

Western Values and Strategic Interests? Evaluating Potential Georgian Membership in NATO

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Since the Russian-Georgian conflict in August 2008, the Republic of Georgia's potential membership in NATO has been a hotly contested issue. Unfortunately, the arguments on both sides of the debate often rely on catch-phrases such as "vibrant democracy" and "corrupt authoritarianism" without referencing the Atlantic Alliance's established enlargement criteria. I attempt to provide the proper structural context to the debate by examining the issues through the lens of the Washington Treaty, the 1995 "Study on NATO Enlargement," and the Alliance's 1999 Membership Action Plan (MAP) criteria. This article is an analysis of domestic and international Georgian political conduct and security concerns that aims to evaluate the country's readiness for NATO membership. I argue that despite Georgia's ongoing process of democratisation and Alliance strategic considerations, the country does not yet meet the criteria for receiving a MAP and gaining admission to NATO.

Georgia-NATO Relations before the 2008 Conflict

Tbilisi's relations with NATO began shortly after Georgia gained its independence from the USSR. Overwhelming fear of Russia compelled Georgian leaders to strengthen ties with the West and to join NATO's North Atlantic Cooperation Council (later the Euro-Atlantic Partnership Council, or EAPC) in 1992.² Despite this movement toward the West, following an embarrassing 1993 defeat against Abkhazian separatists, (then) Georgian leader Eduard

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² In fact, fear of Russia was so prevalent in Georgia in the early 1990s that the country's mainstream press asserted that several powerful earthquakes "were engineered by Russia at secret underground laboratories." [Jaba Devdariani, "Georgia and Russia: The Troubled Road to

Shevardnadze agreed that the country would join the Commonwealth of Independent States (CIS) in exchange for Russian peacekeeping assistance.³ This action introduced a second Russian peacekeeping contingent to Georgia, joining forces serving in the Joint Control Commission monitoring mission in South Ossetia. Shevardnadze also consented to the construction of Russian bases on Georgian soil.

From 1994–2002, Georgia took a number of steps away from the CIS toward further integration with NATO. Tbilisi became a member of the Alliance's Partnership for Peace (PfP) in 1994 and contributed 150 soldiers to NATO's Kosovo Force (KFOR) peacekeeping operations in 1999.⁴ Since 2001, Georgia has been the site of annual PfP military exercises and has contributed to NATO operations in Afghanistan.⁵ In addition, Shevardnadze refused to renew the CIS Collective Security Treaty in 1999, but Georgia remained a member of the organisation until August 2009. Georgia officially announced its intention to join NATO at the November 2002 EAPC Summit in Prague.

After the 2003 Rose Revolution and his subsequent election as president, Mikheil Saakashvili moved to expand Georgia's relationship with the Alliance. In October 2004, Georgia and NATO agreed to an Individual Partnership Action Plan (IPAP) designed to increase cooperation and to oversee the reforms necessary for Alliance membership.⁶ Saakashvili's efforts paid dividends as (then) US President George W. Bush lobbied for Georgia to receive a MAP – alongside Ukraine – at NATO's Bucharest Summit in April 2008. Bush, who had referred to Georgia as “a beacon of liberty,” received support from Bulgaria, Canada, the Czech Republic, Estonia, Latvia, Lithuania, Poland, Romania, Slovakia, and Slovenia.⁷ The former Soviet Republics and satellites among these countries called upon NATO to extend a MAP to Georgia to protect the

Accommodation,” in *Statehood and Security: Georgia after the Rose Revolution*, ed. Bruno Coppieters and Robert Legvold (Cambridge, Massachusetts: MIT Press, 2005), p. 157.]

³ Here I refer to Shevardnadze as the “Georgian leader” because he became the *de facto* head of state after the successful *coup d'état* against President Zviad Gamsakhurdia in January 1992. After the *coup*, Shevardnadze served as chairman of Georgia's State Council. Georgia held its first post-*coup* presidential contest in November 1995, resulting in Shevardnadze's election to the presidency.

⁴ Jim Nichol, “Georgia [Republic]: Recent Developments and US Interests,” in *Georgia after the Rose Revolution*, ed. Gabriel C. Monson (New York: Nova Science Publishers, 2009), p. 21; this book chapter is an expanded version of a US Congressional Research Service Report.

⁵ Ibid.

⁶ NATO, “Individual Partnership Action Plans,” updated 31 October 2008, available from: <http://www.nato.int/issues/ipap/index.html>.

⁷ George W. Bush quoted in Jenny Booth, “Bush hails Georgia as a ‘beacon of liberty,’” *The Times Online* (London), May 10, 2005, available from: <http://www.timesonline.co.uk/tol/news/world/article520811.ece>; Agence France Press (AFP), “Open door to Ukraine, Georgia, say Eastern NATO states, Canada,” March 20, 2008, available from: <http://afp.google.com/article/ALeqM5jdZbjHcFjlr6c0anD6wKyp408dUw>.

country from Russian domination. Germany and France led the opposition, raising concerns about the status of Georgian democracy, minority rights, and borders with Russia. The Benelux countries, Hungary, and Italy supported the Franco-German position.⁸ NATO did not award MAPs to Georgia and Ukraine, but the Bucharest Summit Declaration indicated that both countries would become members of the Alliance if they made progress in several key reform areas.⁹

Implications of the Russian-Georgian Conflict

Georgia appeared to be on the road to NATO accession until the Russian-Georgian conflict.¹⁰ On the night of August 7, 2008, following months of clashes between Georgian security forces and separatists in the disputed province of South Ossetia, Saakashvili ordered a comprehensive assault on the Ossetian capital of Tskhinvali. Russian President Dmitry Medvedev quickly sent troops to the region, denouncing Georgian actions as “a gross violation of international law” and citing the responsibility to protect Russian peacekeepers and Ossetian holders of Russian passports.¹¹ Medvedev and Prime Minister Vladimir Putin later accused Georgia of committing genocide.

