

CENTRAL EUROPEAN UNIVERSITY

**Civil Society Participation in the Parliamentary Law Making Process in
Georgia**

By

George Gogsadze

Submitted to

Central European University

Department of Political Science

In partial fulfillment of the requirements for the degree of Master of Arts

Supervisor: Professor Nenad Dimitrijevic

Budapest, Hungary

2011

Abstract

This thesis studies the civil society participation in law making processes in Georgia. It briefly outlines this participation in the period 1995-2003, and mainly focuses on the period after “Rose Revolution” in November 2003. It aims to understand how and by which means civil society influences legislation in the country, mainly focusing at cases of healthcare and education. According to the findings, based on the study of committee law making processes in these areas, different civil society actors use different means of participation as drafting, attendance at the committee hearings, monitoring, and cooperation/confrontation with the government. Discussion and conclusion shows that successful organizations are the ones that have high expertise and knowledge in the field, have several strong donors, and their projects cause great public interest. The thesis suggests that government should further institutionalize these processes, become more cooperative and considerate to civic sectors’ needs and suggestions, which will help it, improve legislation in the country. On the other hand, civil sector should become more active, develop its monitoring ability and increase availability of information to the public about these processes in order to gain more leverage during law making processes.

Acknowledgments

I would like express gratitude to my supervisor Nenad Dimitrijevic for his helpful guidance and supervision; as well thank my second reader Zoltan Miklosi. I am thankful to my academic writing teacher Thomas Rooney for being patient and helpful throughout my research. I am also grateful to the members of my family for being supportive throughout my studies at CEU.

List of Abbreviations

CSI - Civil Society Institute

GTUC - Georgian Trade Union's Confederation

GYLA - Georgian Young Lawyers' Association

LI - Liberty Institute

NDI - National Democratic Institute

TI - Transparency International

OSGF - Open Society Georgia Foundation

TUTSG - Trade Union of Teachers and Scientists of Georgia

Table of Contents

ABSTRACT.....	I
ACKNOWLEDGMENTS	II
LIST OF ABBREVIATIONS.....	III
INTRODUCTION.....	1
CHAPTER 1: THEORIES ABOUT CIVIL SOCIETY, LITERATURE REVIEW AND METHODOLOGY	8
1.1 THEORIES OF CIVIL SOCIETY	8
1.2 A BRIEF OVERVIEW ON PREVIOUS WORK ON CIVIL SOCIETY IN GEORGIA	12
1.3. METHODOLOGY	13
CHAPTER 2: CIVIL SOCIETY IN GEORGIA AFTER REGAINING INDEPENDENCE.....	16
2.1 RELATIONSHIP BETWEEN CIVIL SOCIETY AND THE GOVERNMENT: DEVELOPMENT OF CIVIL SOCIETY AFTER INDEPENDENCE.....	17
2.2 DYNAMICS OF CIVIL SOCIETY AFTER THE “ROSE REVOLUTION”	21
2.3 CIVIL SOCIETY ORGANIZATIONS AND THEIR DONORS	25
2.4 CITIZENS’ PARTICIPATION AND TRUST IN INSTITUTIONS	28
2.5 CONCLUSION	30
CHAPTER 3: CIVIL SOCIETY INVOLVEMENT IN LAW MAKING PROCEDURE AFTER THE “ROSE REVOLUTION”	32
3.1 THE CONSTITUTION, LEGISLATIVE FUNCTION, THE PARLIAMENT AND THE COMMITTEES	32
3.2 HEALTHCARE AND SOCIAL ISSUES COMMITTEE AND RESEARCH-ADVISORY COUNCILS	36
3.3 CASES IN HEALTHCARE AND SOCIAL ISSUES COMMITTEE.....	39
3.4 OSGF AND PALLIATIVE CARE	42
3.5 ‘TANADGOMA’ AND ‘BEMONI’ INITIATIVES.....	44
3.6 CASES IN EDUCATION, SCIENCE AND CULTURE ISSUES COMMITTEE	46
3.7 GTUC AND TUTSG: LEGISLATION INITIATIVES AND AMENDMENTS IN LAWS.....	50
3.8 OTHER ACTIVE ORGANIZATIONS AND POLICY FIELDS	54
3.9 SUMMARY AND ANALYSIS: CIVIL SOCIETY INVOLVEMENT AND ACTIVITY IN LAW MAKING PROCESS	58
CONCLUSION.....	62
APPENDIX 1: LEGISLATIVE INITIATIVES.....	67
APPENDIX 2: QUESTIONS FOR INTERVIEWS:.....	68
APPENDIX 3: LIST OF INTERVIEWS:.....	69
REFERENCE.....	71

INTRODUCTION

Alienation of citizens from the political processes appears to be one of the major concerns of modern democracies. In this context, as in many others, civil society constitutes an important element of the democratic process. Apart from the mechanisms of political parties and lobbies, it provides citizens with an alternative way of channeling different views and securing a variety of interests in the state level decision-making process.

Very often actual decision making and policy do not coincide with the constitution and its institutions; often important actors that are not mentioned in the constitution and are not part of the government get involved in the policy and decision making politics (Wilson 2002, 153). As Wilson argues in practice it is not only the politicians that implement the policy, “Nongovernmental organizations are often involved in both the decision making and the implementation...” (2002, 153).

NGOs and organized civil society are essential contributors to the development and realization of democracy and human rights. Code of Good Practice for Civil Participation is taken to refer to organized civil society including voluntary groups, non-profit organizations, associations, foundations, charities, as well as geographic or interest-based community and advocacy groups (Council of Europe, INGO 2009 Oct). Organized interests play an important role in shaping the public policy. Wiesenthal believes that state appears to be captured by “narrow” interests of certain interest groups; but the relationship between state agencies and organized interests in public policy are mutually beneficial and both sides have strong incentives to cooperate (1996, 15). The core activities of NGOs are focused on values of social justice, human rights, democracy and the rule of law. In these areas the purpose of NGOs is to promote causes and improve the lives of people. NGOs

and interest associations can be seen as accumulators of professional competence. In most cases the NGOs and organized interest associations provide governmental bodies with information and, to some extent, reduce them from the troubles, which are connected with the realization of the regulative policies. Civil society organizations form a crucial component of participation in an open, democratic society through engaging large numbers of individuals. The fact that many of these individuals also are *voters* underlines the complementary relationship with representative democracy (Council of Europe, INGO 2009 Oct).

Further, participation will increase the accountability of the national government towards its own citizens. Increased accountability will in turn contribute to good governance. However, effective participation of civil society requires a government that is willing and is able to accept it. Taking into account the lack of both willingness and effectiveness of the governments' of transition democracies, this condition should be considered as highly problematic.

According to Lavery civil society groups were crucial to the electoral revolution in Georgia. The weakness of the Georgian state before the revolution in 2003 contributed to reinforcement of civil society in the country (Lavery 2008, 145).¹ Khatiskatsi noted that before 2003 ineffectiveness of the government to provide proper public service and high level of corruption gave civil sector good reasons to criticize the government, this as well gave civil sector considerable support from the population (2011). Nodia notes that the role of civil society in the Rose Revolution can be identified by the following points: civil society largely contributed to de-legitimization of Eduard Shevardnadze regime and to definition of the program for democratic reforms; before the revolution civil society organizations became a place where significant intellectual resources were concentrated

¹ I would add here that Eduard Shevardnadze's regime considerably lost the trust of majority of the population during his second term in the office; in addition to this many previous allies of the government joined the opposition, which resulted in the further weakening of the government.

and this fact played a huge role in influencing public opinion. In addition civil society groups followed and propagated organized and peaceful nature of the protests; because of prior ten years of engagement with civil activism civil society groups developed and started to promote democratic values and institutions. Non-governmental sector was vital in providing the evidence that parliamentary elections of 2003 November 2 were rigged (Nodia 2005, 16). The same author notes that after the revolution civil society organizations have influenced important political decisions; their representatives are integrated in diverse advisory councils under governmental organs; these councils carry out important counseling and other functions (2005, 9).

Since 2004 some international organizations, in particular National Democratic Institute for International Affairs (NDI), Transparency International (TI), EC Delegation / German Technical Cooperation (GTZ), and the Open Society Institute (OSI) have been assisting the Parliament of Georgia in strengthening its capacity for improving legislative process, including active engagement of civil society in the process. “Informational Bulletin was regularly published which covered information on the schedule and agenda of the committee hearings and the draft laws discussed at the hearings”. TI Georgia was funded by the Swiss agency of development and cooperation, which aimed to assist Georgian MP-s to make informed decisions about draft laws by eliciting expert advice involving civil society in the legislative process. European Union Support to the Reform of the Parliament of Georgia (EUSP Georgia) was established so it could fulfill such objectives as: developing relations between the parliament, interest groups and NGOs; assisting parliament in openness to the public and being more informative about its work and etc.²

² All the information and quotes in this paragraph are taken from official website of Georgian parliament - completed projects: http://www.parliament.ge/index.php?lang_id=ENG&sec_id=1072.

One of the tasks of this research is to find out how productive is cooperation between the government and civil society groups, and what are the main obstacles in this process. Usually NGOs can bring benefits of knowledge and independent expertise to the process of decision making in different policy fields.³ Cooperation with well-organized NGOs may lead governments at all levels, from local and regional to national, as well as international institutions, to draw on the relevant experience and competence of NGOs to assist in policy development and implementation. NGOs enjoy a unique trust from their members and society to voice concerns, to represent their interests and to gain involvement in causes, thereby providing crucial input into policy development. It is acknowledged that organized groups exist to further the needs of their members and for the benefit of wider society; therefore they act as a key channel of participation and multiplier for the engagement of citizens. In Georgia NGOs enjoy relative trust and support from the society⁴ (CAD 2009, 7). NGOs represent their interests and gain involvement in causes, thereby providing crucial input into policy development.

This research will be focused on the observation of civil engagement in Georgian legislative processes. It is clear that civil society cannot participate in the parliamentary decision making process directly and therefore I will analyze the influence and quality of the civil society engagement. The *main question* this research asks is: do civil society organizations play an important role in law making process in Georgia, how does it influence law-making in the country?

Participation and engagement can be divided into several main areas: drafting process, attendance at the committee hearings and monitoring process. I believe in terms of drafting process it is significant to know whether civil society organizations drafted the bill by either their initiative (i.e. gathered the votes of 30,000 electorate), or considered

³ The question is whether government is interested in such expertise and to what extent?

⁴ I will elaborate about citizens participation and trust in civil society later.

legislative proposal, or was it the parliament or opposition parties seeking for their assistance in order to form or improve the law. In terms of monitoring process different civil society organizations can overlook the implementation of enacted law. They can also be present at the committee hearings and provide evaluation or criticism of the draft-bill proposed by the government, the parliamentary majority or the parliamentary committee. This type of activity took place after the “Rose Revolution” when some of the NGOs were present at the hearings of the committees (TUTSG, “Solidarity” and GYLA). They criticized the draft bills proposed by the government such as “higher education” draft (Education committee protocol #21, 2004). The criticism resulted in postponement of adoption of the bill.⁵ Also it is important to know in which step of law making the representatives of civil society are more actively involved. How actively are NGOs engaged and participate in the different spheres of law making process? How active and efficient is cooperation between the parliament and civil society?

Georgia’s civil sector has been participating in the law-making process since the mid 1990s. NGOs engaged in legislative processes have been active in several directions, which mainly included drafting of laws, providing expertise and monitoring, as well as advocating and lobbying. Such organizations as Georgian Young Lawyers Association (GYLA), Civil Society Institute (CSI), Liberty Institute (LI), and the Georgian Trade Union’s Confederation (GTUC) and TUTSG have had a substantial participation and engagement in the law making processes.⁶

Participation of Georgia’s civil society in the legislative process has been studied, but very superficially and has not been evaluated deeply. Specifically, how do these processes take place? Committee hearings are public in order to guarantee different groups to participate (Georgian Constitution 1995). Also according to Georgian constitution

⁵ I will elaborate this case in more detail in later part of my research.

⁶ The official website of Georgian Parliament.

electorate has a right to gather vote of 30,000 and initiate legislation (Georgian Constitution 1995, art. 67, sec. 1). Hence there is a need to study many other important issues; for instance, it is important to find out which actors of the civil society are active in the above process, and, what are the formal opportunities provided by the regulations and administration of the parliament for the participation of the civil society actors: to what extent does the parliament take into consideration the expert opinion and recommendations of the civil society? It is crucial to find out in which spheres is civil society more active and successful and what is their specific interest and motivation in being active in those spheres rather than others.

My hypothesis is that the type of involvement such as drafting, participating in the committee hearings, monitoring and cooperation (or confrontation) with the government by the civil society organizations influences law making process in Georgia; although frequency and involvement varies between different policies.

Here I argue that those civil society organizations that tend to be more specialized, well funded by donors (including international) also are involved in the issues and policy fields that cause great importance for the population in general have better chances to influence law making in the country. Therefore, assessment of the stated level of influence by policy fields is a subject for further identification. That is why the research will use the committee record (protocols) and draft bills as well as enacted laws as the tool for fulfillment of the mentioned task.

My thesis will consist of three chapters. In the first I elaborate upon general theories of civil society, briefly touch literature and works on civil society in Georgia and explain the methodology. The second chapter elaborates upon the development of civil society in Georgia after independence; including civic sector's relationship with the government and their donors. The third chapter deals with constitution of Georgia,

legislative function and committees, in later sub-chapters I provide information and analysis about cases and initiatives by different civil society organizations in healthcare and education committees, and other policy fields and civic organizations active in these spheres; in the final sub-chapter I discuss the civic sector involvement after 2003. In the final part I analyze civic sector's involvement, activity and different forms of participation in law making process and draw some conclusions and suggestions based on results.

CHAPTER 1: THEORIES ABOUT CIVIL SOCIETY, LITERATURE REVIEW AND METHODOLOGY

This chapter addresses three major questions. In the first section I will provide a concise overview of theories of civil society; what follows will not be a comprehensive exploration of different theories of civil society. I have focused only on those approaches that I used in my analysis of the Georgian case. In this part for clarity I will define what civil society is, also briefly outline the different approaches there are when studying and analyzing civil society. In the second briefly overview the literature on civil society in Georgia; in the third I will explain my methodology.

