately by 60%), while the number of IDPs in the areas controlled by the central government exceeded 250 thousand, laying additional burden on the hard social and economic situation.

Daily violations of human rights on the part of law-enforcement authorities pose another great problem. It would not be exaggeration to say that tortures, unfair court lawsuits (especially in political cases) and daily breaches of citizens' rights have become common in Georgia. In this case, political and civil aspects must be examined separately.

a) Citizens political rights have been regularly violated since the mid 90s. That is why and because of persecution of groups and individuals with different political views after the 1991-92 coup ("Tbilisi Winter"), public confidence in state structures reduced to almost zero:

- peaceful rallies of the ex-president Gamsakhurdia's supporters were dispersed by force
- Gamsakhurdia's supporters and other political opponents (*Mkhedrioni* and its leader Djaba Ioseliani) were convicted at biased and largely publicised trials;
- As a result of these trials, the number of political prisoners increased substantially.

Civil rights have been violated by the police and judiciary increasingly often (tortures or other kind of pressure, courts bribed by various criminal clans or political groups). One must mention frequent violations of citizens' rights first of all by the police, the judiciary and the procurators.

the Georgian history and legislation. This provision was cancelled on October 15, 1996.

b) citizens' social (economic) rights have been in the foreground of attention in recent years. The hard economic situation of the country and unprecedented level of corruption prevent the state from implementing citizens' social guarantees and increases social tensions in the country.

Long overdue pensions and wages, the chronically deficient state budget, huge inner debt, power supply crisis, poor social services, and soaring consumer prices make the people increasingly resentful.

While the social factor was relatively less important in comparison with the ethnic one in previous years, it has become the main problem of the state by now. Citizens' spontaneous protest actions and frequent strikes create perfect grounds for future social unrest.

It is also important that political demands have weakened not because the problems reduced. People's hopes for legal protection of their rights vanished and ordinary citizens try to solve their problems with the help of the clannish-corrupted system and patrimonial relations.

Given all the above-specified facts, the declaration that the Georgian legislation provides equal rights to all citizens seems rather doubtful.

III. Discussions about the citizenship

How does the society react to these issues?

The level of political awareness and rather pessimistic perception of the current situation suggest that the overwhelming majority of the Georgian citizens have no illusions about the ability of the state structures to solve the country's problems. Ordinary citizens are looking for side-ways in order to satisfy their basic needs.

An informal, parallel quasi-state continues to exist in Georgia nowadays. All spheres of relations are regulated by quite an institutionalised system of informal relationship rather than by the official legislation, which has weak legitimacy and was created only to please the West (meaning the donor countries).

This system effectively protects individuals not from external or internal threats by western definition but from their own state or from fellow citizens.

These relations are regulated by special mechanisms of identity. A clear-cut stereotype system plays the most important role in their development.

Thus citizens do not recognise their own state (lack of legitimacy) and this is the problem of the legally existing state, which is reflected in a crisis of citizens' self-identification in the process of building a civil society or a modern statehood. Most of the Georgian population do not consider themselves as parts of a common entity (the state) but as members of particular groups. These groups may be listed as follows:

- social strata (refugees, beggars, NGOs, unemployed, etc.)
- ethnic or subethnic groups (Armenians, Azerbaijanians, Russians, Megrelians, Ajarians, etc.)
- clans (citizens' groups - political parties or business groups united for the purpose of getting illegal economic or social benefits)
- corporate associations (the police, civil servants, members of the ruling party or the opposition).

Taking into consideration the above specified aspects, one may assume that debates on urgent problems that are characteristic of a civil society may not be carried out everywhere. Informal relations, which regulate the whole system (in kind of corruption or clientele relations), rule out a need to make the problem public.

Representatives of western countries may find it strange that despite such a hard social background, Georgia has not experienced social turmoil so far. But this situation has its own explanation, which was described above.

Of course, these relations cannot involve all the citizens and every sphere of life. This explains protests of a number of citizens. For instance, citizens spontaneously rallied in protest against blackouts, small wages and pensions; several organisations went on strike and organised pickets in Tbilisi and regions; etc.

Such acts include also actions organised by the core of the Georgian civil society - NGOs and mass media.

All these actions have common features - weak organisation, a small number of participants and few results.

At the same time, themes that are interesting for the society are not debated at all. Moreover, these debates often produce a lot of heat. They do not focus on social rights but deal mainly with protection/implementation of civil and political rights.