The conflict had disastrous consequences, as it spread to Abkhazia and mainland Georgia and involved around 11,000 Georgian and up to 30,000 Russian troops.¹² Military operations ceased on August 12 after the French Presidency of the European Union (EU), under Nicolas Sarkozy, brokered a preliminary ceasefire; a final agreement entered into force on August 16. When the ceasefire took effect, Russian troops had repulsed the Georgian army from South Ossetia and Kremlin tanks had reached the outskirts of Tbilisi. The report of the EU fact-finding mission to Georgia estimates that the violence left 850 people dead and 2,300-3,000 wounded, while documents from the Council of Europe’s Commissioner for Human Rights report the displacement of approximately

⁸ Travis Bounds and Ryan Hendrickson, “Georgian Membership in NATO: Policy Implications of the Bucharest Summit,” *Journal of Slavic Military Studies*, Vol. 22, No. 1 (January 2009): p. 23.

⁹ NATO, “Bucharest Summit Declaration,” 3 April 2008, available from: http://www.nato.int/cps/en/natolive/official_texts_8443.htm.

¹⁰ For a comprehensive and impartial discussion of the Russian-Georgian conflict see: Report of the Independent International Fact-Finding Mission on the Conflict in Georgia, Vols. 1-3, (Brussels: European Union, September 2009); for a shorter, less objective, but also informative recounting of the events see: Charles King, “The Five-Day War: Managing Moscow After the Georgia Crisis,” *Foreign Affairs*, Vol. 87, No. 6 (November/December 2008): pp. 2-11.

¹¹ Dmitry Medvedev, “Statement on the Situation in South Ossetia,” August 8, 2008, Moscow, available from: <http://www.rusmission.org/news/287>.

¹² Report of the Independent International Fact-Finding Mission on the Conflict in Georgia, Vol. 2, pp. 214, 216.

138,000 people.¹³ Furthermore, the Organisation for Security and Cooperation in Europe's (OSCE) post-conflict evaluation extensively chastises both sides for indiscriminate fire and inadequate protection of civilian noncombatants.¹⁴

Serious questions arose from the conflict. Would Russia have intervened if Georgia had been a member of NATO? What did the conflict mean for Georgia's bid for membership in the Atlantic Alliance? Saakashvili offered his perspective on the issue, alleging that "the Russian invasion was aimed at frightening NATO off" and that it showed precisely why the Alliance should allow Georgia to join.¹⁵

US presidential nominees John McCain and Barack Obama agreed with this position and called on NATO to offer Georgia a MAP and a fast-track path to membership. On August 12, 2008, McCain went further, declaring, "Today, we are all Georgians."¹⁶ Many Central and Eastern European (CEE) officials agreed, including (then) Czech Prime Minister Mirek Topolánek, who compared Russia's involvement in Georgia to the USSR's 1968 Prague Spring invasion.¹⁷ Several commentators argued that Georgian membership in NATO would protect a democracy from a resurgent, imperialistic Russia. Evidence for this stance included allegations that Russia threatened Georgian sovereignty by moving troops into the capital region and that many attacks on Tbilisi's military infrastructure were unnecessary and intended only to inflict punitive damage.

Despite US and CEE insistence, there was strong Western European opposition – particularly from France, Germany, and Spain – to fast-track NATO membership for Georgia. The conflict suggested that extending Article 5 security guarantees to Georgia presented the real possibility of NATO going to war with Russia. The poor performance of Georgia's armed forces also indicated that Tbilisi might be a net consumer of Alliance security.¹⁸ A statement from

¹³ Ibid., p. 223; Commissioner for Human Rights of the Council of Europe, *Report on Human Rights Issues Following the August Armed Conflict* (Strasbourg: Council of Europe, May 2009), p. 5.

¹⁴ For the OSCE's full report see: OSCE: Office for Democratic Institutions and Human Rights (ODIHR), *Human Rights in the War-Affected Areas Following the Conflict in Georgia* (Warsaw: ODIHR, November 2008), available from: http://www.osce.org/documents/odihr/2008/12/35656_en.pdf.

¹⁵ Mikheil Saakashvili quoted in Zdeněk Kříž and Zinaida Shevchuk, "Georgia on the Way to NATO after the Russian-Georgian Armed Conflict in 2008," Czech University of Defence, *Journal of Defence & Strategy*, Vol. 9, No. 1 (June 2009): p. 105.

¹⁶ John McCain quoted in "McCain: 'Today, we are all Georgians,'" *Boston Globe*, August 12, 2008.

¹⁷ Mirek Topolánek, "Czech PM Says Georgian Conflict 'Worse' Than '68 Soviet Invasion," interview by Radio Free Europe/Radio Liberty, 21 August 2008, available from: http://www.rferl.org/content/Czech_PM_Says_Georgian_Conflict_Worse_Than_68_Soviet_Invasion/1192858.html.