1.1 Theories of civil society

Marc Morje Howard in his book: *The weakness of Civil Society in Post-Communist Europe* distinguishes between political society, economic society and civil society. Political society refers to competition for political power by political leadership; economic society refers to the large amount of business organizations which pursue economic profit, and civil society is defined as “realm of organizations that are formally established, legally protected, autonomously run, and voluntarily joined by ordinary citizens” (2008, 34-35). Characterization of civil society is linked with consideration about its values: certain individuals can willingly unite and have non-liberal values; some non-liberal associations, such as Ku-Klux-Klan and Hezbollah and Hamas, exist in civil society realm and usually satisfy the demands for civil society organizations, and these groups might use violent or terrorist means, but at the same time carry out social work that can prove useful for their target groups (Nodia 2005, 7). Howard notes that civil society groups should adhere to basic liberal democratic principles, that these groups should accept the legitimacy of other

groups in a reciprocally identified public realm, in order to be considered as civil society (2008, 37).

Some scholars claim democratic political parties to be part of broader conception of civil society; however, the main point is that civil society is marked off from the state (Sodaro 2004, 217). Therefore I will not imply political parties under civil society in my thesis, although I will discuss few cases where civil society has allied itself with political parties representing opposition.

According to Howard, civil society can be differentiated from political and economic society by the fact that in civil society its own individual members can produce or prevent change by proceeding in their organization, while in political and economic societies individual elites have certain influence and exert control over decisions and it is not necessary for them to act through their organization. Unlike in political or economic society, civil society does not have power or profit as their objective; membership of civil society is based on individuals needs, interests and desires (Howard 2008, 35). However I do not completely agree with Howard, as I believe that organizations such as human rights groups, women's groups, animal rights groups, and churches, which the author lists as composing groups of civil society, to certain extent seek out power and influence and to certain extent profit (For complete list about civil society groups see Howard 2008, 36-37). This is mainly the case in Georgia, where majority of the civil society groups seek certain influence, and to certain extent are politicized. The considerable part of civil sector did not stay neutral before, during and after the Rose Revolution in the country.⁷ Some organizations are less political, but are still interested in public policy issues, such as education or health matters (Sodaro 2004, 217); such organizations would fall under political and civil society groups (in accordance with Howard). Most of the civil society

⁷ In this case I especially mean strong civil society actors, with efficient funding, strong donors and high organizational capacity.

groups that I will use in my thesis are of NGO type, defined by Howard. Indeed Howard himself notes that although these three types of societies can be differentiated to some extent, the dividing lines between those three arenas is not that precise and there is a significant overlapping between these arenas. The political interest groups and NGO-s, also membership for a political party can be viewed as groups belonging to both political and civil society groups. Those groups overlap because, political interest groups have an objective to influence political decisions; in addition in order to be successful they rely on contribution and support of common citizens. The same can be noted about economic society, but their objective is to influence economic decisions and results carried out by the state bureaucracies (Howard 2008, 35).

Since the 1990s it has become widely popular to define civil society as a community of NGOs; this is clearly the narrowest understanding of the term (Nodia 2005, 6). In my work I will use and imply the concept civil society as defined by Howard; however, in many cases usage of the phrase civil society will include organizations that belong to political, economic society (and NGOs) as they influence law making more than just civil society groups defined by Howard (2008, 35).⁸

The main function of civil society according to Jonathan Wheatley is to aggregate the demands of certain citizens and to communicate these demands with the government and to mobilize important part of the population if these demands are not met; the different parts of civil society ensure that government is held vertically accountable, where rulers are responsible to the ruled (Wheatley 2010, 2-3). According to Sodaro, one of the necessary conditions for democratization is democratic political culture, citizen participation and civil society (2004, 216). Although considered as main sources of democratic political culture, there have been cases in the past where strong civil society

⁸ I will indicate any case where civil society is not part of either political or economic (or NGO) society.

groups were not able to prevent collapse of democratic regimes (most prominent case of such example identified by scholars is Weimar Republic). Therefore one has to be careful not to overestimate importance of civil society organizations. Matveeva notes that Civil society is a supplement to political institutions and not a substitute for them (2008, 3).

The institutional approach, in contemporary context, argues that civil society groups can serve as a protection against a potentially interfering state. In a democratic state civil society organizations have the ability to prevent the state to pass the laws which oppose organized interests of citizens with common goals. At the same time civil society groups have the power to influence and normalize the laws that get passed. Usually these organizations provide legislators with positive information and standpoints about different issues, which contributes to better policy-making by the state (Howard 2008, 46). Pressure on politicians and subsequent accountability can be achieved solely by civil society groups who have strong support and public calling (Matveeva 2008, 6). Matveeva believes that if civil sector wants state to be accountable “then it needs to base its monitoring work not only upon laws and conventions that the state has adopted, often on the advice or pressure of the international community, but also must be realistic about the capacity of government agencies to implement its recommendations” (2008, 6-7).

Indeed civil society should propose reasonable goals to the government for implementation and it is clear that government will not be able to fulfill civic sectors’ all recommendations; however it is also clear that in order for civil society groups to be successful they need to have proper strategy and propositions especially support from the public in this case they will have more chances to force government to cooperate. I believe that this is one of the best measures to assess the strength of civil society, by involvement in the law making processes; indeed constitution gives opportunity to do so. The main question is does civil society use this opportunity and does government pay attention to

them and to what extent. Civil society needs to be strong and have qualified attitude towards different issues.

1.2 A brief overview on previous work on civil society in Georgia

In this short section I will only present these academic and policy works on civil society in Georgia that I would be using in my following chapters and analysis.

A policy paper by Ghia Nodia (Nodia 2005) gives a thorough analysis of civil society organizations in Georgia, their development after the independence and relevant issues concerning their role in promoting democracy in the state. This paper has provided useful information for the part of my thesis where I have discussed civil society in Georgia; a book by Wheatley (2005) provides detailed historical analysis of events taking place from 1989 till 2005 in Georgia, including the state of civil society and its interaction with the government. It proved useful when describing and analyzing civil society development throughout several periods of independence; Wheatley also discusses NGOs that got involved in drafting process before the revolution that is why it is important to use in my research, in order to provide information and analysis about these active organizations and situation before 2004. An article by Muskhelishvili and Jorjoliani (2009) generally analyzes the role of NGOs and civil society organizations in promoting democracy after the Rose Revolution. Tucker's (2007) as well as Matveeva's articles (2008) provide good analysis of colored revolutions and civil society development (including Georgia) in the post-Soviet region. Some of the above noted articles tend to view civil society as significant before and after the revolution (such as Nodia), while others (Matveeva, Muskhelishvili and Jorjoliani) consider the role of civil society more as supportive during the revolution and weaker after the revolution. It will be important to use both of the arguments for my research.

In order to better understand whether civil society is strong or weak in Georgia, I decided to look at civic participation in voluntary organizations, asking in particular whether the membership in civil society groups is high or low. Looking at Georgian populations' general attitude and trust towards different governmental or non-governmental institutions and organizations would prove to be efficient. For this I used different issues of prominent journal *Caucasus Analytical Digest* (CAD), which provides good analysis by different scholars about situation and democracy development in whole Caucasus region including Georgia. The journal also includes useful tables and surveys, which would be supportive for my research.

While reviewing and analyzing law making and civil sector engagement for my thesis, I also used several scholar's works about problems of parliamentary democracy in Georgia, which gives good analysis and overview of the issues connected with parliamentary law-making and legislative initiations by different actors through out last years. Her works proved competent while I was dealing with and enumerating general issues about law making and initiatives in Georgia. I used websites of most active civil society organizations while providing material about these organizations, drafts, enacted laws and issues connected with the adoption of these laws. I used committee protocols and draft bills from healthcare and education committees while analyzing the involvement of civil society in the legislative processes.

1.3. Methodology

I first offered short critical reading of the theories of civil society in general, followed by a brief overview of the literature on civil society in Georgia. Rather than being a full-blown theoretical account, this is a reading guided by the methodological position that a working concept of civil society that is necessary for my research. I also offer a

critical reading of those sections of the Georgian Constitution that regulate law making process.

In order to get acquainted with proposals and participation by civil society groups I analyzed accounts on development of civil society in Georgia and conducted interviews with the leaders of the NGOs and civil society organizations who try to influence and play their role in law making process: NGOs and trade unions such as Georgian Trade Union's Confederation (GTUC), Trade Union of Teachers and Scientists of Georgia (TUTSG), Liberty Institute (LI), Civil Society Institute (CSI), National Democratic Institute (NDI), Tanadgoma, Bemoni, Transparency International (TI), Georgian Young Lawyer's Association (GYLA) and Open Society Georgia Foundation (OSGF). I chose these organizations as they are most active in law making processes: Bemoni, Tandgoma are active in healthcare issues; TUTSG is focused on Education issues, while GYLA, CSI and LI are generally active in numerous spheres. I mostly focused at period from 2004 till 2010 post "Rose Revolution" phase, mainly on Healthcare and Education issues; however, I also touched other spheres such as Human rights.

My case selection was focused around strong and well funded organizations with defined short-term and long term goals; initially for my research I selected successful cases when civil society organizations were able to influence law making. Reviewing these successful cases helped me to establish common reasons for adopting certain laws. Although my study was not focused much on comparison between cases, I used process tracing; according to George and Bennet this method tries to provide generic knowledge about given phenomena and test given hypothesis and theories (2005, 229). It also "offers the possibility of identifying different causal paths that lead to a similar outcome in different cases" (George and Bennet 2005, 215)

The organized interest groups that influence law-making procedure have their interests and proposals; it is vital to see the sources of the initiatives, whether their initial drafts and proposals are implemented by the governing agencies and, if finally approved what kind of changes their initiatives undergo before they are enacted. Following these initiatives will help understand why some of the civic proposals got rejected by governmental bodies. In some cases civic engagement is low,⁹ and in such cases seeing what kind of links there are between the parliament and civil society groups should prove viable (i.e. why are NGOs so important for the government).

I conducted interviews with the members of the committee in order to understand whether or not civil society organizations were active during the drafting or monitoring process. I interviewed certain political experts who specialize in this field and study civil society groups. Interviews were based on qualitative methodology; they were semi-structured face to face with open ended answers for the respondents. Interviews were conducted 2011 April in Tbilisi, Georgia as all of the experts, institutions and organizations are based in Tbilisi. Also in my research I applied explanatory research and descriptive approach, as the subject of my research is relatively new and has not been studied much, and in order to understand how civil society developed, what forms of involvement does it pursue and how it influences the law making process in the country. As noted above I also analyze committee protocols and draft laws, which can be found on Georgian parliament's official website; the information about subjects of the discussion and subsequent decisions is placed on official web-pages of the different committees.

⁹ On civic engagement in different policy fields I will elaborate in later part of my thesis

CHAPTER 2: CIVIL SOCIETY IN GEORGIA AFTER REGAINING INDEPENDENCE

In this chapter I will explain and analyze the state of civil sector, their development and their interaction with the state after the independence. For this I will also briefly touch upon the donors of the main civil society organizations in Georgia. After this I will review the populations' trust in different institutions. In the conclusion of this chapter I provide my evaluation of the state of civil society before the Rose Revolution.

The relationship between civil society and the state can be seen in different aspects. After the political and economic transitions in the post communist Europe, civil society was mainly viewed as in “opposition” to the state; civil society concentrated on opposing communist regimes; while in western democratic systems civil society was more interactive with the state, and the relationship between state and civil society was reciprocal and mutual (Howard 2008, 38). In addition in post-Soviet space many viewed civil society as the superior carrier of the “right” values unlike opposed to the state (Matveeva 2008, 5). I believe that this can be partly explained by the communist legacy seeing the government as corrupt and ineffective.

Generally in the post-soviet countries civil society was viewed as positive as it was mainly viewed in opposition to government (Matveeva 2008, 9). As it is known civil society played important role in democratic transition in post-socialist states; therefore, this attitude towards civic sector is not surprising in post communist countries; however, it should be added that on the other hand even though there was such a positive attitude towards civil society mainly the membership in such organizations was not high (with the exception of Baltic countries).

2.1 Relationship between civil society and the government: development of civil society after independence

In Georgia since independence the relationship between state and civil society can be characterized as “oppositional” (confrontational) as well as cooperative depending on the period. According to Nodia in Georgia the relationship between the government and civil organizations went through four distinct periods (2005, 31). I elaborate on first three periods in this section, while leaving the fourth period for the following sub-chapter.

The first period from 1992 till 1995 was the so called *build-up* period. During this interval in midst of “chaos” that resulted from two ethno-political wars and a civil war in the country, civil society groups were being created and were not strong, while the government was not concerned much with these organizations (Nodia 2005, 31). According to Wheatley, during the 1992-93 civil society as a synchronized “system of self-organized intermediary groups” barely existed; he notes that almost all of the groups during this period (1992-93) represented “uncivil society”, due to their thirst for power in the scarcely functioning state (2005, 80-81). The Situation started to change when Shevardnadze¹⁰ started to consolidate power in 1993-95 (Wheatley 2005, 82). Relative stability and order enabled more civic groups to form and slowly expand. This was the first time in history of Georgia that civic sector acquired an opportunity to prosper and embrace western liberal values; eventually educated people started to become members of NGOs (Nodia 2005, 31).

During the second period that could be identified as the one of *cooperation and confrontation* (1995-2001), civil society groups developed and began protecting their interests. Throughout this period OSGF, GYLA, Liberty Institute, Association of Young Economists of Georgia (AYEG) and other civil society organizations criticized the

¹⁰ In 1993 Shevardnadze was the head of the State Council; this state organ resembled proto-parliament

government for its non-democratic characteristics that it exhibited; however, criticism was mainly soft as there was no clear visible alternative to Shevardnadze's government (Nodia 2005). It is interesting that civil sector established allies with the "reformers wing"¹¹ of the government and tried to lobby specific legislations through such cooperation; as interests were shared (between "reformers' wing" and civil sector) both parties benefited from this cooperation, civil sector was successful in certain occasions and influenced some liberal changes during this period (Nodia 2005, 31).¹² However at the same time they tried not to make this relationship public, as the civil sector was embarrassed to show that it was close with the majority party. Cooperation started to grow into confrontation from 1999, when elections were rigged. The government and president were criticized and discontent started to rise amongst population, opposition and civil sector. The civil sector also blamed the "reformers' wing" for this, believing that they shared responsibility for this event; still, these two parties continued to collaborate (Nodia 2005, 32).

Throughout this period there were thousands of registered NGOs in the country, which was the result of favorable legal framework; the main reason in increase of NGO numbers was adoption of the civil code (which set up easier mechanisms for NGO registration) in November 1997, by the pressure of civic sector and with the help of "reformers' wing";¹³ it is interesting to add that, according to Wheatley, in Georgia from post-Soviet countries number of NGOs per capita was behind only the Baltic states; back then ranging between 20 to 50 NGOs could be considered as strong and active organizations in a sense that they had good capability of interacting with the government

¹¹ The "Reformers' wing" was composed of former members of the Green Party and young professionals most of whom did not have any communist background (See Wheatley 2005).