The following debates on civil rights have most serious repercussions in Georgia.

1. Debates on citizens' civil rights:

- ethnicity statement in the citizen's ID;
- the society's attitude towards severe confrontation between radical Orthodox Christians and several religious sects (Jehovah Witnesses, Baptists) of Georgia;
- the society's reaction to Russia's unilateral decision to impose visa regime with Georgia;
- prospects of repatriation of Muslim Meskhetians deported from Georgia in Stalin's times (during World War II)

2. Debates on citizens' political rights:

- concerns that the ruling party has won virtually every election since 1992 with the help of rigging, while law-enforcement authorities (mainly the police) openly intervened in the ballot;
- the issue of IDPs' participation in local elections
- debates about future models of territorial arrangement of Georgia, which were triggered by attempts to revise the law on local self-government;
- debates about foreign policy orientation of Georgia, which were reflected in confrontation between pro-Russian and pro-western forces.

Each of these issues will be examined below. At present, I will try to highlight some common features of these debates.

First of all, let's describe actors of the story. As mentioned above, the debates involved mainly the civil sector and political forces in kind of governmental structures or political parties. At the same time, political adventurers appeared to have played quite an important role in most heating debates. They tried to manipulate the most destitute part of the society, calling for defence of traditional values, in order to get political or economic benefits.

Discussions are quite transparent. There was much coverage of these debates in mass media (both state-run and independent). At the same time, the debates are often carried out against the background of escalating violence and public hysteria (regular persecution of opponent religious groups, protest actions and protest hunger strikes).

Although opportunities for expressing opinions are aplenty, participants of the debates often stick to accusing each other instead of debating with positive or negative arguments. As a rule, supporters of the ethnic position blame liberals for intentions to foil Georgia's interests and title them as agents of western secret services or at least admit that they were deceived by "anti-Georgian forces" (Masons, etc.). For their part, pro-western and liberal forces often accuse supporters of traditional values of favouring Fascism or propagating nationalistic ideas and consider them as people with medieval mentality or agents of Russian security services.

Debates involve mainly intellectuals and politicians of Tbilisi. There are few representatives of the regions, except spokesmen of the Ajarian autonomous republic, who rather actively participate in various debates and oppose the ruling party.

During Georgia's independence Batumi, the capital of Ajaria, transformed into another political centre of the country. In fact, there are two political groups (Tbilisi and Batumi alliances or, as they are often referred to in mass media, clans) with more or less similar governing methods (though the level of democracy is somewhat different), which are vying with each other for power.

At the same time, the vast majority of the participants of the debates belong to ethnic, religious or political majority. The role of ethnic or religious minorities is insignificant and their rights are advocated by the liberal part of the majority.

The majority itself lacks common approach towards both basic values and particular issues. As to the country's political elite, which is mainly made up of *nomenklatura* with Soviet mentality and various Mafia or other kind of clans, one may be certain that their outlook remains in a state of

complete bewilderment. The current Georgian ruling clan lacks common strategy on the future development of the country. As a rule, the Georgian leadership reacts to the situation only post factum, sticking to the so-called "balance" policy, which means manoeuvring between various interests.

At the same time, participation of minorities in political debates should not be ruled out completely. While minorities apply a wait-and-see tactics, the situation in several ethnic enclaves is different.

Among such regions, Javakheti must be mentioned first of all. It is located southwestward from Tbilisi at the Georgian-Armenian border and its population is dominated by ethnic Armenians (90%). There is quite a strong ethnic-secessionist movement in the region led by local radical nationalists and Soviet-type local *nomenklatura*. Although article 6 of the law on political associations of citizens bans creation of political parties by regional or territorial principles, the regional political movements "Javahk" and "Virk", which were created on ethnic principles, have been operated in the region for last several years. Their activities have signs of Armenian ethnocentrism and apparently anti-Georgian political orientation.

Like elsewhere in Georgia, ethno-centrist radicalism is fuelled by hard social problems.

Despite occasional disturbances, other ethnic enclaves of Georgia have been relatively calm and peaceful so far. However, tensions have recently arisen in northeastern part of the country - the Pankisi Gorge populated by Kisti people (a Chechen subethnic group). With the beginning of the second Russian-Chechen war, this region finally plunged into a realm of criminal groups and transformed into one of the main kidnapping and drug trafficking zones of the Caucasus.

These territories are affected by the citizenship-related problems as long as citizens' civil, political and social rights are violated at the greatest scale just there.