¹⁸ Adam Eberhardt, "The 2008 Russia-Georgia War over South Ossetia – The Policy of the Russian Federation and Its Consequences," *The Polish Quarterly of International Affairs*, No. 3 (2008): p. 3.

the September 2008 meeting of the newly formed NATO-Georgia Commission confirmed that Georgia would still become a NATO member, but it called for further democratic reforms and stopped short of extending a MAP to Georgia.¹⁹

Since the conflict's immediate aftermath, there have been notable changes in the NATO-Georgian relationship. In December 2008, NATO replaced Georgia's IPAP with an Annual National Program (ANP), marking a new stage of intensified cooperation and dialogue.²⁰ German Chancellor Angela Merkel and French President Nicolas Sarkozy have both indicated that they support Georgian NATO membership if Tbilisi undertakes the appropriate reforms. The US position on the issue also appears to have shifted; in July 2009, President Barack Obama stated that countries seeking to join NATO must do so with public support and the ability to make military contributions to the Alliance.²¹ NATO's April 2009 Strasbourg-Kehl Summit Declaration reiterated that Georgia would eventually join the Alliance, but staunch Kremlin opposition and recognition of Abkhazia and South Ossetia as independent states continue to complicate the issue.²²

The majority of Georgians support Saakashvili's efforts to bring Georgia into the Atlantic Alliance. Soon after the Russian-Georgian conflict, 87 percent of Georgian adults were in favor of NATO membership, but the number had fallen to 75 percent by June 2009.²³ Those opposed fear that NATO will force Georgia to renounce its claims to Abkhazia and South Ossetia and that future deployments of Alliance forces in the country could make Georgia a target for Russian retaliation and Iranian missile strikes.²⁴

It appears that NATO will eventually accept Georgia as a member, but the timeframe for such a decision remains uncertain. In upcoming meetings of the NATO-Georgia Commission, Alliance officials will evaluate Georgian

¹⁹ NATO, "NATO-Georgia Joint Press Statement," 15 September 2008, Tbilisi, available from: <http://www.nato.int/docu/pr/2008/p08-115e.html>.

²⁰ Some analysts have suggested that Georgia may bypass a MAP and join the Alliance after making reforms under the auspices of its ANP. However, even Giorgi Baramidze, Georgian State Minister for Euro-Atlantic Integration, has acknowledged that the country will still need a MAP to become a NATO member. [Molly Corso, "Georgia: Moving on Toward NATO without a MAP," *Eurasia Insight*, December 3, 2008, available from: <http://www.eurasianet.org/departments/insightb/articles/eav120308.shtml>.]

²¹ STRATFOR, "US-Russian Summit: Negotiating NATO Expansion," July 7, 2009.

²² NATO, "Strasbourg-Kehl Summit Declaration," 4 April 2009, available from: http://www.nato.int/cps/en/natolive/news_52837.htm?mode=pressrelease.

²³ International Republican Institute, *Georgian National Study: September 29-October 5, 2009* (Washington: International Republican Institute, 2009), available from: http://www.iri.org/eurasia/georgia/pdfs/2009_November_23_Survey_of_Georgian_Public_Opinion_September_29-October%205_2009.pdf, p. 39.

²⁴ US Congressional Research Service, *Georgia [Republic] and NATO Enlargement: Issues and Implications*, by Jim Nichol (Washington: CRS, 2008), p. 5; *Ibid.*, *NATO Enlargement: Albania, Croatia, and Possible Future Candidates*, by Vincent Morelli et al. (Washington: CRS, 2008), p. 16.

progress on implementing ANP reforms and the country's eligibility for a MAP. An evaluation of Georgia's readiness for a MAP should not depend on visceral perceptions of Georgian democracy and strategic importance; instead, it should focus on NATO's often overlooked, but well-defined, criteria for enlargement.

Democracy

The Washington Treaty, the 1999 MAP criteria, and the 1995 "Study on NATO Enlargement" explain the conditions which states must meet to join NATO. The Preamble to the Washington Treaty declares that member states of the Alliance are "founded on the principles of democracy, individual liberty, and the rule of law," and the MAP criteria and 1995 study note that potential NATO members must adhere to these principles.²⁵ I will analyse Tbilisi's readiness for a MAP by evaluating Georgian political dynamics vis-à-vis NATO's basic principles, starting with democracy.²⁶

Georgia is certainly one of the most democratic states in the Caucasus and Central Asia, and its Constitution declares that the country is a democratic republic.²⁷ However, the head of the OSCE election monitoring team in Georgia remarked that the 2004 presidential election did not occur in "a truly competitive environment."²⁸ The OSCE's report on the election points to the misappropriation of state funds to benefit Saakashvili's candidacy.²⁹ Following widespread protests against his administration in fall 2007, Saakashvili resigned and called early elections in 2008. According to most observers, Georgians re-elected Saakashvili in a relatively fair contest. Irrespective of these improvements, Freedom House characterises Georgia as "Partly Free" and excludes it from a list of electoral democracies, citing voter intimidation, elite corruption, and violence against political opposition.³⁰ Recent poll data compiled by the Institute for Policy Studies in Tbilisi indicates that only 22.2 percent of Georgians

²⁵ For the full text of these three documents see: North Atlantic Treaty, 4 April 1949, TIAS 1964, 34 UNTS 243; NATO, "Membership Action Plan," 24 April 1999, available from: <http://www.nato.int/docu/pr/1999/p99-066e.htm>; Ibid., "Study on NATO Enlargement," September 1995, available from: http://www.nato.int/cps/en/natolive/official_texts_24733.htm.

²⁶ I spend more time analyzing democracy in Georgia than individual liberty and the rule of law for the simple reason that the latter two principles are subsets of democracy.

²⁷ Constitution of Georgia, preamble.