¹² One of the first examples of NGOs influencing the government (through lobbying) was the adoption of the law on grants in 1996. Adoption of administrative code in 1999 is another successful example of cooperation (see Nodia 2005).

¹³ In 1997 Saakashvili was the chair of Constitution, Legal Issues and Legal Reform parliamentary committee, who closely worked with NGOs while drafting the Civil Code. The main civic actors behind this lobbying were GYLA, the League for the defense of the Georgian Constitution and etc (See Wheatley 2005, 145).

on decision making and policy formulation issues (2005, 145). This number might not be high; however, given the fact that civil society got the chance to grow recently in more stable environment this number will seem more significant. I would argue that the above noted civil society organizations had strong donors, educated members and good organizational capacity. These NGOs had a real impact on influencing the government's decision making at national level (LI, GYLA, CSI and etc. and their involvement in law making; cases which I will elaborate bellow). Other than lobbying, these organizations also pursued cooperation with parliamentary committees and drafting new laws (Wheatley 2005, 145).

As noted this period (1995-2001) was the first time any of the civic organizations got involved in law making procedure. Specifically, they cooperated with different parliamentary committees during the adoption of legislation about, human rights, freedom of information etc (Wheatley 2005, 146). The Liberty Institute was responsible for drafting chapter 3 of Administrative Code in 1999, which concerned accessibility of freedom of information and established that society has the right to open information “unless it inevitably undermines either national security or the investigation of a criminal offence” (Article 28) (Wheatley 2005, 146). Other successful and active organizations with relative strength influencing parliamentary committees were: the International Society for Fair Elections and Democracy (ISFED) (aimed at improving electoral legislation and monitoring elections), the Association of Young Economists of Georgia, the Association for the Protection of Landowners' Rights (both of these organizations were active in improving legislation concerning economic issues) and the Former Political Prisoners for Human Rights (FPPHR) (respectively active in human rights issues) (Wheatley 2005, 146).

Some NGOs that were involved in law making procedure before 2001 collaborated with Saakashvili and worked with parliamentary committees during the drafting process and eventually this cooperation proved successful; however, other NGOs were less involved in law making processes and opposed any special relationship between civic sector and political groups (Wheatley 2005, 147). Eventually NGOs that collaborated with political parties or MPs were more successful in initiating changes in legislation; lobbying proved as a successful mechanism of cooperation on certain occasions.

According to Nodia the third period was a *confrontation period* (2001-2003); however, it can be also assumed that this period started from 1999 when elections were rigged and civic sector heavily criticized the government for this (2005, 32). In 2001 a bill sponsored by the reformers and influenced by NGOs got rejected by the majority in the parliament (The bill proposed that election commissions should be arranged by NGOs with the appropriate profile). Soon protests followed, demanding a resignation of the government, after which some members of the “reformers wing” resigned and joined the opposition (among them were future president Saakashvili and future prime-minister Zhvania; after these events some civil society groups started cooperating with them, opposition gained even more power) (Nodia 2005, 32).

I believe that this period was the peak for many civil society organizations in terms of political activism, as they gained greater power by allying with the opposition, demonstrations and movements were frequent throughout this period. More activists joined civic organizations, especially the youth, which can be underlined by creation of *Kmara* (Enough in Georgian) by the initiative of Liberty Institute (LI) (Wheatley 2005, 179). Other organizations that played an important part in the revolution were OSGF, which funded certain projects including exit poll conducted on the Election Day, and ISFED that closely monitored polling stations during 2003 elections. Another important NGO was

NDI that worked closely with LI with the creation of *Kmara* and the training of its activists (Wheatley 2005, 190).

One of the explanations given to the success of the revolution in Georgia (as well as in Serbia earlier, Ukraine and Kirgizstan later) is the role played by external (western) actors in assisting domestic opposition leaders, particularly in terms of election monitoring (Tucker 2007, 539) (which as noted before was conducted by different civil society groups). Another reason for success is experience gained by opposition and civil society activists. The Serbian revolution in 2000 and its experience helped Georgian activists and opposition elites to learn from the previous knowledge by traveling to Serbia and training before the revolution occurred (Tucker 2007, 540) while some of the meetings took place in Tbilisi in the beginning of 2003 (Wheatley 2005, 179). Therefore, relative strength of civil society together with other factors including external “support” played an important role in the “Rose Revolution”.

2.2 Dynamics of Civil Society after the “Rose Revolution”

The fourth period can be considered the stage after the Rose Revolution. The new government began to employ the campaigners of civil society groups, who played an important role in de-legitimizing Shevardnadze’s government, one of the strongest civil society organizations Liberty Institute acquired large influence after the revolution and many of its members were offered different ministerial posts, official positions and parliamentary seats in the newly formed government (Muskhelishvili and Jorjoliani 2009, 692). I believe that this step from the new government towards these civil society groups can be understood as an appreciation of the role in the revolution, but also as pointed out

by Wheatley the instant effect of this was to weaken¹⁴ and to diffuse civil society organizations that helped it achieve the victory in the revolution by attracting NGOs leading human resources to the government. Nodia notes that the government believed that it enjoyed wide public support and also, as it absorbed the main human resources from the civil sector, listening to the ones that were left outside was not so important; after these events there was a fear that those two groups would become too close, but this did not occur and relationship went back to cooperation and confrontational stage characteristic for 1990s period (Nodia 2005, 32).

According to Mitchell, after the revolution in Georgia democracy-related issues such as ensuring government accountability and promoting strong civil society have not been as important as issues related to state-building process, for instance reducing police corruption (2006). Some critics claim that after the color revolutions (in Kyrgyzstan and Ukraine) in the post-soviet space governments began to restrict the space of actions for civil society (Matveeva 2008, 9). I would mainly disagree with Matveeva's statement since this is not so in Georgia,¹⁵ as unlike Kyrgyzstan, Georgia still maintains a close relationship and ties with the West and at the same time civil society maintains (although not completely) important support from the population as well as from different donors. In addition, the government which strives to integrate the country in western democratic institutions would not want to worry its western allies by restricting actions of civil society organizations. As noted, Nodia believes that post-revolution period is characterized by *cooperation and confrontation stage*. After the revolution various NGOs and some of the former allies (such as LI and OSGF and GYLA) criticized the government for abusing human rights and not respecting rule of law (Wheatley 2005, 205); however, at the same

¹⁴ For more information see Wheatley 2005, 205

¹⁵ Although to clarify I mentioned earlier that government most likely weakened civil society organizations by employing some of its qualified staff; however, the switch of the personnel was voluntary and no restrictions were made against civil society in general.

time they continued to cooperate with it and worked on numerous drafts in order to change the law and improve the existing legislation.¹⁶

According to many experts, the current legislative environment is mainly liberal towards civil society organizations and it does not hamper its development. The main legislative acts and bylaws that regulate registration and suspension and giving grants to such organizations are: The Civil Code adopted in 1997, The Civil Procedure Code and Law on Grants.¹⁷ “The General Administrative Code sets out the mechanism for the relationship with the administrative bodies. It is a highly important instrument for civil organizations when they are conducting activities such as monitoring” (Nodia 2005, 34).

Currently in Georgia civil society organizations can be grouped by priorities in their activities in the following way: 1) the activist pressure groups 2) groups that provide services. First group considers their main priority and objective to articulate the public attitude of their civil position and influence the government (for example to lobby certain political decisions and etc), while the second’s main focus is to achieve the results with regard to a particular target group and see the results of their activities in the long-term perspective (Nodia 2005, 30).

Nodia classifies civil society organizations according with their institutional development by four different levels (2005, 20):¹⁸ First tier organizations have defined well formulated mission statements. They have implemented considerable number of projects since creation. These organizations cooperate with state agencies and get involved in developing or discussing draft laws; they collaborate with other NGOs and implement joint projects with them also funding of this organizations is continuous, according to Nodia by 2005 number of such organizations was around 50 (2005, 20). Second tier of organizations

¹⁶ I will elaborate on these cases later in my thesis

¹⁷ For more information about state regulation of civil society development see Nodia 2005, pp 33-38

¹⁸ I will characterize only first two tier organizations in this paragraph as mostly they are the ones that get involved in legislative processes.

mainly draw budget for individual projects and cooperate with other NGOs in order to implement joint projects, number of these projects is lesser than those of first tier organizations; they mainly do not have problems of funding, Nodia notes that there are around 80 such organizations in the country (2005, 21).

Some critics note that after the revolution democratic consolidation halted; constitutional reforms in 2004 resulted in granting greater power to the President and weakened the power of the legislative branch. The government was criticized for these constitutional changes by various civil actors; in addition, the approval of the changes was not preceded by appropriate public discussion. The main priority for the government after the revolution was to strengthen the state institutions rather than the development of the democratic institutions (Nodia 2005, 17).

According to TI representative civil society is different nowadays than it was before the revolution in 2003. Earlier civil society organizations were collaborating more against the government that was corrupt and ineffective. In particular the media was main partner and collaborator of civic sector, while nowadays generally this is not so. I would explain this by the fact that before the revolution when criticizing government, civil society had strong allies such as independent media channel Rustavi-2, which also played huge role in the 'Rose Revolution', this channel had high rating and many viewers and it persistently criticized the government for power abuses and corruption before the revolution. After the revolution Rustavi2 became supportive of Saakashvili's new government which continues to this very day. Another reason is that it is harder for the civil sector to criticize as governmental institutions and structures developed considerably and the system is more efficient; also civil society needs more (intellectual and financial) resources (Khatiskatsi 2011). One of the problems of civic sector nowadays, other than attracting popular support is that it needs to attract international actors as well as donors in order to pressure

government for changes. Civil society organizations are effective and successful when certain issues escalate and become interesting for the society, for this to happen media has to be active as well (Khatiskatsi 2011).

2.3 Civil society organizations and their donors

Development and growth in the number of civil sector groups, their priorities and activities greatly depend on the actions of donors. Since regaining independence in 1991 different donors started aiding civil society organizations. USA, Germany, the Netherlands and European Union in general have been the most familiar donors in assisting and aiding civil society groups. From international organizations most active organizations were the International Monetary Fund (IMF), the UN, and the World Bank (Nodia 2005). An important donor of Georgian civic sector other than USAID (United States Agency for International Development) is American-based Eurasia Foundation. NDI was allied with US Democratic Party and financed some NGOs as International Society for fair elections and Democracy (ISFED) (Wheatley 2005, 146-147). It is important to underline that above noted donors have provided development assistance as well as democracy assistance since 1991.

It is important to also note that after independence, the recipient of the assistance was mostly government as the country suffered from economic crisis as well as several internal ethnic conflicts (Nodia 2005). In the beginning of the 1990s Georgia was characterized with weak statehood, as the government could not provide proper social, public and other types of services to its citizens (Matveeva 2008, 6).

Matveeva notes that in the post-Soviet space western donors channeled their aid through NGOs rather than governments as they believed that building civil society was a necessary precondition for decent governance (2008), but as noted above at first stages of

independence this did not happen in Georgia, as noted before, economic crisis and civil conflict resulted in weak state institutions, and as underlined by Nodia international donors provided assistance to strengthening state apparatus not less than civil society. While by the end of 90ies and the beginning of 21st century international donors began favoring civil society organizations and provided them with assistance; as emphasized this played significant part in strengthening civil society, which concluded with NGOs significant role in 'Rose Revolution'. One of the reasons for this change in donors' attitude was dissatisfaction with the Shevardnadze's corrupt and ineffective government, which used resources from donors for their own gains rather than for public services and other projects.¹⁹

After the revolution focus of the international organizations started to shift back to new government and strengthening state institutions; therefore one can clearly see that nowadays the state and its official institutions became stronger. The new government has more support of international organizations (and other governments) than both of the previous regimes had. This shift of donors' interest from civil society and increase for support and development of state institutions played its role why strong civic sector lost its considerable strength after the revolution.²⁰ It needs to be noted that on certain occasions donors financed projects rather than individual NGOs (OSGF for example).

Some of the international donors opened their offices in Georgia such as Open Society-Georgia Foundation (funded by George Soros) and the Eurasia Foundation (funded by the US government). The personnel and the managers of such organizations are Georgians; therefore, mostly these organizations are considered as part of Georgian civil sector (Nodia 2005, 47). One of the problems associated with foreign donors is that they

¹⁹ For example Matveeva notes that during Shevardnadze's presidency she was advised by an international actor operating in Georgia not to give money to government as they would steal and waste it and that only civil society could be trusted in country. For more information see (Matveeva 2008, 1).

²⁰ Although I am not claiming that due to this fact civil society is weak nowadays.

try to keep good relations with the host government and so mainly they ask their local partners to keep distance from the politics. This in turn results in contradiction as some of the civil society organizations consider promoting democracy in the country as their main aim and the request to stay neutral in ongoing political processes can be understood by them as restrictive. Some actors criticize the donors for extreme political carefulness, while those who did not contribute to “Rose Revolution” ask western donors to remain even further from the local politics. At the same time the donors are often criticized by host governments; therefore, whatever the donors do, they will not get away from the accusations of influencing the political dynamics in the country. Most likely contradiction among donors, different civil society groups and government will not be resolved (Nodia, 2005). This reliance on donor support creates certain advantages as well as disadvantages, as foreign donors change their priorities frequently. Civil society is trying to find new alternative sources of grants nowadays; mainly the emphasis is made on Georgian business sector (Nodia 2005, 10).

According to Nodia, nowadays civil society organizations might not be able to mobilize wide public support,²¹ which reduces their social “weight” to influence other societal and political actors; however, despite this disproportion, civil society organizations are able to influence government, as resources of civil society groups consist of their competence and superior skills (2005). Some experts note that this mainly occurred because, in the beginning of the 1990s, the civil sector became dominated by people who were employed in the organizations full-time, rather than by people who deemed their civic activities to be a voluntary activity; therefore, a group of so called professional “NGO people” emerged. Also, since there was no mass voluntary participation in the beginning of

²¹ I would correct word support for word membership, I assume the reason for this statement is because of the not high permanent membership that civil sector will not be able to attract great support; however, I believe that civil society organizations will be able to mobilize mass support if they ally with the media and the opposition.