IV. Debates in various existing fields.

Let's look into public debates on citizenship-related problems.

1. First of all, it is noteworthy that discussions about inter-ethnic problems are rather hot.

The issue of ethnicity statement in the citizen's ID may illustrate radical ethno-centrist mentality.

The problem arose in the summer 2000, during parliamentary debates on the issue of citizen's ID. Liberal parliamentary groups attempted to secure a common citizenship status for every resident of Georgia, regardless of their ethnicity.

Quite unexpectedly, the issue faced strong opposition not from ethnic minorities but from the Georgian majority of the society. Some public figures (professor Guram Sharadze, a writer Revaz Mishveladze), who were backed by marginal groups of citizens, called for defence of the Georgian genealogical fund.

As a result of mass media debates on the issue, the ethnicity statement was preserved in the citizens' ID. The Georgian president, who seemed anxious to improve his already low rating in the society, preferred to support the nationalists, claiming that abolishment of the statement may place obstacles to negotiations with separatist regimes (Abkhazia and South Ossetia).

The problem remains unresolved and is still in the focus of public attention. Due to popular stereotype views of ethnicity, most of the Georgian population favour ethnicity rather than common citizenship.

2. The problem of religious freedom must be examined separately.

The Georgian constitution declares equality of all the religions but, at the same time, it acknowledges an extraordinary role of the Georgian Orthodox Church. The Church has been steadily increasing its influence in the society since late 80s and the process seems intensifying.

Simultaneously, a conservative part of the Church is reinforcing its position. A need for a concordat between the Orthodox Church and the state is discussed even at the governmental level nowadays.

A radical Orthodox movement has been increasingly active in Georgia in recent years, targeting various religious groups, which emerged in Georgia either in the last decade or existed before (Baptists, Krishnaites).

Confrontation is especially sharp between radical Orthodox groups and Jehovah Witnesses. Several pogroms of Jehovah Witnesses and scandalous lawsuits against this sect have taken place for the last two years.

A part of the Georgian civil society, mass media and the third sector, strongly suspect that radical Orthodox groups are backed by conservative forces (the police and security services), which want to divert the society's attention from more serious problems.

When it comes to confrontation between the radical Orthodox groups and some religious sects of Georgia (Jehovah Witnesses, Baptists), the most of the public seem to be in sympathy with the radicals.

The situation is worsened by the fact that although the Georgian Orthodox Church (which has increasing influence in the population) condemned any violence against other religious groups and unfrocked one of the radical priests, Father Basil Mkalavishvili, it made no determined protests against particular facts of persecution.

3. Debates on the problem of Muslim Meskhetians deported from Georgia in Stalin's times (during World War II) are also rather heating. This problem emerged in mid 80s and has become permanent by now.

Muslim Meskhetians were deported from a southern region of Georgia that neighbours Turkey in 1944 for allegation that they supported German's ally, Turkey. Until the last years of perestroika (1987-1988) they used to live in Uzbekistan but ethnic conflicts in this republic forced them to emigrate from the Central Asia. A good deal of them identifies themselves as Turks, while the others say they are Muslim Georgians.

At present, Muslim Meskhetians reside in North Caucasian districts of Russia and Azerbaijan, and demand unconditional repatriation to their homes in Georgia.

Although Georgia was granted membership of the Council of Europe on condition that the problem of Muslim Meskhetians would be finally solved, the society (especially the population of southern Georgia) is rather negative about the issue. That is why radical groups are able to amplify their rating in the issue by igniting public hysteria.

The Georgian leadership also has no common approach towards repatriation of Muslim Meskhetians. Some experts say Muslim Meskhetians must be settled in various regions of Georgia in order to prevent a danger of creating a new hotspot of ethnic tensions. Their number is also under serious doubts. According to official sources, the number of deported Muslim

Meskhethians in 1944 did not exceed 50 thousand in total. At present, 300 thousand claim themselves to be their descendants. Nationalists suspect that a large-scale ethnic aggression may be implemented against Georgia using the issue of Muslim Meskhethians.

While debates on the issue in the mass media of the capital do not go beyond acceptable norms, the situation is different in southern Georgia. A part of the local population (Christian Georgians) - their ancestors were fighting against Muslim Meskhethians since XIX century (especially during World War I) - reject any possibility of the repatriation. In the Akhaltsikhe district one may suffer physical offence by locals even for simple talks about the issue.