²⁸ Craig Jenness quoted in OSCE: ODIHR, "2004 presidential election," February 2004, available from: <http://www.osce.org/odihr-elections/14466.html>.

²⁹ OSCE: ODIHR, *Georgia: Extraordinary Presidential Election 4 January 2004* (Warsaw: ODIHR, February 2004), available from: http://www.osce.org/documents/odihr/2004/02/2183_en.pdf, p. 1.

³⁰ Freedom House, *Freedom in the World 2009* (Washington: Freedom House, 2009), available from: <http://www.freedomhouse.org/template.cfm?page=363&year=2009&country=7612>.

view their country as a democracy and only 22.6 percent believe that there is equality under the law.³¹

These statistics do not reflect well on Tbilisi's democratic bona fides, but we should not forget about the challenging socio-political environment that Saakashvili faced when he became president. The Rose Revolution occurred because of the endemic corruption under Shevardnadze, which manifested itself in widespread fraud during the 2003 legislative elections. After his election in January 2004, Saakashvili inherited a struggling economy, sweeping corruption, popular distrust of government, and weak state institutions. Transparency International ranked Georgia 133 out of 145 countries it assessed for its 2004 Corruption Perceptions Index, a tie with Turkmenistan and the Democratic Republic of the Congo.³² In addition, Georgian policy analyst Ghia Nodia notes that the government lacked the capability to tax large segments of the population, resulting in a situation where public revenues "constituted only 11.2 percent of Georgia's GDP, compared to nearly 50 percent among European Union countries."³³

Saakashvili understood that improving this state of affairs would require effective governance, but he was willing to do so at the expense of democratic values. It is true that Saakashvili and his United National Movement (UNM) began an ambitious agenda of revamping the education system, attracting foreign aid and investment, and rooting out corrupt officials. However, in the midst of the revolutionary fervour of 2004, Saakashvili pushed a series of constitutional amendments through Parliament that centralise power in the hands of the president. These amendments included Article 73, which allows the president to issue legally binding decrees and to dissolve Parliament.³⁴ Article 93 enables the president to approve the government's budget by decree after dissolving Parliament.³⁵

At the beginning of Saakashvili's tenure as president, his retraction of a key campaign promise facilitated a situation where these amendments were not even necessary to ensure passage of his agenda. During the 2004 presidential campaign, Saakashvili had promised to eliminate Article 50.2 of the Constitution, which requires political parties to receive 7 percent of the votes in legislative elections to receive seats in Parliament.³⁶ This point is particularly

³¹ Nana Sumbadze, "Saakashvili in the Public Eye: What Public Opinion Polls Tell Us," *Central Asian Survey*, Vol. 28, No. 2 (June 2009): pp. 187, 191.

³² Transparency International, *Corruption Perceptions Index 2004* (Berlin: Transparency International, 2004), available from: http://www.transparency.org/policy_research/surveys_indices/cpi/2004.

³³ Ghia Nodia, "Georgia: Dimensions of Insecurity," in Coppieters and Legvold eds., p. 67.

³⁴ Constitution of Georgia, art. 73, sec. 1.

³⁵ *Ibid.*, art. 93, sec. 6–7.

³⁶ *Ibid.*, art. 50, sec. 2; Irakly Areshidze, *Democracy and Autocracy in Eurasia: Georgia in Transition* (East Lansing, Michigan: Michigan State University Press, 2007), p. 195.

controversial because Georgia has a number of regional and smaller national political parties. Saakashvili abandoned his promise before the 2004 legislative elections, and apart from the UNM, only the conservative New Rights-Industry alliance won seats, gaining 7.56 percent of the votes.³⁷ Saakashvili even alleged that fraud occurred in several areas where the conservatives fared well and sought to nullify the results in these districts. Fortunately, other UNM leaders rejected this plan, which would have excluded the conservatives from Parliament.³⁸ The 2008 elections produced a more balanced legislature, but Article 50.2 remains in the Constitution.

Under Saakashvili, Georgia also has a mixed record on minority rights issues. Ethnic Georgians comprise about 70 percent of the population; Abkhazians, Armenians, Azeris, Ossetians, and Russians are the largest ethnic minority groups.³⁹ Since coming to power, the UNM has cracked down on perpetrators of religious violence against minorities that do not belong to the Georgian Orthodox Church.⁴⁰ Moreover, the government allows the teaching of minority languages in schools. Levels of minority rights in Georgia are admirable when compared to other former Soviet Republics like Uzbekistan and Tajikistan, but considerable space remains for improvement. Many minorities do not speak Georgian, the sole national language, thus excluding them from politics. The OSCE reports that only 8 of the 150 members of Parliament come from minority backgrounds.⁴¹ Fluency in Georgian is even a requirement for government employment.⁴²

Clear gaps exist between the democratic ideals of the Georgian Constitution and the realities of modern Georgia. Robert Legvold, an expert on the post-Soviet states, provides one possible explanation for the anti-democratic aspects of Saakashvili's presidency:

[T]he problem appears to stem from the nature of the Georgian public's stake in the Western model: it accepts the democratic model, because it wants to be Western to affirm its independence from Russia. In this chain, however, a commitment to the liberal Western model is for security's stake, not because of an attachment to the model's intrinsic worth.⁴³

³⁷ Areshidze, p. 233.

³⁸ Ibid., p. 232.

³⁹ Nichol, "Georgia [Republic]: Recent Developments and US Interests," p. 21.

⁴⁰ Nodia, pp. 76-78.