90ies, the NGOs that turned out to be the most successful were backed by most professional activists and composed of full-time employers, who throughout following years developed and acquired new professional skills (fluency in English, computer literacy and etc). According to certain Georgian scholars, financial aid helped to develop civil sector and created an NGO community with various actors; however, it failed to produce the representative civil society, which would be inclusive and participatory (Muskhelishvili and Jorjoliani 2009).

Some of the above stated reasons give the main explanation for why civil sector did not become mass inclusive; in addition I assume that one of the reasons in the 1990s for lack of civil participation was the general lack of knowledge from the majority of the population about civil society's precise functions and objectives. Presently the civil sector is mainly composed of people who are relatively young and well-educated; as a result, this gives civil sector definite "elitist" touch. Additionally since the Rose Revolution civil society became a collection for selecting high and middle-level government personnel. Another reason for civil society influence is linkage of most of these groups to not only western donors, but at the same time western ideas and values; as government pays great importance to western support and western values, it becomes difficult for the government to disregard the opinion of civil society groups (Nodia, 2005).

2.4 Citizens' participation and trust in institutions

As noted above, before proceeding with civil society participation in law-making process in Georgia, I need to briefly touch upon participation and membership of individuals in civil society groups. To see whether civic participation in voluntary organizations is high or low in Georgia, simultaneously I will look at population's trust in different state institutions so that the reader can have better understanding of the situation.

The World Value Survey conducted in the second half of 1990s indicates that organizational membership in post Socialist and post-Soviet countries mainly was low. Among those countries Georgia had the lowest number of people being members of the labor union, which was 5%.²² The voluntary organizations with one of the highest membership were Sport or Recreational organization (7%) and Art, Music or Educational organizations (10.4%) (For complete lists see Abus 2008, 43-44). However, throughout the following years the number and the membership of other civil society organizations grew, which indicated that civil society was gaining strength. As noted before the 2007 opinion poll conducted by “Caucasus Analytical Digest” indicates that nearly (35%) of the surveyed indicate that they trust local NGOs. 96% of the surveyed answered that they did not go to a meeting of civil society organization for the last half a year (although it needs to be remarked that it is not specified whether these people were members of the civil society organizations).²³

In 2007 nearly 70% indicated that they fully trusted the parliament (CAD 2009, 8). The same opinion poll conducted a year later by the same journal illustrates that by 2008 nearly 10% of surveyed trusted the parliament (CAD 2010, 8).²⁴ Indeed the trust level in parliament dropped enormously within the gap of approximately a year. This generally can be explained by the fact that in November 2007 large protests took place in Tbilisi; the opposition and the protesters demanded resignation of the president as well as system transformation into parliamentary republic. On 7 November 2007 the government dispersed the protesters by violent methods and soon announcement of the state of

²² Although I believe that it needs to be pointed out that in some countries membership in labor unions is automatic for the workers and that is why the number is so high; even though, 5% was very low and indicated the weakness of labor unions and economic societies in Georgia; since the 1990s proportionally number has not changed significantly.

²³ Although trust level is sufficient, this trend of not high membership can be partly explained by the high education standards met in NGOs which as noted by Nodia gives certain ‘elitist’ touch to NGOs.

²⁴ The full trust level in government is approximately 12% (prime minister and other ministers); nearly 24% fully trust the president; it is very interesting to point out that highest number of complete trust level is around 32% belonging to the ombudsman.

emergency followed (Muskhelishvili and Jorjoliani 2009, 698). The trust in the President and the parliament plummeted. While he was later able to regain some support in the population by resigning and announcing preliminary presidential elections, the “National Movement” which represented absolute majority of the parliament seats was not able to regain the previous trust among the population. I would add that the reason for such a decrease of trust in the legislative body can be explained by the fact that Georgia is still young and unstable democracy, and the majority of country’s population still has flexible and uncertain views of its state institutions and organizations.

According to the survey conducted by Caucasus Analytical Digest civil society ratings in Georgia since 1999 till 2009 has shifted from 3.5 to 4.0 (1 represents highest progress towards democratic progress, while 7 – the lowest) (See issue of CAD 22 January 2010, 10). These results indicate that trust level in non-governmental organizations is average in Georgia.

2.5 Conclusion

As seen from the previous sub-chapters civil society underwent several stages of development and interaction with the state. These stages differed from cooperation to confrontation depending on social, political and economic circumstances. Development ranged firstly from rather ‘uncivil society’ (such as gangs and paramilitaries) brought by the devastation of civil, two ethno-political wars and the economic crisis, to relative peace and stability in the country that subsequently resulted in slow expansion and development of civil society groups (many of them receiving funding from international donors) able to embrace (most of them) western liberal values. This gained civil society relative trust from the population.

These facts together with considerable intellectual resources that were located in many of these organizations resulted in a relative strength of civic sector, which concluded in a successful campaign against Shevardnadze's government (together with the opposition and the independent media) and change of the regime. Eventually as observed, civil society organizations got involved and participated in the law making process before the revolution and were responsible for relative favorable legislative structure comparing to other post-Soviet states which gave NGOs freedom of registration and activity.

Civil society involvement in law making processes had several features before the revolution, as noted earlier most of them that got involved in these processes had strong donors and also they cooperated closely with the "reformers' wing" while the later were still in the government, while other NGOs were less active in these processes. However given the fact that these processes had just recently started in a new independent country then I would evaluate period from 1995 till 2003 to some extent as a satisfactory period.

After the regime change Georgian civil society continued to get involved in law making processes, which continues to this very day. I devote next chapter to these issues, provide some cases and analyze civil sector's participation and involvement in above noted processes.

CHAPTER 3: CIVIL SOCIETY INVOLVEMENT IN LAW MAKING PROCEDURE AFTER THE “ROSE REVOLUTION”

In this chapter I will provide some general information about the Parliament and its competence in Georgia according to the Constitution, and enumerate legislative functions in order to explain law making procedure; there are strict procedures how laws are enacted in Georgia (I will list the articles how laws are enacted according to Georgian constitution). Law-making process is long and strictly defined procedure established in the parliamentary regulations (Constitution 1995). After this I will briefly discuss the parliamentary committees. I will list the amount of initiated draft laws by different actors; I will use parliament's official website to provide information about certain parliamentary protocols and reasons for their implementation; I discuss several successful cases of civil society participation and later discuss organizations that get involved in these processes most often and provide my outlook why are these organizations successful.

3.1 The Constitution, Legislative function, the Parliament and the Committees

Chapter three of Georgian Constitution defines parliament's powers as: 'The Parliament of Georgia shall be the supreme representative body of the country, which shall exercise legislative power, determine the principle directions of domestic and foreign policy, exercise control over activity of the Government within the framework determined by the Constitution and discharge other powers' (1995, art. 48).

The President and the ministers are obliged to present an account to the parliament every year; in addition to this the parliament has the right to request the dismissal of different public officials or head of the government (the prime minister); also it has the right of impeachment. The parliament should regulate and monitor the normative acts

adopted by the executive. On the other hand the ministers and the president have their own representatives in the legislative body (the parliamentary secretaries) (Macharashvili 2009, 11); however, the parliament is passive in monitoring the government's actions.

Committees according to the Georgian Constitution will be set up in order to prepare the legislative issues, to assist the implementation of decisions and control the activities of the bodies that are accountable to the Parliament and the Government (1995, art. 56, sec. 1).

Draft laws will be adopted in the following cases: "If it is supported by the majority of the members of the Parliament present, but not be less than one third of the total number of the members of the Parliament unless the Constitution determines another procedure for the adoption of the draft law or draft resolution" (Georgian Constitution 1995, art. 66, sec. 1).

The right to initiate the legislation is given to the President, the executive, a member of the parliament, a parliamentary committee, and a parliamentary faction; petition signed by no less than 30,000 electorate and the highest representative bodies of the Abkhazian and Adjarian autonomic republics (Macharashvili 2010, 9). The Constitution indicates that: (2) "At the request of the President of Georgia, the Parliament shall give the priority to the discussion of a draft law submitted by the former" (Georgian Constitution 1995, art. 67, sec. 2), and (3) "In case the Government does not submit the remarks with regard to a draft law considering in the Parliament within a term provided for by law, the draft law shall be deemed approved" (Georgian Constitution 1995, art. 67, sec. 3).

Drafting the bill and submitting it to the Parliament takes place in the following way: after being transferred to the organizational department of parliamentary staff the draft law is submitted to the nearest session of the Bureau of Parliament (the committee hearings are public); I. "The Bureau of Parliament makes decision on starting the

procedure of discussing the draft law, at the same time it transfers the draft law to the leading committee (committees)” (The Rules of Procedure 2004, 64).²⁵ ‘After being discussed in the committee draft law is transferred to the Bureau of Parliament for putting it on the agenda of the nearest plenary sitting’ (The Rules of Procedure 2004, 64); after the bill is reviewed at the plenary session it is transferred to the committee to incorporate the comments that were favored during the first hearing. II. After the adoption of the bill by first hearing, the committee discusses the draft law at the committee sitting by articles parts and chapters. “After being discussed by the leading committee, the draft law, together with the relevant conclusions and alternative proposals, is submitted to the nearest sitting of the Bureau of Parliament for putting it on the agenda of the plenary sitting of Parliament for voting by the second hearing” (The Rules of Procedure 2004, 64); if the draft bill is adopted at the second hearing of the plenary session than it is transferred to the committee for the third hearing. III. The committee incorporates the comments from the second hearing of plenary session. “After the discussion by the third hearing at the plenary sitting of Parliament is over, the final edited version of the draft law the title-page of which is approved by the reporter on the draft law, the Chairman of the leading committee” (The Rules of Procedure 2004, 65). If the bill is accepted, within 7 days it is submitted to the president in order to sign and promulgate the draft law (See Appendix 1).²⁶

Parliamentary Committees use advisory councils in order to improve the initiatives. Usually while working on the legislative procedure in the absence of strong parliamentary opposition, the initiatives do not become the material of detailed overviews. As noted before most of the initiatives come from the presidential or governmental initiatives.²⁷

²⁵ Leading committee- the committee which will review the bill.

²⁶ All the information and quotes in this paragraph were taken from the website of Georgian Parliament: http://www.parliament.ge/files/819_18559_127313_reglamenti.pdf pp. 64-65.

²⁷ All the information in this paragraph is cited from Nani Macharashvili’s presentation at Tbilisi State University, May 21 2009.

I believe it is important to briefly provide information about the executive (As most of the legislative initiatives enter from the executive) and how laws are drafted in this branch and how they cooperate with the civil society. Cooperation and creation of draft bills is a long process as well. In Ministry of Justice of Georgia during the stage of realization (implementation) of action plan is divided among several governmental agencies as well as NGOs.²⁸ At one of the stages, evaluation of the drafts, NGOs have significant (leading) role. According to Gigauri in the process of realization of projects the cooperation mainly takes place with service provider NGOs (such as Psychologists' Association, Association of Torture Victims). While during the evaluation of the projects this ministry mainly has relations with watchdog organizations (i.e. GYLA).²⁹ Eventually NGOs play important role during the initiations of draft from the Ministry of Justice of Georgia.

After the Parliamentary elections of 2004 the “National Movement” received more than 2/3 of the seats in the parliament; it is important to note that in the absence of substantial and effective parliamentary opposition civil society strives to influence law-making (drafting) process. According to statistical analysis, research indicated that by 2008 parliament, together with the court, were the one of the least trusted political institution in the country. The analysis showed that the perception in the society that parliament is independent from the executives control is lowest: just 15% in 2008 (Macharashvili 2010, 2-3).

Statistical analysis about legislative proposals and procedural issues indicate that during 2004-2007 Parliament enacted 382 laws, while almost 2/3 of them were initiated by either the president or the government; 130 laws were initiated by the committees, MPs or

²⁸ It is important to add that the government views NGOs in wider perspective than I characterized, they include business sector and banks in NGOs as well.

²⁹ This information was taken from an interview with Gigauri Andro, member of the Ministry of Justice of Georgia (2011).

parliamentary factions (Macharashvili 2009, 10). From these results it becomes apparent that the parliament's legislative function is to an important extent dependent on the executive branch. Five of the initiated drafts throughout this period were statements made by initiative groups who collected 30,000 signatures (Macharashvili 2010, 15). Proportionally this number is not high; however, there were also legislative proposals used by civil actors, which does not require 30,000 signatures, this type of activity is more common and successful. In 2007 there were 53 initiated draft laws. Out of 53 initiatives, 33 were commenced by the parliamentary faction, the committee or the MP, while the other 20 either by the president, the government or by the highest representative body of Adjarian autonomous republic (Macharashvili 2009, 15).

I believe it is important to note here that little number of legislative initiatives can be explained by not big number of membership in NGOs (trade unions used such initiatives as membership in those organizations is above 30,000 signatures required for legislative initiation), eventually gathering signatures becomes harder, and therefore many civic organizations use either proposals, lobbies or cooperation with the government to achieve their goals. I will elaborate on above noted cases in more detail in the following sub-chapters.

3.2 Healthcare and social issues committee and research-advisory councils

In order to find out more about civil society and NGO participation and activity in law making procedure I analyzed parliamentary committee protocols and draft bills since the “Rose Revolution” in 2003. The spheres of involvement of civil society organizations in Georgia are various. These groups are mainly involved in following spheres: human rights, gender-specific issues, health-care, education, development and support of democracy, IDP problems and conflict resolution (For more detailed information see Nodia

2005, 24). I reviewed and analyzed areas as education, science and culture as well as healthcare and social issues sphere and committee resolutions. After the “Rose Revolution” many reforms were carried out; reform of the education system was announced to be a priority of the government’s agenda and steps were taken to improve and raise the standards of education in the schools as well as in the Universities. Eventually the activity and participation of the NGOs are more regular about the issues which have great actuality in the society, education issues are one of such important spheres.

After the independence in 1991 there have been many promises from the government that healthcare would be improved in order to provide population with better quality and insurance of life. Many civil society groups started to get involved in this area, especially after the ‘Rose Revolution’, which on numerous occasions yielded positive results and issues concerning healthcare got improved;³⁰ therefore, I believe that analyzing NGOs role in this sphere was significant; to see whether participation in monitoring, drafting process and cooperation is effective. The main objectives of the healthcare and social issues committee are to protect health of the population, protection of the socially defenseless persons. Recently healthcare and social issues committee has been working on the reform of pension system, demographic and gender issues, etc, which have always been very important for the general population (Toidze, 2010); therefore, evaluation of committee protocols were very important.

The healthcare and social issues committee³¹ on many occasions is willing to cooperate with different experts in order to improve the bills. The chairman of this committee meets with representatives and experts of different organizations in order to discuss legislative initiatives. The chairman met a working group of experts to discuss anti-drug legislation (Healthcare Committee, July 2010). The chairman also met the doctors

³⁰ I will elaborate successful NGO involvement cases in the following sub-chapters.