4. The fact that virtually every election in Georgia since 1992 has been rigged (intimidation or bribing of voters, falsified documents and forceful change of election results), invoking extremely negative statements of the opposition, illustrates violation of citizens' political rights in Georgia and angry reaction of the society. Mass media often publishes complains about election rigging in favour of the ruling party and crude interference of law enforcement authorities (mainly the police) into the ballot.

Although international organisations have recently paid more attention to the increasing scale of election rigging, the Georgian leadership, which came to power just through these elections, makes nothing to improve the situation.

In the end, let's look into one more aspect of the debates on these issues. In fact, only political parties and those international or local NGOs, which are directly involved in the election process as participants or observers, take part in these debates.

As to the broad public, people have no interest at all in the elections since few believe that their vote may really count for the election outcome. This may explain the steadily increasing number of voters who prefer to abstain from voting at almost every election. Consequently, the government is able to use the existing ballot papers for its own benefit and rig the elections at a larger scale.

5. This year the society has faced another problem and related debates. Russia's unilateral decision to impose a visa regime on Georgia sparked the society's hot reaction.

After the dissolution of the Soviet economic system in 90s, Georgia actually plunged into an economic chaos since its economy was strongly oriented towards the Soviet market. Total unemployment and unstable political situation contributed to emigration from the country.

As no census was carried out in Georgia during the country's independence, there are no exact statistical data on the emigration. According to various estimates, the number of emigrants varies from 500 thousand to 1.5 mln. Most of them are believed to migrate to Russia, mainly to large cities (Moscow, St.Petersburg). A lot of Georgian citizens are able to subsist only thanks to financial help of their relatives, who now live, permanently or temporarily, in Russia.

At the same time, although Russia provides much more opportunities for economic activities than Georgia, Caucasian peoples face great problems living in Russia. The ultranationalist part of the Russian population, which has many supporters among the political elite and the government, is gradually intensifying anti-Caucasian policy.

The Russian-Chechen conflict only contributed to these tensions. Anti-Caucasian actions very much resemble anti-Semitic hysteria in Germany before the World War II. The number of searches in the streets and apartments, illegal arrests and forceful evictions from houses has been increasing in recent times. A large part of the Georgian society reacts to these facts rather painfully, as the problem is often connected with personal security of their family members and relatives.

Russia made its last anti-Georgian move on December 10, 2000, slapping a visa regime on Georgia. This unilateral decision caused even more problems for the Georgian residents currently living in Russia.

The Georgian mass media and the population evaluated the fact as anti-Georgian action of Russian imperial forces, which punished the country for its demands to withdraw Russian military bases from Georgia and its gradual drift away from the sphere of Russian political influence.

The Georgian leadership shares such views of the population and officially denounces this Russian policy. However, the government has made no practical measures to solve the problem so far.

6. The above-specified problem fuelled post-coup (after 1991-92) political debates on the choice of foreign policy orientation. These debates manifested themselves in a confrontation between pro-Russian and pro-western forces.

As a result of Russia's pressure on Georgia (the visa regime, suspension of supplies of energy carriers, etc.), some parts of the population have become more pro-Russian.

Certain political forces (Communists, a part of the former Soviet *nomenklatura*, etc.), which have been increasingly popular over last two years, demand more concessions to Russia (Russian military bases must remain in Georgia, pro-western policy should be dropped, Georgia should join the Russian-Byelorussian economic alliance and relinquish its share of the Soviet Union's property), even if it may damage the country's interests.

A certain part of the population sympathises with this tendency. Apart from the above-described reasons, this fact has some other reasons:

- The population's dissatisfaction with the current government indirectly hits the West. The population regards western diplomatic or unofficial statements in support of Eduard Shevardnadze's political course as western democracy's support of incompetent, corrupted and autocratic regime. On the one hand, this aspect tarnishes the political image of the West in Georgia and, on the other hand, it fuels anti-western feelings.
- The break-up of the socially oriented state (USSR) and hard social and economic problems account for strong nostalgia feelings of former USSR citizens. Although few believe in a rebirth of the USSR and hardly want it to happen except several small groups (older Stalinists and radical Communists), supporters of traditional values have improved their position. People see signs of anti-Georgian policy in any western actions (activities of the World Bank or the IMF, western credits to Georgia, which were embezzled and will be paid off at the expense of the population).