⁴¹ OSCE: ODIHR, *Ethnic Minorities in Georgia: Current Situation* (Warsaw: ODIHR, October 2008), available from: http://www.osce.org/documents/odihr/2008/10/33699_en.pdf, p. 2.

⁴² Julie George, "The Dangers of Reform: State Building and National Minorities in Georgia," *Central Asian Survey*, Vol. 28, No. 2 (June 2009): p. 145.

⁴³ Robert Legvold, "Introduction: Outlining the Challenge," in Coppieters and Legvold eds., p. 10.

Saakashvili's own rhetoric seems to support Legvold's argument. In a 2008 speech at the Munich Conference on Security Policy, he stated, "We decided that democracy and integration into the Euro-Atlantic alliance would be the basis of our stability, our security, and our economic prosperity."⁴⁴ Saakashvili appears to see an inextricable connection between democratisation and national security. If the possibility of NATO membership serves as the impetus behind Georgian democracy, this may indicate a shallow commitment to liberalism and explain problems in democratic consolidation. It also suggests that the West has significant leverage to push for reforms in Georgia.

The 2013 presidential election will be a serious test of Georgia's commitment to Western style democracy. Since its independence, Georgia has never had a democratic transition of power. Shevardnadze overthrew Zviad Gamsakhurdia in a bloody *coup d'état*, and Saakashvili came to power following the peaceful Rose Revolution. The Constitution limits the president to two consecutive five-year terms, making Saakashvili ineligible for re-election in 2013. Sceptical observers speculate that the 41 year-old Saakashvili will refuse to leave office, amend the Constitution so that he can serve additional terms, or rule through a puppet until he becomes eligible to run again in 2018.

In spite of Georgia's ongoing transition to democracy, the country's democratic credentials fall short of Western standards. Liberal democracies should demonstrate a commitment to lively political debate, minority rights, and leadership transitions at the ballot box instead of the streets. Not all NATO states have flawless democracies, but Georgia's numerous democratic shortcomings demonstrate inadequate preparation for a MAP.

Individual Liberty

The second core value of the Atlantic Alliance – as enumerated in the Washington Treaty, "Study on NATO Enlargement," and MAP criteria – is individual liberty, a subset of democracy. Individual liberty includes freedom of action and expression. Article 18.1 of the Georgian Constitution reads: "Liberty of an individual is inviolable."⁴⁵ By most accounts, Saakashvili's government does not interfere in the lives of ordinary Georgian citizens, but some of its actions do not correlate with the language of Article 18.1.

The controversial arrest of former Defence Minister Irakli Okruashvili raises questions about the government's tolerance for freedom of speech. In a September 2007 television interview, Okruashvili accused Saakashvili of corruption,

⁴⁴ Mikheil Saakashvili, "Speech to the Munich Security Conference," February 9, 2008, Munich, available from: <http://www.securityconference.de/konferenzen/rede.php?sprache=en&id=214&>.

⁴⁵ Constitution of Georgia, art. 18, sec. 1.

human rights abuses, and even ordering assassinations.⁴⁶ Saakashvili quickly had Okruashvili arrested on charges of corruption dating back to his tenure as a cabinet member. The imprisonment of Okruashvili served as a mobilising force for over 100,000 protestors who demanded Saakashvili's resignation from September–November 2007.⁴⁷

The government's response to the demonstrators showed a dubious commitment to freedom of expression. On November 7, 2007, security forces and masked police beat anti-Saakashvili hunger strikers and protestors in front of Parliament.⁴⁸ Following further protests, Saakashvili resigned on November 25; Georgians re-elected him on January 20, 2008. There have been a multitude of opposition protests since the election, and in July 2009, Saakashvili said that protests could occur "without any obstacles."⁴⁹ The most recent reports of government violence against demonstrators surfaced in June 2009.

Outside of government responses to political opposition, some commentators allege that the media had more freedom during Shevardnadze's reign than it does under Saakashvili. This claim has a tinge of irony, as mass media allowed the UNM to rally support to their cause during the Rose Revolution. Furthermore, Article 24.2 of the Constitution declares: "Mass media shall be free. The censorship shall be impermissible [*sic*]."⁵⁰ However, Georgian analyst Irakly Areshidze contends that the government has forced national media to adopt a culture of self-censorship. Areshidze claims that officials frequently threaten journalists who cover the administration unfavourably, and that television station owners who do not "toe the government line" risk losing their broadcasting licenses.⁵¹ The US State Department's 2008 Human Rights Report on Georgia does not fully support Areshidze's assertions and says the Georgian media environment was "relatively free" in early 2008. The document does note "a noticeable weakening in freedom of the media" following the May 2008 legislative elections.⁵² This assessment is negative but shows clear improvement from November 2007, when police raided Imedi TV for broadcasting opposition messages and footage of anti-Saakashvili demonstrations.

⁴⁶ "Okruashvili Breaks Silence by Lashing Out at Saakashvili," *Civil Georgia* (Tbilisi), September 25, 2007, available from: <http://www.civil.ge/eng/article.php?id=15861>.

⁴⁷ Marina Muskhelishvili, Ivane Javakhishvili, and Gia Jorjoliani, "Georgia's Ongoing Struggle for a Better Future Continued: Democracy Promotion through Civil Society Development," *Democratization*, Vol. 16, No. 4 (August 2009): pp. 697–698.

⁴⁸ For a summary of the events of November 7, 2007 see: Human Rights Watch, *Crossing the Line: Georgia's Violent Dispersal of Protestors and Raid on Imedi Television* (New York: Human Rights Watch, 2007).