³¹ I will refer to this committee as healthcare committee and to education, science and culture issues committee as education committee.

from ‘Transplantation Association’ to discuss the possible draft bill in field of ‘Organ Transplantation’, it was promised that on the next committee hearing the members would provide their proposals concerning this issue (Healthcare Committee, January 2010).³²

In an interview, Toidze the chairman of the healthcare committee noted that this committee is the most transparent and open among present parliamentary committees in the country; the committee’s main principles are transparency, cooperation and participation (Toidze 2011). This statement can be generally supported by creation of research-advisory councils. Implementation of above noted principles takes place during initiation of the issue, during proposals of civic sector and during further consideration of the topic; most of the civic organizations participating in these processes are professional associations rather than political, due to the fact that issues are specific in this committee (Toidze 2011).

After 2003 under new government the healthcare issues committee created several councils working with the healthcare committee (nowadays there are ten councils). These councils are composed of members of different organizations, individual experts and members of the parliament. These councils are: Alliance for addressing Child and Youth Violence, Palliative Care, Psychological Aid group, Demographic council, Research advisory board of Medical Professional Associations and others (Research-Advisory Councils 2011). The council for integrating disabled people in the society is composed of 10 NGOs which developed action plan for 2010-2012 (Toidze 2011). Public protection council is mainly composed of professional organizations that are assembled by doctors; there are many other types of councils composed of psychiatrists, psychologists, etc. It is important to note that councils vary in size: either they are composed of several associations or several persons (Toidze 2011). The members of these councils frequently

³² Although it is different question whether their proposals get accepted; however as noted the fact that the committee is cooperating with different associations is important in itself.

attend hearings of the committees. They are also involved in monitoring process; the chairman asks councils to find out about how implemented policy is carried out; the councils inspect the situation and later report to the chairman. On the other hand committee gives recommendations to the civic organizations that work in the councils (like providing them with state grants and etc) (Toidze 2011). The healthcare committee encompasses almost all spheres of the medicine.

3.3 Cases in healthcare and social issues committee

In healthcare issues, civil society and different opposition parties as well as initiative groups seem to be more active and participating, as they drafted and initiated some laws and provided some expert analysis on some of the initiatives and draft-bills for the government.³³ Many international actors and NGOs provide Georgian NGOs focusing on healthcare issues with substantial resources and support in implementing changes also assist government with efficient expertise. I assume all this gives healthcare committee more cooperative feature.

I reviewed from where did initiatives come from in healthcare committee, was it the government requiring assistance from civil society organization or was it civil society that was active from the initial stages and proposed changes to in the law. How did the process take place exactly? The healthcare and social issues committee consists of 13 members, 2 members are the representatives of opposition parties, while the rest are members of the majority party; activity is higher among opposition members when drafting the laws when it comes to healthcare issues, while members of the opposition parties in education committee are less active.

³³ I will list and elaborate on the successful cases below

Some of the draft bills were initiated by opposition parties together with initiative groups. One of them was about “State Pensions” initiated by “Khalkhis Partia” (People’s Party), initiative group composed of members of this party as well as some independent experts and GTUC, gathered in order to draft the law (State Pensions 2008). It was stated that existing law required improvement such as regulating retirement age, since it violated the rights of the pensioners and did not provide them with proper social guarantees (State Pensions 2008, 1). The goals of this draft-law were: lowering the age of retirement, elimination of the discriminatory nature of the law and creation of proper social security guarantees (State Pensions 2008, 2). This law would eventually increase the duties of the state towards its (retired) citizens and would be connected with increase in spending of the budget; the law did not contradict with EU directives and different obligations of the country towards other international agreements (State Pensions 2008, 3).

One of the interesting cases of civil-society interaction with the government is the draft bill that concerned public health and making amendments in the existing law (Supplements in Public Health Law 2010). The initiator of the bill was healthcare and social issues committee; however, the committee cooperated and agreed with several experts and above all with international NGO-s such as: Global Fund, World Health Organization, Medical Services International Corporation and others (Public Health Law 2010, 10-11). The reason for amendment was to establish more proper regulations against number of growing tuberculosis decease among the population. The reason why INGO-s were so active in this process is that reducing tuberculosis spread around the world by 2015 is considered one of the goals of the Millennium Development (Public Health Law 2010, 4).

Due to the expenses of the treatment, the bill also stated that low-income families would be given grants both by Donor Organizations (who provided medication, incentives

and transportation expenses) and later by the government (Public Health Law 2010). Adoption of the law would be connected with increase in spending of the budget.³⁴ At the same time the government would provide with proper mechanism for regulating situation in the penitentiary systems (Public Health Law 2010, 4). The law has not been enacted yet.

Another law in which experts were active was about “state compensation and state academic scholarship”; it was initiated by the government in collaboration with policy experts and “State United Social Insurance Fund of Georgia”³⁵ (State Stipend 2007). The reason for adopting this law was to protect disabled persons in the time of war and their families from social hardships. The compensation would be provided from Healthcare and social issues committee; this law would help improve the situation of those affected by the war in country (State Stipend 2007, 2-3). I would note here that individual experts might not represent civil society; however, what is important here is that government cooperated with different actors during the discussion of the bill.

Some laws were initiated by opposition members.³⁶ One was initiated by the member of Christian-Democratic minority and another by United Opposition member. Some of the successful (such as amendments in “Labor Code”) cases indicate that civil society organizations seem to cooperate with the opposition in order to implement changes in the law. All above stated examples from healthcare and social issues committee indicate that NGOs or civil society groups were either initiators of the bills or cooperated with the government (providing expert analysis on matters) or opposition in order to successfully implement the laws. On some cases they did not get accepted while on others they did, also some of the laws were agreed with interest groups and interested agencies, law about:

³⁴ Although I would note that amount is not nearly as huge as ‘Assistance for Unemployed’ draft-law required

³⁵ The main function of this organization is to take care of socially unprotected citizens and pensioners of Georgia; this fund is member or INGOs such as ‘International Social Security Organization’ and ‘International Association of Social and Pension Funds’.

³⁶ Amendments in Law about 'labor code' was initiated by Magdalina Anikashvili the member of Christian-Democratic Party.

“Psychiatric Assistance”, “Enterprise Control”, the changes in the “Georgia’s Administrative Code”,³⁷ while some laws were agreed with parliamentary factions.

I will elaborate on civil society strategies later. I believe that here it is important to note that in the healthcare and social issues sphere, their participation and interaction can be divided in following parts. First, when draft laws were adopted by independent activity of the NGOs (some of them by signatures of 30,000 voters or by legislative proposals); second in cooperation with the opposition where initiator was an opposition member; and the third in collaboration with the government. In some cases civil society groups provided expert analysis and evaluated some of the drafts positively, which can be considered to some extent as cooperation with the government.

3.4 OSGF and Palliative Care

One of the laws in healthcare issues was written and developed by the Open Society Georgia Foundation (OSGF)³⁸ mainly in collaboration with Humanist’s Union. This law concerns patients with palliative diseases. Palliative care (PC) is a modern track of medical service in Georgia; eventually, there was a lack of knowledge and experience in this field (Kiknadze Palliative Care 2010, 8), after the “Rose Revolution” new government started to work with different governments and international organizations in order to improve and develop the existing situation and law concerning palliative care. The first recommendations, national programs and strategy documents were developed by 2005 with the help of many international organizations and experts; in July of 2008 the decree number 157/N was approved by Georgian minister of Labor, Healthcare and Social issues which concerned the above mentioned issues.

³⁷ http://www.parliament.ge/index.php?lang_id=GEO&sec_id=573.

³⁸ Donor of this organization is ‘Soros Fund’.

The OSGF developed the International Palliative Care Initiative in order to improve conditions for patients with incurable diseases and their families, it also focused on vulnerable people of different ages diagnosed with cancer or HIV/AIDS. This organization is a pioneer in the establishment of palliative care (PC) in the country (Kiknadze Palliative Care 2010, 2). Its objective is to increase public awareness about palliative deceases. In 2006 special Office of Coordinator of National PC Program was founded at the Healthcare and Social Issues Committee (Coordinator's financial support was provided by OSI, NY, IPCI).

In April 08, 2007 the amendments in the following 4 laws of Georgia were approved by Parliament of Georgia: "Law of Healthcare; Law of medical activity; Law of patient's right; Law of concerning the narcotics, psychotropic materials, precursors and narcological aid" (Kiknadze Palliative Care 2010, 5). Paragraph 8 of amendments and supplements in law concerning "Narcotics, Psychotrophyc substances, precursors and narcological support" states: "The State will provide narcotics and psychotrophic substances in required (needed) amount and forms - for medical, scientific and other needs - according to international standards" (Kiknadze Palliative Care 2010, 6).

According to these changes: Definition of Palliative Care was added to "Law of Healthcare" and "Law of patient's rights". PC was recognized as important part of medical aid, eventually government has to take the responsibility certain services to the patients. The Health ministry is obliged to sign and create special instruction of PC for incurable patients; "As a result, Ministry of Labor, Health and Social Affairs together with the Office of Coordinator of Palliative Care National Program created the draft of normative decree, which was signed on July 10, 2008" (Kiknadze Palliative Care 2010, 7).³⁹

³⁹ All the quotes and information in this and previous paragraphs was used from Nino Kiknadze's presentation about Palliative Care in Georgia.

Due to the OSGF activity and changes the oral morphine is available in Georgia; also there will be discussion about introducing Palliative Care Essential Medications List. The future program intends to cover patients with noncancerous chronic pains (Kiknadze Palliative Care 2010, 10-11).

More organizations are getting involved in palliative care issues and healthcare ministry as well as healthcare committee actively cooperates with organizations, some of them are members of the councils created by the healthcare committee. I believe that main reason for the success of OSGF in law concerning palliative care is very strong donor. Another reason is expertise of OSGF employers who provided and helped government create improved law in accordance with international standards.

3.5 ‘Tanadgoma’ and ‘Bemoni’ initiatives

‘Tanadgoma’⁴⁰ and ‘Bemoni’ are civil organizations that focus on healthcare issues, concretely working against the spread of HIV/AIDS and drug usage in the country. Those organizations have many local as well as international donors that helped them to work out draft law concerning HIV/AIDS in the country which was implemented in November of 2009.⁴¹ Donors of ‘Tanadgoma’ were USAID, Oxfam, Global Fund (which financed this initiative) and many others. Those organizations cooperated with the government while working on the bill; the final accepted law was very similar to initially proposed by these organizations (with slight changes in two points). The reason for adopting the new law was that old one was made rapidly in 1995 and affirmed by the president without any legal consultations; eventually, the old law was not developed from medical and legal aspect (Kepuladze 2011). While developing the new bill special

⁴⁰ In Georgian Language word Tanadgoma means Support.

⁴¹ Kepuladze Kakha was an author of this law.

initiative groups gathered composed of doctors, lawyers, members of the international organizations, representatives of the government and etc in order to deliberate and draft the law. Government required that authors be present at the hearings.

In an interview representative of “Tanadgoma” Kepuladze noted that their organization also gets involved in different forms law making procedure such as committee hearings and cooperation with the government; Monitoring HIV/AIDS law has not started yet as some of the statutory laws were adopted recently (Kepuladze 2011). Other laws consulted by this organization were law about imprisonment, law-enforcement issues. Together with “Bemoni” and “HIV/AIDS center” this organization participated in drafting law about drug use. “Bemoni” presented certain draft and strategy in the parliament concerning prevention of drug substance, which resulted in formation of a group working about these problems; parliament actively cooperates with these organizations (Sirbiladze 2011).⁴²

Interviewee Sirbiladze claimed that “Bemoni” also worked on several drafts such as: supplements and changes in Georgian administrative code, Narcotic drugs, psychotropic substances and aid against drug use, supplements and changes in the criminal code of Georgia and etc. This organization was part of the advisory council (together with other individual experts) set up by Ministry of Labor, Health and Social Affairs of Georgia that developed anti drug strategy ; the main goal of anti drug strategy in Georgia is to reduce the illegal circulation, spread of drugs as well as related consequences; its strategic objectives include reduction of health damage caused by drug abuse, launching effective system of treatment and social rehabilitation of drug addicts and so forth (Anti drug strategy of Georgia 2006, 24).

⁴² Sirbiladze Tamar is “Bemoni” chairwoman of the board.

As it is visible from the above noted cases that civil society organizations participate in law making procedure, albeit with different forms and different success. I will elaborate on this more later but what is important to note here is that some of the civil society associations were successful in the drafting process and cooperated with the government closely during the different stages of the legislation. It can be observed from some of the adopted laws (Palliative care, HIV/AIDS and others) that NGOs, which participated and worked on the drafts had strong donors some of them international, eventually donors fund civil society groups working on specific projects. This on the other hand indicates that these organizations were to a greater extent knowledgeable, specific and experienced in the respective issues. I would claim that drafting form of involvement is frequent and successful for professional based organizations and government is more cooperative with them also to certain extent they can be seen as service provider NGOs.

3.6 Cases in education, science and culture issues committee

After the 2003 the government started working on a draft-law for the education reform. Initially this fact drew attention of several civil society organizations (“Trade Union of Teachers and Scientists of Georgia”, Trade Union “Solidarity”, different NGOs, also professors of different universities). Observing committee protocols in the second half of 2004, one can see that many of the hearings were devoted to draft law concerning “higher education”. NGOs attended these hearings and some of them criticized the draft-bills proposed by the governmental members, the bills mainly concerned raising the salary of the professors, increasing the level of education in the universities, providing professors with better social guarantees. The committee chairman and Education minister promised them that they would continue to cooperate with NGOs in order to improve issues concerning the draft about “higher education”.

In the second half of 2010 most of the initiatives reviewed by the education, culture and science committee were initiated by head of the committee or members of the parliament (today there are 13 members in the education committee, with 2 of them as members of the opposition parties and others of the majority party). According to Taktakishvili,⁴³ education committee cooperates with civic organizations especially so called think-tank organizations and the ones that have good expertise relating to education issues. The committee plans to create so called coordination bureau in order to make these processes more transparent (Taktakishvili 2011).