Taking into consideration all the above-mentioned aspects, it becomes obvious that anti-western and nationalistic feelings are strengthening in Georgia nowadays.

7. In the spring 2001 political parties followed by NGOs launched debates on future territorial arrangement of Georgia. These debates were triggered by the ruling party's attempts to revise the law on local self-governments.

A new draft law was viewed as a step backwards in comparison even with the 1997 law on local self-government, which provided local self-government bodies with rather limited rights. Among other things, Georgia was admitted to the Council of Europe (February 1999) on condition that executive bodies of the self-government system (*gamgebeli*, city mayors) would be elective.

According to the new draft of the government, these offices are still appointed by the president. At the same time, the lowest level (municipal) of self-government, where the principle of elections of mayors is stipulated by law, has no real rights. The budget at this level is rather meagre and often cannot cover expenses of even the apparatus of local self-government.

In this case the government's main argument is that as a result of local elections the central government may lose its control over ethnic enclaves. At the same time, the government claims that the problem of territorial arrangement of the country should be put on the agenda only after Georgia rebuilds its territorial integrity.

Opposition parties and NGOs believe that these arguments cover the government's desire to retain full control over formally existing self-government bodies. Besides, the system of appointments implies quite strong stimuli for corruption and, therefore, top brass of the government seem anxious to keep this "titbit".

This debate began actually in April-May 2001 and presumably will reach its apex in November, by the time of next local elections.

8. The theme of elections and power continued in a recently emerged debate on the issue of IDPs' rights to vote in local elections.

Since 1995 presidential and parliamentary elections, IDPs have been entitled to vote only in presidential and partially in parliamentary elections (they have a right to vote for political parties only by proportional ballot). They have no right to vote for majoritarian candidates and take part in local elections.

During 1998 local elections, several IDPs appealed to the Constitutional Court for a right to take part in local elections. The hearing of the case extended over several years, so that Georgia carried out parliamentary (1999) and presidential (2000) elections.

Finally, the court turned away the IDPs' demands. For this reason, human rights organisations have been campaigning since May 2001 for IDPs' full voter rights.

It is hard to say whether this issue will become a theme of urgent debates in the society. One thing is obvious, however. The problem attracted great interest of the broad public. The opposition will use it to bring discredit on the government, while populists may attempt to gain political dividends.

9. Finally, the gender problem is another theme that gave rise to debates in recent times. Several feminist organisations have brought forward the issue of quotas for women membership in political parties and election lists.

It must be mentioned that the debate on this problem involves rather limited number of participants and it will hardly attract attention of broad public in the near future. In all likelihood, the society will discuss other, more urgent problems.

V. Conclusions

Conclusions may be stated in the following way:

- People's participation in public debates has been declining in recent years, while the society's apathy and non-confidence in the government seem increasing. Political demands became rare in comparison with social ones.
- Traditional defence mechanisms have allowed to head off social unrest so far. At the same time, patrimonial relations are strengthening. The process of isolation between various social groups is going on. Each of these groups cares for its own interests and completely ignores interests of the others.
- Various strata of the society in kind of interest groups do not seem much concerned with social problems. Only the intellectual elite, which mainly mustered in the third sector, is interested in these problems. The population is gradually becoming estranged from the rule of the liberal thought. Liberal values have been discredited in the society.
- Political intrigues, unprincipled attitudes, lack of common strategy and corruption are widely spread among the Georgian political elite. This makes people resentful and helps the opposition of the economic course to recruit more members. The society's current strong apathy may well turn into a radical reaction in the future.
- The crisis of the society's self-identification is evident. There is no clear view in the country on the essence of integration and what agents must participate in the process. As a result, the majority is unable to propose any model to minorities (ethnic, religious, social, etc.).

Likely prospects

There is no universal remedy against such a situation. Various countries use different methods, more or less successfully, to satisfy basic interests of the society. So Georgia will have to work out a strategy of civil integration on its own.

It is known that consolidation of the society is based on common mentality and historical experience. From this viewpoint, Georgia has serious advantages: despite large differences, ethnic, religious and social groups have many in common - from the legacy of the totalitarian Soviet past, post-Soviet thinking, to a certain form of Caucasian mentality, which is characterised by quite strong elements of ambition.

The West may play an important role in these processes. It may effectively use aspiration of eastern Europe (and of the Caucasus) towards westernisation and contribute to the development of a civil society.

The integration process must take into account traditional values as well. Their complete neglect may boost ethnic nationalism and social extremism.

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