⁴⁹ Saakashvili quoted in "Saakashvili Pledges More Democratic Reforms," *Civil Georgia*, July 21, 2009, available from: <http://www.civil.ge/eng/article.php?id=21262>.

⁵⁰ Constitution of Georgia, art. 24, sec. 2.

⁵¹ Areshidze, pp. 250–254.

⁵² US State Department, *2008 Human Rights Report: Georgia* (Washington: State Department, February 2009), available from: <http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119080.htm>.

Saakashvili's government appears to be coming to terms with opposition protests and independent media coverage. Because legitimate concerns remain, NATO would be wise to delay the MAP process to test the government's commitment to individual liberty. After all, reports of media censorship only date back to 2008, and images of security forces beating demonstrators emerged as recently as June 2009.

The Rule of Law

The last key principle in the Preamble to the Washington Treaty is the rule of law. The Alliance's MAP criteria state that "[a]spirants would also be expected to demonstrate commitment to the rule of law and human rights."⁵³ The language of the Georgian Constitution corresponds with this objective; the Preamble declares the country a "rule-of-law based social State," and Articles 6 and 7 call for adherence to international law and human rights standards.⁵⁴ Nevertheless, despite reforms, Saakashvili's government needs to improve upon several international and domestic issues related to the rule of law.

On the domestic front, the UNM has made remarkable progress reducing corruption and reforming Georgia's police forces. Transparency International now ranks Georgia 66 out of 180 countries on its Corruption Perceptions Index, placing Tbilisi ahead of NATO members Albania, Bulgaria, Greece, and Romania.⁵⁵ Due to the rooting out of corrupt officials, Areshidze says that in 2005 average Georgians could finally begin to receive public services without paying bribes.⁵⁶ The government has also implemented new police training programs and efforts to remove dishonest officers from the streets. Regardless of these reforms, polls show that only 33.1 percent of Georgians trust the government.⁵⁷ Among other reasons, some of this apprehension may stem from Saakashvili's 2004 campaign to imprison allegedly corrupt business executives and former Shevardnadze administration officials. Some Georgians supported these actions, but the opposition accused Saakashvili of using the judicial system to neutralise his opponents.

Structural changes to the Georgian judicial system since the Rose Revolution could both enhance and hinder the rule of law. Parliament approved a judicial code of ethics in 2007, a move aimed at ensuring transparency. Further, one of Saakashvili's 2004 constitutional reforms, an amendment to Article 86, established the Supreme Council of Justice of Georgia, which

⁵³ NATO, "Membership Action Plan."

⁵⁴ Constitution of Georgia, art. 6-7.

⁵⁵ Transparency International, *Corruption Perceptions Index 2009* (Berlin: Transparency International, 2009), available from: http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table.

⁵⁶ Areshidze, p. 157.

⁵⁷ Sumbadze, p. 189.

monitors the performance of judges.⁵⁸ The Supreme Council has the power to dismiss judges. However, the president appoints half of the Council's members, presenting the possibility that the head of state could remove judges with whom he disagrees.⁵⁹ The new code of ethics and Supreme Council could strengthen the rule of law but only if the executive decides not to push his agenda upon the judiciary.

Another rule of law issue revolves around whether or not the Georgian army complied with international law during the Russian-Georgian conflict. The OSCE condemned both Georgia and Russia for their disproportionate use of force. However, the EU's post-conflict report dismissed Russian claims of Georgian troops committing genocide against Ossetians as "propaganda."⁶⁰ Human Rights Watch (HRW) also could not find evidence to substantiate the Russian allegations.⁶¹ HRW commended Georgian troops for some of their efforts to protect women and children in South Ossetia from shelling but reprimanded them for looting and causing collateral damage with cluster munitions.⁶² The available evidence suggests that while Georgian troops did not take all necessary precautions to protect civilians, egregious stories of soldiers burning churches, throwing grenades at non-combatants, and raping Ossetian women simply lack credibility.

Georgia's most serious rule of law concern may well be the instability in the Caucasus and Central Asia, which creates a haven for transnational crime. Particularly pronounced smuggling activities occur in Abkhazia and South Ossetia and frequently spread into mainland Georgia. The country has long been a hotbed for the global sex trade, but after the removal of the Taliban, Afghan narcotics began to pour into the breakaway provinces via drug trafficking networks operating out of Turkmenistan.⁶³ The combination of narcotics and human trafficking has produced a sharp increase in HIV/AIDS cases. Authorities around the country have also recovered small arms intended for Chechen separatists in Russia, as well as radioactive materials including weapons grade uranium and strontium-90.⁶⁴

⁵⁸ Constitution of Georgia, art. 86, amend. 1.

⁵⁹ Ibid.

⁶⁰ Report of the Independent International Fact-Finding Mission on the Conflict in Georgia, Vol. 2, p. 187.

⁶¹ Human Rights Watch, *Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict over South Ossetia* (New York: Human Rights Watch, 2009), pp. 71-73.

⁶² Ibid., pp. 61-69.

⁶³ Svante E. Cornell, "The Growing Threat of Transnational Crime," in "The South Caucasus: A Challenge for the EU," ed. Dov Lynch, European Union Institute for Security Studies, *Chaillot Papers*, No. 65 (December 2003), pp. 31-34; to contextualize the magnitude of drug use in Georgia, Cornell notes that Shevardnadze even "estimated that one ton of heroin is consumed in Georgia annually."

⁶⁴ Ibid., pp. 35-37.