The secondary education bill was closely monitored by civil society organizations in Education committee took place in September 2004. The hearing was attended by the representatives of Educators and Scientists Free Trade Union of Georgia (ESFTUG), Association “Solidarity”, the representatives of the NDI. The head of the NDI touched the secondary education bill and importance about the availability of its public discussion (i.e. everybody is able to review the bill and that professors should be involved in this process more actively) (Education Committee Protocol #11, 2004). Another issue in this bill concerned possible salary raise for the professors, offering better social security guarantees to the professors; the bill was severely criticized by the professors, as they demanded to defend their interests by possible adoption of this bill. The committee and government members informed that all the remarks would be considered while working on the bill in the future. It was decided to create a mixed group which would improve the bill for the better (Education Committee Protocol #11, 2004). The same issue was discussed several days later but the bill was not accepted for the hearing of the parliamentary plenary session (Education Committee Protocol #13, 2004).

⁴³ Taktakishvili Chiora is a member of Education, science and culture issues committee and a representative of majority “Nationalist Movement” party.

The activity of participation by NGOs and other individual experts in the legislation of this period, delayed the adoption of some bills (“higher education”) (Education Committee Protocol #13, 2004); it was stated that comments and considerations expressed during this hearing should be taken into consideration when working on the bill in the future.

Another meeting concerning the bill about “higher education” took place in November 2004; the hearing was attended (specially invited guests) by many NGOs including leaders of ESFTUG, professors of different universities and the representatives of mass media. The bill was initiated (drafted) by education ministry jointly with the member of the education committee. The bill was collaborated in accordance with requirements for the European integration (Work has started on the bill in June 2001 with the European Council and participation of the OSGF). The law elaborated on the new status (title) for professors of the universities, providing greater academic autonomy and creating governing bodies in the universities, improving the rules concerning entrance examination in the universities. It was decided that it is recommendable to review the bill on the first plenary hearing of the parliament, while the committee should continue working on the articles of the bill together with the education ministry at the same time.⁴⁴

The discussions about the ‘higher education’ bill continued at the next meeting of the committee, where civil society organizations; professors and the leaders of student organizations were present again. This time discussion revolved around concrete articles of the bill. One of the members of the opposition (who voted against the bill in the previous hearing), stated that pressure on the government from the society and the students yielded its results and concessions from the government were clearly visible in the improved version of the bill (Education Committee Protocol #19, 2004). Although the

⁴⁴ All the information in this paragraph was taken from the website of Georgian Parliament, (Education Committee Protocol #18; 2004 Nov 17)

chairman⁴⁵ and the initiator claimed that idea of “academic autonomy” was included in the improved version of the bill, improvement of the bill was not to be “credited” to the opposition and this was not the result of any pressure and it was satisfactory that each side was pleased (Education Committee Protocol #19, 2004). (One can see from here that both of the sides tried to take the credit for the final version of the draft law, while opposition claimed that its improved version was backed by the society and the students). During the hearing some students expressed a concern so that the bill could properly specify the functions and activities of university councils. These proposals were shared in the committee; it was decided that a special group would be created, which would continue working on the draft together with the government (Education Committee Protocol #19, 2004). Reviewing the draft-bill about the “higher education” continued in December 2004; several articles of the draft bill were discussed at the hearing, the members of NGOs were present at the hearing. Eventually it was decided that the draft bill would be submitted to the parliamentary plenary session for the discussion (Education Committee Protocol #22, 2004). NGOs (such as “Solidarity”) were also active when in December 2004 government proposed a draft bill concerning changes in law about “Georgia’s state budget of 2004” (Education Committee Protocol #24, 2004).

It can be seen from these events that at the after the revolution civil society organizations were quite active (in education sphere) in the law-making processes. As noted this policy field attracted attention from many civil society groups as well as professors and students (on some occasions members of the “Kmara” organization, the allies of the government during the revolution were present at the hearings). The activity of NGOs was mainly expressed through attendance at the committee hearings, where their

⁴⁵ Back in 2004 the chairman of the committee was Nodar Grigalashvili

pressure obliged the government to improve the proposed drafts or cooperate with the NGOs that were present at the hearings.

I believe one of the reasons why civil society organizations were active in the draft-bill about “higher education” is its great public interest. The draft bill concerned many universities, professors, students (including the future ones). Therefore civic organizations as well as opposition had strong backing from the population; although most of the parties agreed about the need for reform, as seen they disagreed about its content. As observed from several protocols (Education Committee #18, 19, 22; 2004) the government at the criticism (perhaps pressure) of interested parties had to revise its initial proposed draft. Eventually some leaders of the different civic organizations generally expressed positive attitude towards revised bill. This case indicates the relative success of civic organizations (as well as opposition party members) generally in terms of monitoring process of legislation. Although to what extent did this confrontation succeed completely is a matter of question, as after 2004 government initiated several changes in the “higher education” bill, many civil sector actors (like TUTSG)⁴⁶ noted that generally government did not consider their proposals and ideas; therefore I would assume that in a long term perspective confrontational path did not prove efficient.

3.7 GTUC and TUTSG: legislation initiatives and amendments in laws

As noted before legislative initiation also belongs to electorate with 30,000 signatures. This opportunity has not been used frequently by civil society organizations; however, there were several of such initiations mainly used by Georgian Trade Union’s Confederation (GTUC) (as noted earlier Howard considers labor or trade unions to be part of economic society, which eventually is part of civil society). GTUC consists of 23

⁴⁶ Which I will elaborate bellow

different branches and it includes almost 240,000 members, as such unlike other civil society organizations they have enough human resources to initiate legislation; GTUC also does not have donors they mainly exist from membership dues. According to interviewee Aleksandria, GTUC has used this opportunity several times since 2004: they were initiations about changes and additions in Georgian “labor code”, changes in the law about the “assistance for unemployed”.

As noted trade unions proposed a draft-bill that was about arrangement of assistance for unemployed people in Georgia in March 2009 (by gathering 30,000 signatures); the author and initiator of this bill was “Georgia’s United Trade Unions Initiative Group”. In addition, help was provided by International Trade Union’s Confederation (ITUC) and European Trade Union’s Confederation (ETUC); at the same time economic experts took part in evaluation of the draft-bill and gave positive remarks to the bill (“Assistance for Unemployed” 2009, 4-5).

The reasons for adopting this bill were the world financial crisis and Georgian-Russian August war, which plunged economy into crisis and many workers were discharged from their respective jobs. By that time the number of unemployed reached 280,000 people, and expected to increase even higher in the future. Due to these events and the fact that no proper mechanism functions in the country to protect unemployed, it was decided to distribute money of no less than existing minimum pension to each unemployed individual for following 6 months (“Assistance for Unemployed” 2009, 6). Responsibility would be laid on Ministry of healthcare and social issues; a special commission (organization) would be created to deal with respectable issues (“Assistance for Unemployed” 2009, 9). The main goal of the bill was to restore social justice, elementary living wage and to protect the country from possible deepening of poverty; all this corresponded with existing international norms. The implementation of this bill would

result in increase in budget spending; this bill corresponded with obligations of Georgia for future integration in different international structures and directives of the EU (“Assistance for Unemployed” 2009, 2-3). This bill has not been enacted yet.

According to Alexandria (2011) government does not assist labor unions in development. When trade unions prepared legislative initiatives government hindered their proposals. Those two initiatives (“Assistance for unemployed” and “labor code”) were accepted by the committees to review; however, one of them did not reach the plenary session while another one has been halted (since end of 2009) and has not been reviewed since by the parliament. The problem is that these drafts go against the interests of the government. According to the representatives of the trade unions there were calculations about the expenses of “assistance for unemployed” bill (115 million Georgian Lari⁴⁷), which was not high sum for government not to accept this initiative (Alexandria 2011).

It is important to add that trade unions pursue not only confrontation (such as demonstrations) with the government there is cooperation between those sides. Social partnership commission has been created to develop the relationship and cooperation. From different forms of participation in law making process (other than drafting), trade unions also pursue attendance on committee hearings, each specific branch of this huge union attends respective committees where the issues of their sphere and interests are reviewed; different unions and their representatives express opinions quite often (Alexandria 2011). One of the reasons why government was not able to clearly deny the proposals of GTUC I assume is due to the resource potential that this union employs and can mobilize (as indicated earlier membership in trade unions is not high but it is higher than in any other organization). Monitoring process has not been practiced by unions; however, they are considering it for the future as well (Liparteliani 2011). For the nearest

⁴⁷ One Euro is around 2.37 Lari

future GTUC is considering to propose two bills concerning employers working in the difficult and dangerous conditions in order for them to acquire new profit (Alexandria 2011).

The bill about amendments in “secondary education” was proposed by the “Trade Union of Teachers and Scientists of Georgia” (TUTSG), which is one of the consisting parts of the GTUC. This bill was received by the parliament with the initiative of 30,000 electors and TUTSG (members of the different organs were present during the review process: such as Deputy of Education and Science ministry, the representatives of the Trade Union of Teachers and Scientists of Georgia and representatives of the mass media). The draft considered “ascertaining the simplified procedures of ceasing the lease agreement of the Board of Trustees with the head master of public school; accessibility of professional qualification improvement and providing the guarantee for teaching term” (Education Committee Protocol #33, 2009). Other issues concerned assembling the termless agreement for teachers and increasing their salaries and the compensation. According to one of the members of the committee the resolution of this issue had to be solved by combined work of the government, parliament and the trade unions (Education Committee Protocol #33, 2009). The bill got rejected; as stated by Gabashvili, the chairman of the committee, it still needed an improvement; he appealed to the initiators of the bill together with the Education and Science ministry to continue working on the draft law jointly and to present an improved version of the bill within three month period, which would help to solve the issue successfully (Education Committee Protocol #33, 2009).

According to TUTSG representative the initiative concerning “secondary education” in 2005 was not accepted by the government (Koridze 2011); however several months later, government adopted new law where several articles were similar to earlier draft proposal of the TUTSG. One of the articles stated that the results of the certificate

exam should be reflected in the income of the professors, while another paragraph noted that the state should ensure the preparation of the teachers for the certificate exam (“Secondary Education” May 2005). This law also gave teacher’s considerable right to respond upon criticism of their work. The original proposal by the teachers union stated that adoption of this draft was due to the violation of international norms (such as collaboration of teacher’s ethic’s code by labor unions and associations), massive and groundless releasing of teachers from the schools and etc. Although the original was not accepted, to certain extent adoption of some paragraphs and articles was a success.

As observed from the cases in education committee the participation is somewhat satisfactory; however, in contrast with healthcare committee the effectiveness is not as high. There were some legislative initiatives used by TUTSG; however, their original draft was not adopted (although some of the articles of this draft were adopted later from a different draft); indeed attendance on the committee hearings was great and on certain occasions the comments and criticism of different actors resulted in refusal of proposed bill by the government, as stated main reason of this was huge interest of the population, eventually the great interest around this issue yielded certain results. The lack of activity (e.g drafting) of civil organizations can be explained by lack of donors and their funding of specific projects in these issues.

3.8 Other active organizations and policy fields

One of the most active organization that participates in law making procedures is Georgian Young Lawyers’ Association (GYLA), which has been active since 1996. This organization has several offices around Georgia and has many donors (most of them - international); it is a strong actor who gives legal advice, promotes human rights, improves legislative basis for civil society and etc. It is important to underline that GYLA has its

permanent parliamentary secretary who actively participates in the parliamentary discussions as well as committee hearings. The parliamentary secretary provides conclusions of the draft bills. GYLA also offers its own proposals to the parliament (GYLA 2010 annual report, 51-52). GYLA worked on many legal suggestions for the draft laws. By the decree of Georgian President it was chosen as the member of the commission working on the new constitution of Georgia (GYLA 2010 annual report, 51-52).

On certain drafts parliament considered GYLA's recommendation either completely or partially. Examples of such cases were: draft bill about "amendments in normative acts"; which had some gaps such as: types of administrative proceedings (those that were considered by the administrative code) were not used while adopting normative acts; parliament accepted recommendations and did not adopt the draft. The draft concerning changes about recognition of victims of political repression and providing these victims with social guarantees did not foresee compensation for the moral harm done to the victim. GYLA firmly opposed this initiative, after which parliament had to reconsider adopting changes in the existing law (GYLA 2010 annual report, 52-53). There were many other occasions when GYLA's recommendations and suggestions yielded positive results as such this organization is effective in monitoring process.

GYLA can be considered generally as a watchdog organization. It is active in monitoring, how effectively enacted norms and laws are executed. Also it successfully provides comments and remarks about different drafts. On several occasions they were successful in changing original bills initiated by the government; according to parliamentary secretary of this organization in 2011 these were laws about "public broadcasting" and law concerning "state procurement", the government considered some of the remarks on the latter (Todua 2011).

As noted GYLA is frequently involved in the law making process, they initiate proposals, their parliamentary secretary attends committee hearings and monitoring is quite common. One of the reasons that this organization is so active and involved in these process is of course expertise; however, what is more interesting is that it is mainly composed of lawyers who have good knowledge in law making procedures and issues, also their initiatives and proposals are well arranged. This issue adds more strength to their cause. Another issue is of course donors: this organization has many international ones who provide them with sufficient resources which makes GYLA a strong civic actor. Members are familiar with similar practices in other countries (Todua 2001). Therefore parliament has to cooperate with this organization as it provides good legal recommendations, suggestions and proposals about many drafts and laws. It is important to add that GYLA often resorts to lobbying when preparing a proposal. They are also concerned with developing and improving the existing laws and drafts legally.

Another active organization that is involved in legislation processes since 1996 is Civil Society Institute (CSI). This organization cooperated with the Shevardnadze regime and worked on almost every law concerning regulating conduct of third sector organizations, including law on “regulatory package” concerning non profit organizations (Salamadze 2011). This organization continues to get involved in drafting (CSI worked on “labor code” with other organizations, also law concerning development of tourism). It participates at committee hearings, monitoring and cooperation with the government.⁴⁸ It should be noted that CSI closely cooperates with the executive in formulating its many legislative initiatives, CSI even formed contract on participation in law making with seven different ministries (Salamadze 2011). This organization also can be considered as a watchdog organization in a sense that they frequently publish (together with OSGF),

⁴⁸ For more information about CSI and their involvement in law making, annual reports, donors and other activities see <http://www.civilin.org/Eng/>.

reports about law making and implementation, “monitoring of law on public procurement”, monitoring report on labor code of Georgia.⁴⁹ The former included the detailed analysis of the situation concerning public procurement throughout old and new government and changes made during this period, including blanks so that could be considered and improved for the future (“Public Procurement” monitoring of Georgian law CSI, 2006). This was one of the several monitoring reports that CSI published in 2006.