Rule of law reforms differentiate the Saakashvili and Shevardnadze administrations. The UNM has achieved impressive police and anti-corruption reform results, but NATO officials should push for additional substantive changes. These reforms should include further anti-corruption initiatives, steps to reduce executive power over the judiciary, training programs to improve the professionalism of the Georgian military, and a far-reaching strategy to secure national borders against transnational criminal networks.⁶⁵

An examination of Georgia's adherence to NATO's principles of democracy, individual liberty, and the rule of law reveals that Tbilisi must implement broad reforms to reach the standards required to attain a MAP. Alongside value-based criteria, several strategic issues regarding Georgia's membership bid deserve consideration.

Protection from Russia

Proponents of fast-track NATO membership for Georgia argue that the Alliance should provide Tbilisi with security against Russia aggression. The precedent exists for this contention in the post-Cold War era, as NATO admitted several former Eastern Bloc states that sought protection from the Kremlin. After all, NATO is a collective security organisation intended to defend democracies from external powers. During the Cold War, NATO prevented Western Europe from falling under the influence of communism.

Few observers would deny that Georgia faces a continuing security threat from Russia, but this situation may actually prevent Tbilisi from quickly joining NATO. The "Study on NATO Enlargement" states that applicants with "external territorial disputes ... must settle those disputes by peaceful means in accordance with OSCE principles. The resolution of such disputes would be a factor in determining whether to invite a state to join the Alliance."⁶⁶ The MAP criteria also reflects this sentiment. Article 5 of the Washington Treaty commits member states to the defence of other members in the event of an attack. Responses to aggression could even involve strikes with forward-based US tactical nuclear weapons in Europe. When other former Soviet bloc states joined NATO, they did not have active border disputes with Russia. Had Georgia been a member of NATO when Saakashvili attempted to reassert authority over South Ossetia, the Alliance might have found itself at war with Russia.

⁶⁵ A strategy on border security will likely require European assistance to help broker Russian-Georgian cooperation. Without the consultation of Russia, such a strategy risks the creation of a security dilemma with the breakaway provinces of Abkhazia and South Ossetia.

⁶⁶ NATO, "Study on NATO Enlargement."

Resolution of Ethnic Conflicts

The breakaway provinces of Abkhazia and South Ossetia present an additional challenge to Georgia's bid to join the Atlantic Alliance. These provinces account for about 15 percent of Georgian territory; they have their own militaries, and Russia, Nicaragua, and Venezuela recognise them as independent states. For the moment, the security situation in Georgia remains calm and the EU Monitoring Mission (EUMM) has a mandate to oversee continued peace between government and separatist forces. However, before receiving a MAP, candidate states must "settle ethnic disputes ... including irredentist claims."⁶⁷

Several commentators correctly note that not all NATO member states are free of ethnic separatist organisations, including the Basque Homeland and Freedom (ETA) in Spain and the Kurdistan Workers' Party (PKK) in Turkey.⁶⁸ The difference between these situations and that of Georgia lies in the fact that the ETA and PKK lack strong state supporters, and they do not control territory recognised as independent by some countries. In addition, the PKK emerged after Turkey was already a NATO member, and the MAP criteria came about 17 years after Spain had joined the Atlantic Alliance.

Energy Security

Another reason to award Georgia a MAP could be the country's importance as an energy corridor for Caspian Sea oil. Georgia is of vital importance to the Baku-Tbilisi-Ceyhan (BTC) pipeline, which supplies energy to the United States and several European members of NATO. Up to a million barrels of oil flow through the pipeline daily, and Svante Cornell of the Central Asia-Caucasus Institute believes that its construction marked a crucial step away from European energy dependence on the Kremlin.⁶⁹ Georgia expert Lincoln Mitchell disagrees, arguing that the BTC pipeline has an exaggerated importance and may "only provide about 1% of the world's oil."⁷⁰ Regardless of the pipeline's value, NATO's enlargement criteria never mentions energy security. Arguments for Georgia to join the Alliance based on its role in providing energy

⁶⁷ Ibid., "Membership Action Plan."

⁶⁸ For the key points of the argument as to why Georgia should be allowed to join NATO without resolving its internal conflicts see: Temuri Yakobashvili and Jonathan Kulick, "Can Georgia Join NATO Without Solving the Conflicts in Abkhazia and South Ossetia?," German Marshall Fund of the United States, Black Sea Trust for Regional Cooperation, *Black Sea Papers*, No. 3 (October 2007).

⁶⁹ Cornell, *Georgia after the Rose Revolution: Geopolitical Predicament and Implications for US Policy* (Carlisle, Pennsylvania: Strategic Studies Institute, 2007), p. 10.

⁷⁰ Lincoln Mitchell, "Georgia's Story: Competing Narratives since the War," *Survival: Global Politics and Strategy*, Vol. 51, No. 4 (August 2009): p. 98.

to the West might also be reasons to invite Russia and Iran to join NATO – both laughable scenarios.⁷¹

Military Reform

Tbilisi's poor military performance in the Russian-Georgian conflict raises the spectre of Georgian inability to contribute to Alliance security. Prior to earning a MAP, candidates must be able “to contribute to collective defence” and “to pursue standardization and/or interoperability.”⁷² At first glance, Georgia does not qualify for a MAP under either standard. In less than a week of fighting, Kremlin forces destroyed 30 percent of Georgian military equipment; three of Tbilisi's five army divisions; both of Georgia's key military bases; and devastated the country's navy and air force.⁷³ Additionally, low levels of English fluency could hinder Georgian military interoperability with NATO troops.

Despite outward appearances, evidence points to Georgia's ability to contribute to NATO missions. Analysis of Tbilisi's performance against the Russian military produces unreliable conclusions, as few of the Alliance's 28 members could effectively wage war with Russia. As a PfP member, Georgia has supplied troops to NATO's KFOR mission in Kosovo and International Security Assistance Force (ISAF) in Afghanistan. Only 173 Georgian troops currently serve in ISAF, but Tbilisi's past contribution to US operations in Iraq highlights the country's military potential.⁷⁴ Before returning home during the Russian-Georgian conflict, 2,000 troops served in Iraq, the third largest national contingent behind the United States and Britain. Furthermore, in South Ossetia, Georgian communications disruption teams were quite effective against the Russian army.⁷⁵

The notion that Georgia lacks the capabilities to contribute to the Alliance is also not consistent with other membership decisions. Luxembourg has little ability to defend other states, and Albania, a new NATO member, has extensive English language interoperability problems. However, if Georgia joins the Alliance, Tbilisi will have to reduce its disproportionately sized 37,000 person

⁷¹ This argument also applies to many other issues revolving around Georgia's strategic importance. Because of its location, Georgia could serve as a bridge between the Atlantic Alliance and Central Asia, perhaps yielding greater Westernization in the region alongside mutual economic benefits. However, the location of a country does not substantiate deviation away from NATO's established enlargement criteria.

⁷² NATO, “Membership Action Plan.”

⁷³ Pierre Razoux, “What Future for Georgia?,” Research Division, NATO Defense College, *Research Paper*, No. 47 (June 2009), p. 2.

⁷⁴ Ministry of Defence of Georgia, “Peacekeeping Mission,” 16 November 2009, Tbilisi, available from: <http://mod.gov.ge/index.php?page=77&lang=1&type=1&Id=325>.

⁷⁵ Carolina Vendil Pallin and Fredrik Westerlund, “Russia's War in Georgia: Lessons and Consequences,” *Small Wars & Insurgencies*, Vol. 20, No. 2 (June 2009): p. 407.

armed forces and move towards a smaller, more professional military.⁷⁶ The country's 2008 military expenditures of 8.11 percent of GDP must also shrink closer to the Alliance's standard of 2 percent of GDP.⁷⁷

Of the strategic issues relevant to Georgian membership in NATO, only the country's military potential bodes well for its quest to join the Atlantic Alliance. Tensions with Russia and ethnic conflicts hurt Georgia's eligibility for a MAP, while questions of Western energy security should not factor into NATO's decision calculus on the matter.

Conclusion

Many supporters of Georgia's potential membership in NATO subscribe to a simplified narrative: NATO should protect Georgia – a burgeoning democracy – from a range of security threats including an aggressive, resurgent Russia. Upon examination through the lens of Alliance enlargement criteria, this narrative actually provides several reasons why Tbilisi should not receive a MAP in the near-term future. Georgia is indeed democratising and Saakashvili's reforms continue to move the country toward upholding the principles of democracy, individual liberty, and the rule of law. But to measure up to Western standards, Tbilisi must make substantial progress on issues such as minority rights, border security, and allowing space for political debate. Furthermore, the Alliance's enlargement criteria call for the pre-MAP resolution of ethnic conflicts and external rows. The purpose here is to prevent the extension of Article 5 security guarantees to states whose disputes may lead NATO into a war.

To be fair, NATO has made some questionable enlargement decisions in the past. Bulgaria and Romania entered the Alliance in 2004 despite high levels of government corruption, and Spain's commitment to democracy was dubious when it joined in 1982. Regardless of these decisions, in the case of Georgia, NATO should adhere to its codified enlargement criteria in order to maintain its credibility as a promoter of democracy and to avoid unnecessary conflict with Russia. In the mean time, Alliance members – particularly the United States – should reallocate much of their military aid for Georgia to initiatives bolstering independent media, civil society, and other democratisation efforts.

The prospect of NATO membership has triggered sweeping reforms in Georgia and will continue to allow the Alliance to exert pressure on Saakashvili for further democratisation. Because Georgia does not yet meet the criteria for a MAP, the current ANP offers NATO an interim vehicle to push for reform and to assess the government's commitment to Alliance principles. NATO and

⁷⁶ Mindia Arabuli, "Amendment to the Law on 'Approval of the Number of the Georgian Military Forces,'" Ministry of Defence of Georgia, *Today Defence*, No. 13 (July 2008): p. 1.

⁷⁷ World Bank, "Military expenditure (% of GDP)," 2009, available from: http://datafinder.worldbank.org/military-expenditure?cid=GPD_42.

the EU can also act as mediators between Moscow and Tbilisi, which may produce an understanding on the status of Abkhazia and South Ossetia. This would prove to be difficult, but it is not impossible, as it is in the interests of the Kremlin to address instability on Russia's periphery.

NATO promised Alliance membership to Georgia at Bucharest, and in the future the country may very well join the West pursuant to Article 10 of the Washington Treaty – the basis behind NATO's open-door policy. The Alliance should award Georgia with a MAP only if Saakashvili shows a stronger commitment to liberal democracy, abandons bellicose anti-Russian rhetoric, and peacefully tries to resolve Georgia's territorial disputes. Once Georgia receives a MAP, one of the conditions for its membership in the Alliance must be the first democratic transition of power in Tbilisi. As time goes on, the Georgian people may begin to fear that their country will never join NATO. Perhaps these worries will cause the government to undertake a more ambitious reform agenda and the public to pressure their leaders for further democratisation.