This organization lobbied for a new Tax Code to preserve non profit and charity organizations tax exemptions; cooperation with the parliament and members of the ministries resulted in the fact that their version has been completely reflected in the adopted version (CSI 2005 annual report, 7). This organization is a strong actor with considerable success in legislative processes; I believe the conditions that result in CSI success are similar to ones of GYLA (qualified staff, strong donors and etc).

As I indicated in the previous chapter active policy field is human rights. Reason for this I believe is high media and public attention. Some Media channels frequently report abuses of human rights if such occurs; therefore watchdog organizations are frequently criticizing government for such cases. This sphere is also of considerable interest of many INGOs operating in the country, donors and different embassies. Most active Georgian organizations are also involved in these spheres (GYLA, Former Prisoners Defense Rights and others). The government has to frequently answer and listen to the suggestions and criticism of these organizations; therefore civil society groups operating in this field have strong backing from many actors. I believe another important factor playing for the success of NGOs in this field is ombudsman, who as indicated is one

⁴⁹ See <http://www.civilin.org/Eng/researchs.php>.

of most trusted positions in the society, previous ombudsman frequently criticized government for human rights abuses who received information from NGOs.

3.9 Summary and analysis: civil society involvement and activity in law making process

According to Ramishvili there might be differences in outlook between government and the civil sector; however, if the latter's intellectual and financial resources will increase than civil sector will have better chances of influencing the government (Ramishvili 2011). Macharashvili believes that participation of civic sector in law making process is less than satisfactory; however, considering the fact that such processes are relatively new and both state and civil society are actors in a process of transformation from a troubled past, then there is a room for further development. There are several watchdog organizations (i.e. GYLA, CSI) that use the opportunity of monitoring effectively (Macharashvili 2011). It is important to note that parliament distinguishes between two types of monitoring: control on execution and monitoring on the effective implementation (mainly concentration on long term effects); the latter one is less developed. There is not enough knowledge of long-term results yet; in such cases one should look at how much it considers interests of the society (Macharashvili 2011).

The basic trend in this process is that if the issue is not stressed politically then there is less chance that civil society actors will be involved in the law making. The government has to be more open towards these processes (Macharashvili 2011). Therefore one of the spheres that civic sector is active (just like during the previous government) is issues concerning elections. In this area watchdog organizations are quite effective. Having played important role during the events leading to the "Rose Revolution", they are still actively involved in above mentioned issues, mainly due to the huge donor interest

concerning elections in the country. Some organizations (i.e. ISFED) actively participated in changes about electoral system.

Drafts concerning “media transparency” also attracted attention, as they touched media directly; many channels broadcasted information about these drafts and laws, which caused increase of interests towards these issues (Khmaladze 2011). Other bills where NGOs actively participated were labor code, administrative code, civil code, etc. I would claim that these laws touched large part of society therefore civil sector was active and on certain occasions was successful. When speaking about involvement of civic sector into law making we are talking about strong civic actors. Donors are generally foreign actors and organizations; however as noted foreign donors change their priorities on certain occasions (Macharashvili 2011).

Another problem associated with civic sector involvement is that information is not always placed on the parliamentary web-site. Some civic actors complained that sometimes information about the committee hearings is placed only a day before the actual hearing, which does not give much time for these organizations to prepare thoroughly for the hearings. According to interviewee Khmaladze, on certain occasions civil society finds out about changes in law after they have been reviewed at the committee and this sector has to make proposals and changes to the recently made changes in the law; the drafts are prepared behind closed doors, therefore this mainly causes to make changes and supplements to the recently made changes in the law as some issue, article or point in the law was not properly developed, the time between making changes has decreased, which is not good for law making practice in the country (Khmaladze 2011). I agree with him in respect that laws change quite often and many changes are made into supplements and amendments about some law (labor code, administrative code, civil code and others). This eventually does not reflect well on law making, as legislation loses its stability, if certain

laws will be amended frequently. However, I disagree with him on the point that civil society participation has decreased considerably since the 2003.

According to Macharashvili, the problem (as noted before) is that parliament is not so strong political institution as the executive branch is in Georgia (2011). Most of the initiatives about legislation enter from the executive branch, and when this happens there is less involvement from the civil society organizations in law making (Davitashvili 2011). I believe constitutional changes in 2004, which increased the rights of the executive and the cabinet, initially had its negative effect on law making and civil society involvement in these processes as the credibility of the parliament decreased. For that reason I would assume that the monitoring of parliamentary law making process is weaker among civil society groups. This can be explained by the above stated fact and also due to the absence of strong parliamentary opposition.

The decisions made at the committee hearings (civic sectors recommendations) are either depicted in the later drafts through supplements in the law or they are not formally reflected in the adopted law, but the committee considers these suggestions while working on the bill. Committee hearings are also effective as they give an opportunity to the members of the parliament to find out about problems in the existing draft and situation surrounding the issue. I would add the confrontation at the hearings where the civic sector pressured the government into backing down and not accepting certain drafts (i.e. law about “higher education”).

NDI focuses on facilitating these processes (law making) and helping those initiatives to the parliament; they also try to promote better mechanisms for government/civil society cooperation, and have good relations with the government (Sartania 2011). Small civil society groups do not tend to be trusted by the government, and I would add that most likely these small organizations are, as explained by Nodia third

and fourth tier of organizations, which do not have good organizational capacity and good funding (Nodia 2005); therefore, the government mainly does not see such organizations as competent.

I should note that first and second tier organizations (with more adequate funding and good expertise) tend to influence law making more; this especially applies to the committees which require more specialized knowledge (i.e. healthcare committee). As seen from the research organizations in healthcare committee that were successful were mainly service provider NGOs (as pointed by Gigauri), they collaborated with other NGOs and the government and specialized on detailed issues (Tanadgoma, Bemoni and etc). Watchdog organizations were also successful and successfully drafted and cooperated with the government, at the same time they were notable for providing monitoring reports on certain laws (GYLA, CSI), which on certain occasions was considered by the government. Period after the revolution is characterized with achievement and failure for the civil society. Indeed there were improvements in several spheres, while some spheres leave hope for better results, therefore I would characterize this period as not sufficiently satisfactory.

CONCLUSION

This research elaborated upon civil society involvement in legislative processes in Georgia. These processes are relatively new and had not been given much attention. I mainly focused on healthcare and education spheres, and also briefly touched upon other spheres after the so called “Rose Revolution”. My research question was whether civil society organizations played an important role in law making process in Georgia and how they influenced law-making in the country? As seen from previous chapters’ civil society participation in law making processes has distinctive forms (drafting, activity at the committee hearings, monitoring and cooperation/confrontation with the government). Eventually these forms are different among different civil society organizations and they tend to influence legislative processes with different success.

Before proceeding with the current period (2004-2010) I elaborated upon the development of civil society in Georgia after independence in 1991 and briefly analyzed condition of civil society before the “Rose Revolution” in the country. Initially there were many legislative proposals in the country during that period (2004-2010), mostly from the executive branch and to lesser degree from the legislative branch; in my research I mostly focused on the successful cases of civil society involvement (together with legislative initiatives by the signatures of the 30,000 voters) and the most active organizations. In addition I tried to answer the following questions: Which civil society organizations were active in the legislative processes? What were formal opportunities provided by the regulations of the parliament for civil sector participation, to what extent the government considers expertise provided by this sector? And in which spheres are civil society groups more active?

Before 2003 drafting was more common and monitoring was used to lesser extent. Success was due to being allies with the “reformers wing”. To a certain extent this indicated that organizations that were close with some specific governmental faction or party tended to get involved in these processes more. However, “reformers wing” closely collaborated with the civic sector as they believed it to be necessary for developing democracy in the country, which eventually gained them support from the population, this interaction was beneficial to both parties to main extent.

After the “Rose Revolution” involvement in drafting processes continued, although civil society backed legislative initiative (gathering 30,000) was used on few occasions, and this form did not succeed much and some of the initiated drafts are still in discussion. On the other hand legislative proposals were more successful, especially in the healthcare committee; organizations which were more specialized were successful in drafting the laws, which were later collaborated on with the government and enacted as laws. It should be noted that these organizations had strong donors (mainly international), qualified and well educated members and could be classified as first tier organizations as Nodia termed strong civil society groups. Most of the issues tended to cause great public interest and media was involved during the different stages of legislation. On the other hand, organizations like GTUC and TUTSG, although quite strong (compared with others in terms of membership), did not succeed much, one of the reasons being the lack of funding and donors. In the education sphere civil society organizations were less active in terms of drafting and less successful. I believe this was due to the greater confrontation with the governmental proposals and less specialization of such issues. I agree with Gigauro that more constructive dialogue is needed to improve relationship between civil sector and the government (Gigauro 2011).

Committee hearings are the most accessible forms for civil society organizations; these organizations attend committee hearings and provide their comments and criticism on the drafts proposed by the government. On some occasions civil society pressured government into accepting some changes or not adopting a certain bill (their involvement was either depicted in the parliamentary protocols or was not; however the result was successful on some of the above noted cases). This is indeed positive for civil society. I would add that having parliamentary secretary (similar like GYLA) representative for the law making processes has contributed, together with other facts, to a relative success and activity in these processes (also from the perspective of monitoring). Attendance on committee hearings is one of the good ways to make cases more public and interesting for the population in general by allying with the media; therefore this form of activity needs to develop too.

Monitoring is less developed among civil society organizations as there is lack of watchdog organizations. Also there are less mechanisms of influencing the government unless the government does not cooperate with organizations for such purposes. Another reason is that most of the donors tend to fund projects and their preferences change frequently, unfortunately large numbers of NGOs have to shift their priorities according to donors' wishes. This indeed is not good for civil society development in general. Civil sector should try to find permanent donors that will not only finance few projects; as noted monitoring should develop in order for civil sector to acquire more leverage in relationship with the government.

I believe that these processes should become more *institutionalized*. In this respect a positive step has been the creation of research-advisory councils in healthcare and social issues committee, and similar future plans from other committees (including education, culture and science issues committee), civil society will get more chances to participate in

this processes. However, other than, institutionalization what is required is to develop and improve the quality of law making itself. Laws should not be the subject of frequent changes because it undermines legal security. Therefore I believe that monitoring (in terms how effectively government executes the law as well as how effectively it is being followed) has to develop among civil society groups in order to prevent frequent changes in laws (for this citizens should get more involved and receive information more frequently). From this perspective many steps need to be taken and just mere institutionalization of this process will not be sufficient. The quality and involvement should increase from the civic sector. On the other hand the government has to be more cooperative and respect the “rule of law” itself as well it should listen to the suggestions and criticisms of civil sector. Hopefully the process will develop more as the time passes.

As noted although steps were made to develop and improve law making in the country, still I would characterize the situation after the rose revolution to 2011 as not quite satisfactory; although the government cooperates with civil society groups, the lack of cooperation with such organizations as TUTSG and GTUC leaves desire for better future results. If the parliament or the executive do not want to cooperate the civil sector has minimal chances of influencing final legislations, unless the media or strong donors are not involved. As noted, civil sector lost its strong ally the media, so eventually issues concerned with legislation become less publicized and this takes away important law making influence asset from civil society.

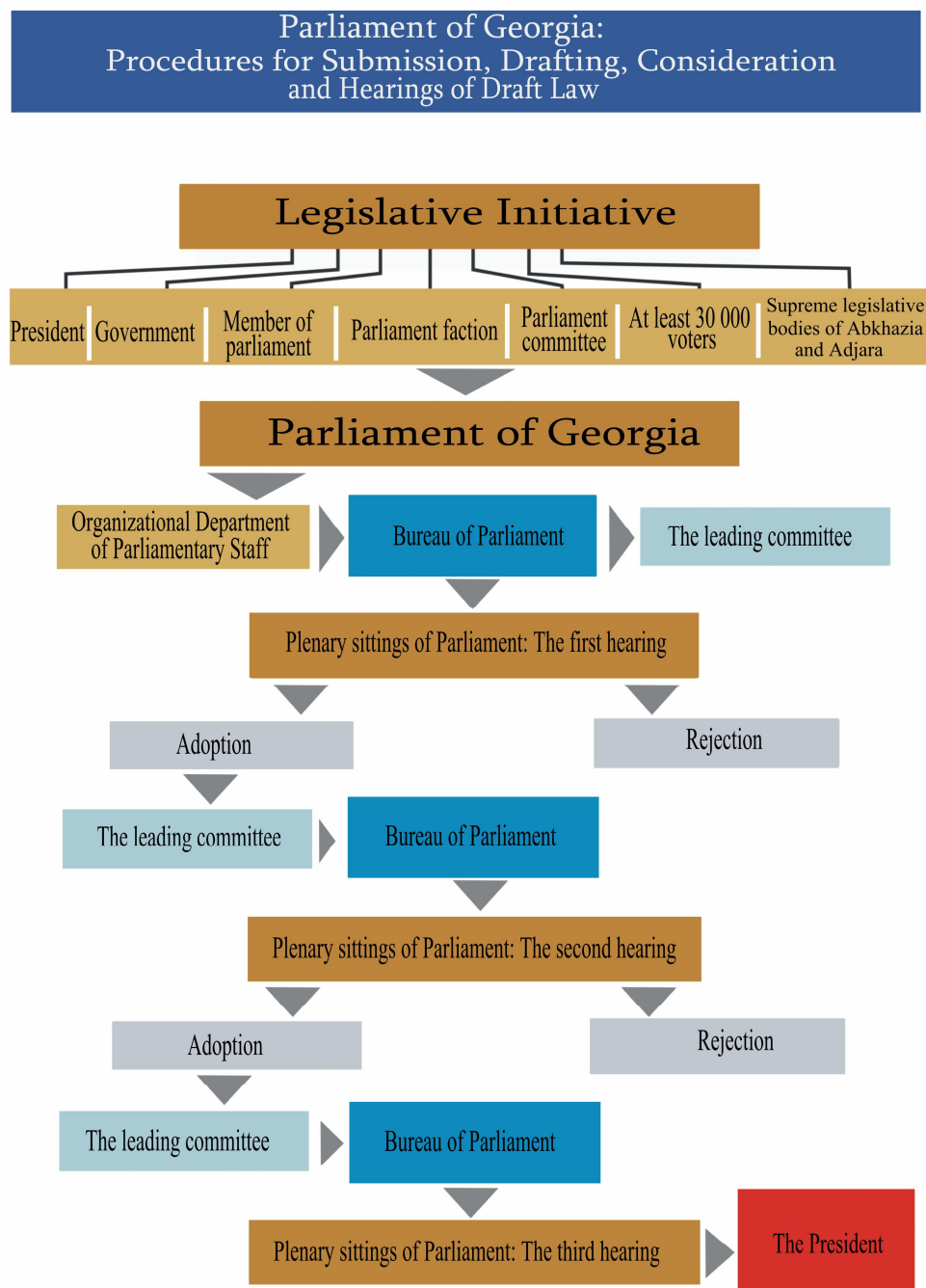
Also the problem is that parliamentary opposition is not strong in the country and this also hinders these processes. I would argue that if there will be strong opposition then monitoring processes will improve. Also civil society will cooperate more with opposition in terms of drafting laws (this was used several times by Christian-Democrats party),

confrontational path with the government will be also effective on certain occasions if the opposition becomes stronger.

Another problem with legislative processes in Georgia is that the civil society organizations that I selected for my research and ones that get involved are strong actors, with strong donors and good organizational capacity and structure; nowadays weaker actors have minimal chances to influence legislation in the country, due to the lack of expertise and lack of funds, government tends to see them as incompetent. This should be considered while researching these issues as well. In addition civil society should increase the level of awareness of general public in order to, for active organizations should promote the agenda about legislative issues and their involvement in subsequent procedures via media.

I believe that this law making and civil society participation is very important when assessing the strength of the civil sector. It is important to study different aspects and forms of involvement in legislation. Studying other policy fields and detailed activity of organizations in those spheres is significant; and perhaps a question for future research.

APPENDIX 1: LEGISLATIVE INITIATIVES



Source: The Official Website of Georgian Parliament
http://www.parliament.ge/index.php?lang_id=GEO&sec_id=411 (Georgian Version).

APPENDIX 2: QUESTIONS FOR INTERVIEWS:

Concrete questions for representatives of civil society organizations:

- Do you participate in law-making process or not (how do you find out about committee hearings)? – How often? Is the participation in the process part of the project sponsored by foreign/international donors or organizations? Describe forms of participation: Drafting (through MP), hearing, and monitoring or direct cooperation with government?
- Legislative initiation: Did the government consider your initial draft? (at what level) Level of committee or parliament? Level of parliamentary session? Was it accepted? If not why?
- Committee hearings? Did you make any suggestions or comments during bill discussion? Was it accepted? If not why?
- How do you accomplish monitoring? Do you send any comments/suggestions to the parliament/governmental agency? How governmental agency responded to the issues addressed by your organization?
- (Direct cooperation) Does NGO/expert participate in the law drafting process upon government's personal invitation?
- Which was the successful case that your organization participated in? Which policy field did the issue cover?

General questions for political experts, members of the committees and representatives of the government:

- How would you assess Civil Society Organizations involvement in legislative process? What is positive and what are negative aspects of this relationship?
- What was the situation during the previous government? What is the attitude of the government towards these processes? In which policy fields is the civic sector most active nowadays?
- What would you suggest in order to make this process (civil society involvement/civil society government cooperation) more efficient?

APPENDIX 3: LIST OF INTERVIEWS:

Alexandria, Gocha (Vice-president) and Liparteliani, Raisa (Lawyer). 2011. Interview by George Gogsadze. Tbilisi, Georgia. GTUC. April 19.

Davitashvili, Zurab. 2011. Interview by George Gogsadze. Tbilisi, Georgia. Full Professor, Department of International Relations, Faculty of Social and Political Sciences Tbilisi State University. April 13.

Gigauri, Andro. 2011. Interview by George Gogsadze. Tbilisi, Georgia. Chief of Staff, Ministry of Justice of Georgia. April 14.

Kepuladze, Kakha. 2011. Interview by George Gogsadze. Tbilisi, Georgia. Consultant, “Tanadgoma”. April 14.

Khatiskatsi, Nina. 2011. Interview by George Gogsadze. Tbilisi, Georgia. Program Director, TI Georgia. April 19.

Khmaladze, Vakhtang. 2011. Interview by George Gogsadze. Tbilisi, Georgia. Independent expert, Professor of Constitutional Law. April 14.

Kiknadze, Nino. 2011. Interview by George Gogsadze. Tbilisi, Georgia. Project Coordinator, OSGF. April 20.

Koridze, Natalie. 2011 Interview by George Gogsadze. Tbilisi, Georgia. Lawyer, TUTSG. April 20.

Macharashvili, Nana. 2011. Interview by George Gogsadze via Skype. Associated Professor, Department of Political Sciences, Faculty of Social and Political Sciences Tbilisi State University. April 12.

Mesghi, Maia. 2011. Interview by George Gogsadze. Tbilisi, Georgia. Lawyer, CSI. April 21.

Ramishvili, Levan. 2011. Interview by George Gogsadze. Tbilisi, Georgia. Founder, Liberty Institute. April 15.

Salamadze, Vazha. 2011. Interview by George Gogsadze. Tbilisi, Georgia. Director, CSI. April 19.

Sartania, Tamuna. 2011. Interview by George Gogsadze. Tbilisi, Georgia. Liaison NDI. April 18.

Sirbiladze, Tamar. 2011. Interview by George Gogsadze via Skype. Chairwoman of the board, “Bemoni”. May 1.

Taktakishvili, Chiora. 2011. Interview by George Gogsadze via Skype. Member of Education, science and culture issues committee. April 21.

Todua, Tatuli (Parliamentary Secretary) Verdzeuli Sophio (Deputy Parliamentary Secretary). 2011. Interview by George Gogsadze. Tbilisi, Georgia, GYLA. April 18.

Toidze, Otar. 2011. Interview by George Gogsadze. Tbilisi, Georgia. Chairman of Healthcare and social issues committee. April 26.

REFERENCE

- Abus, Murat. 2008. *Civil Society and Democratization in Southeastern Europe, 1990-2004*. La Vergne, TN USA: Copyright Murat Abus.
- Anti Drug Strategy of Georgia, draft conceptual document. 2006. Public Union “Bemoni”. Ministry of Labour, Health and Social Affairs of Georgia. Tbilisi.
- Caucasus Analytical Digest. 2009. Democracy in the South Caucasus. Opinion Polls, no 2, (15 January). 2-17.
- Constitution of Georgia. 1995 August 24.
http://www.parliament.ge/index.php?lang_id=ENG&sec_id=68 (accessed February 20, 2010).
- Council of Europe. 2009. Code of Good Practice for Civil Participation in the Decision-Making Process. Adopted by the Conference of INGOs at its meeting on October 1. http://www.coe.int/t/ngo/code_good_prac_en.asp (accessed May 31, 2011).
- CSI 2005 Annual report. Official website of Civil Society Institute.
<http://civilinlaw.org/pdf/annual-05.pdf>
- George, Alexander L. and Andrew Bennett. 2005. *Case Studies and the Theory Development in the Social Sciences*. Cambridge, London: MIT Press.
- Georgian Parliament. Georgia National Pain Relief and Palliative Care Program. 2005. October 30. http://www.parliament.ge/files/619_8111_657149_progr_en.doc (accessed May 18, 2011).
- Georgian Parliament. Education, Science and Culture Issues Committee. 2004. Protocol #11, 21 September.
http://www.parliament.ge/index.php?lang_id=GEO&sec_id=261&info_id=4627&date=2004-09-21&new_month=09&new_year=2004 (accessed February 10, 2011).
- Georgian Parliament. Education, Science and Culture Issues Committee. 2004. Protocol #13, 23 September.
http://www.parliament.ge/index.php?lang_id=GEO&sec_id=261&info_id=4632&date=2004-09-23&new_month=09&new_year=2004 (accessed February 10, 2011).
- Georgian Parliament. Education, Science and Culture Issues Committee. 2004. Protocol #18, 17 November.
http://www.parliament.ge/index.php?lang_id=GEO&sec_id=261&info_id=4723 (accessed February 10, 2011).
- Georgian Parliament. Education, Science and Culture Issues Committee. 2004. Protocol #19, 18 November.
http://www.parliament.ge/index.php?lang_id=GEO&sec_id=261&info_id=4724 (accessed February 10, 2011).

Georgian Parliament. Education, Science and Culture Issues Committee. 2004. Protocol #21, 6 December. http://www.parliament.ge/index.php?lang_id=GEO&sec_id=261&info_id=4726 (accessed February 10, 2011).

Georgian Parliament. Education, Science and Culture Issues Committee. 2004. Protocol #22, 7 December. http://www.parliament.ge/index.php?lang_id=GEO&sec_id=261&info_id=4774 (accessed February 10, 2011).

Georgian Parliament. Education, Science and Culture Issues Committee. 2004. Protocol #24, 16 December. http://www.parliament.ge/index.php?lang_id=GEO&sec_id=261&info_id=4906 (accessed February 10, 2011).

Georgian Parliament. Education, Science and Culture Issues Committee. 2009. Protocol #33, 15 October. http://www.parliament.ge/index.php?lang_id=ENG&sec_id=1292&info_id=25091&date=2009-10-15&new_month=10&new_year=2009 (accessed May 15, 2010).

Georgian Parliament. Healthcare and Social Issues Committee. 2007. Kanonproeqtebi (Draft-Laws): “State Stipend”. http://www.parliament.ge/files/573_7622_116525_compensac-stipend.pdf (accessed May 25, 2011).

Georgian Parliament. Healthcare and Social Issues Committee. 2009. Kanonproeqtebi (Draft-Laws): “Assistance for Unemployed” March. http://www.parliament.ge/files/573_7622_114450_umushevrobis-shemw-29-06-2010.pdf (accessed May 25, 2011).

Georgian Parliament. Healthcare and Social Issues Committee. 2008. Kanonproeqtebi (Draft-Laws): “State Pensions” December. http://www.parliament.ge/files/573_7622_711570_saxelmwifo_pensiisa-29-06-2010.pdf (accessed May 25, 2011).

Georgian Parliament. Healthcare and Social Issues Committee. 2010. Kanonproeqtebi (Draft-Laws): “Public Health Law”. http://www.parliament.ge/files/573_7622_733972_jan-dacva-29-09-2010.doc (accessed May 25, 2011).

Georgian Parliament. Healthcare and Social Issues Committee: Research-Advisory Councils 2011. http://www.parliament.ge/index.php?lang_id=GEO&sec_id=1456 (accessed May 28, 2011).

Georgian Parliament. Meetings of the Chairman of Healthcare Committee. 2010 January. http://www.parliament.ge/index.php?lang_id=GEO&sec_id=1509&info_id=28349 (accessed February 10, 2011).

Georgian Parliament. Meetings of the Chairman of Healthcare Committee. 2010 July
http://www.parliament.ge/index.php?lang_id=GEO&sec_id=1509&info_id=28358
 (accessed February 10, 2011).

GYLA 2010 annual report. *Rule of Law for Justice*. Georgian Young Lawyer's Association
 Copyright 2010 Oct.

Howard, Marc. M. 2008. *The weakness of Civil Society in Post-Communist Europe*. New
 York: Cambridge University Press.

Laverty, Niklaus. 2008. The problem of lasting change: the civil society and the colored
 revolutions in Georgia and Ukraine. *The journal of post-soviet democratization* Vol.
 16, no 2 (spring): 143-162.

Macharashvili, Nana. 2009. Problems of Parliamentary Democracy in Georgia.
 Presentation at Tbilisi State University, Department of Political and Social Sciences,
 Conference of Young Scientists. Tbilisi, Georgia. May 21.

Matveeva, A. 2008. Exporting Civil Society: The Post-Communist Experience. *Problems
 of Post-communism* 55, no.2: 3-13.

Mitchell A. Lincoln. 2006. Democracy in Georgia since the Rose Revolution. *Orbis*, Vol.
 50, Issue 4, 669-676. doi: 10.1016/j.orbis.2006.07.007.

Muskelishvili Marina and Jorjoliani Ghia. 2009 "Georgia's ongoing struggle for a better
 future continued: democracy promotion through civil society development"
Democratization 16: 4, 682-708.

Nodia, Ghia. 2005. Civil Society Development in Georgia: Achievement and Challenges.
 Tbilisi.
[http://www.cipdd.org/files/7_114_458194_CivilSocietyDevelopmentinGeorgia-
 textEng.PDF](http://www.cipdd.org/files/7_114_458194_CivilSocietyDevelopmentinGeorgia-textEng.PDF) (accessed September 25, 2010).

Official website of Georgian Parliament. International Projects: Completed Projects.
http://www.parliament.ge/index.php?lang_id=ENG&sec_id=1072 (accessed February
 23, 2010).

Official website of Georgian Parliament
http://www.parliament.ge/index.php?lang_id=ENG&sec_id=1072 (accessed September
 25, 2011).

Official website of Georgian Parliament, Palliative Care, Recommendations Collaborated
 by experts: http://www.parliament.ge/index.php?lang_id=GEO&sec_id=1502
 (accessed May 18 2011).

Official website of Civil Society Institute www.civilin.org.Eng/ (accessed May 23, 2011).

Palliative Care and Incurable Diseases: Ethical and Judicial Issues, explanations and
 recommendations for medical personnel. OSGF

Public Procurement monitoring of Georgian law. 2006. Official website of Civil Society Institute: <http://www.civilin.org/pdf/buyingg.pdf>

Sodaro, Michael J. 2004. *Democracy: What Does It Take? Ten Conditions*. Comparative Politics. A Global Introduction on. 2nd ed. Boston. MA McGraw Hill. 207-229.

The Rules of Procedure of the Parliament of Georgia (As of February 2004) http://www.parliament.ge/files/819_18559_127313_reglament.pdf (accessed February 12, 2011).

Toidze, Otar. 2010. Chairman of Healthcare and Social Issues committee: http://www.parliament.ge/index.php?lang_id=GEO&sec_id=149

Tucker, J.A. 2007. Enough! Electoral Fraud, Collective Action Problems, and Post-Communist Colored Revolutions. *Perspectives on Politics*, 5 no.3: 535- 551.

Wheatley, Jonathan. 2010. Caucasus Analytical Digest, Democracy in the South Caucasus. no. 12 (22 January): 2-6.

Wheatley, Jonathan. 2005. *Georgia from National Awakening to Rose Revolution: Delayed Transition in the Former Soviet Union*. Hampshire: Ashgate Publishing Limited.

Wiesenthal, Helmut. 1996. Organized Interests and Public Policy: Logic, Performance and an Optimistic Lesson of Interest Groups' Participation in West European Democracies. In *Parliaments and Organized Interests*. The Second Steps. Agh, Attila and Ilonszki, Gabriella (Hg.):Budapest: Hungarian Centre for Democratic Studies, 13-39.

Wilson Frank L. 2002. Concepts and Issues In Comparative Politics. An Introduction to Comparative Analysis. Uppder Saddle NJ Prentice Hall, is 2 ed: 153-170.