

## **Historical Stages, Features and Challenges of the Development of the Political System and Local Governance in Georgia**

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### **Abstract**

The paper analyzes the historical experience of Georgia from the perspective of decentralization of the political system. The attempts made in feudal Georgia to decentralize state governance are discussed. The achievements of the Democratic Republic of Georgia (1918-1921) on the path of transforming the country to democratic principles, which were interrupted after the Sovietization of Georgia, are presented. The difficulties of the decentralization process in modern Georgia are explained and the necessary measures that must be taken to ensure democratic governance in the country are outlined.

### **Introduction**

The Preamble of the Constitution of Georgia declares “the unwavering will of the citizens of Georgia to establish a democratic public order” [1]. It is directly related to the creation of a democratic, decentralized governance system in the country, where one of the key roles belongs to sovereign local self-government, which is equipped with the appropriate exclusive powers as soon as the introduction of decentralization principles in state governance and the establishment of sovereign local self-government serve as a guarantee of the democratic order of the state. [2] .

The process of reforming and decentralizing local self-government in Georgia is influenced by various subjective and objective factors, as well as the ethnic diversity of Georgia. Accordingly, the issue of decentralization is related to finding the optimal balance between government and autonomy, taking into account the interests and needs of various ethnic groups. At this time, we cannot always share the recommendations of unconditionally using European experience in reforming self-government in Georgia. Moreover, due to historical development, Georgia has always had unlimited centralized power of the king, and then the division of the country into separate small kingdoms-principalities made it virtually impossible for the country to develop in a manner similar to that of advanced European countries in terms of decentralized governance of the state.

It should also be taken into account that the territorial arrangement of the Georgian state is one of the most important and at the same time painful issues. Before creating the final model of the territorial arrangement of Georgia, the balance of

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relations between central and local authorities, it is necessary to take into account the real political situation around Georgia, the subjective and objective factors affecting the state's decisions.

### **Elements of self-government in feudal Georgia.**

In Georgia, as in a feudal state, the sole ruler was always the king, who had unlimited absolute power. Accordingly, his rule was carried out according to strictly centralized principles. The feudal and other institutions that limited the power of the monarch, existing in European countries (France, England, Germany, etc.), never existed in Georgia.

In the 11th-12th centuries, there were examples of city self-government in Georgia, among which the “city commune” of Tbilisi stands out. At that time, in parallel with the Tbilisi emir, the council of “Tbilisi monks” (i.e. city elders) led city affairs, which represented actual self-government. After the subjugation of Tbilisi by David the Builder (King David IV 1089-1125), the existence of the Tbilisi Commune ended. [3]

The only attempt to establish a government similar to parliamentarism during the reign of Queen Tamar the Great (1184–1213) ended in complete failure. Part of the nobility demanded the creation of a new institution, completely independent of the royal government, next to the royal court - the “tent”. The “tent-holders” demanded to take the reins of government into their own hands, fought for legislative rights. The Georgian king was not to participate in the work of the tent. Their political program left Tamar only executive power. Such a sharply revolutionary program, which essentially raised the issue of the division of state power, was previously alien to feudal Georgia. [4]

Subsequently, there were no such attempts in Georgia due to the weakening of the country and its disintegration into separate kingdoms-principalities. Issues of local self-government were raised on the agenda of feudal Georgia only once in the 18th century, which is associated with the name of prince Al.Amilakhvari<sup>1</sup>. In his political treatise "The Wise Man of the East", he formulated a progressive view of state organization and governance. In Al.Amilakhvari's opinion, the country should be ruled by a wise and humane king, but the king's rights should be divided between several bodies. He is against a centralized state, demands the strengthening of the political rights of the nobility, the transfer of various branches of state governance to representatives of the noble society [5]. The ideas of the author expressed in the treatise are fully consistent with the ideas of enlightened absolutism, which were not destined to be realized in Georgia at that time.

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<sup>1</sup> Alexander Amilakhvari (1750-1802) Georgian political figure. He participated in the conspiracy against King Erekle II in 1765. For which he was severely punished (his nose was cut off and a vein in his leg was cut). In 1771, he escaped from prison and fled to Russia.

### **Georgia in Russian empire**

During the period of Russia's empire (1801-1917) local self-government in Georgia was established at the end of the 19th century (1874) in the form of city government. These were councils, whose members (voters) were elected by the population. The council formed the administration. The administration elected the head of the city. The city self-government led the construction of the city, communal services, the activities of the markets, the collection of taxes, education, healthcare, etc.

It is noteworthy that in Russia since 1864 there has been a truly democratic structure in the form of so-called "Zemstvo" (in Georgia – "Eroba"), which was supposed to exercise people's power. Despite a number of shortcomings, "Eroba" was still a progressive phenomenon. "Eroba" was supposed to be introduced in Georgia, which was positively assessed in Georgia and there was great hope that „Eroba" would be a good event for Georgia. However, „Eroba“ was not created in Georgia due to lack of funds.

The need to establish self-government was also pointed out by great Georgian thinkers Ilia Chavchavadze and Niko Nikoladze. Ilia Chavchavadze particularly noted the social importance of local self-government, since, in Ilia's opinion, it is precisely local self-government that creates the prerequisites for civil society: "Such governance greatly contributes to the well-being of the country: it awakens the people, opens their minds and intellects, because it awakens a passion for public care and trains and trains them for public affairs. Such governance is of such a nature that wherever a person wants, it will please the people everywhere and in everything and will bring the fruits of the common good. Wherever it has had a way and a place, everywhere human life has flourished and the heavy burden of governing the country has been eased and lightened for the government." [6]

In addition, Ilia Chavchavadze also points out the importance of local self-government as an assistant to the state government in governing the country: "It is clear that no matter what the higher government may be - autocratic, monarchical, representative, republican - in one, in the other and in the third, self-government will be peacefully organized, and will not hinder the social order, but will help it, because the local itself is the guardian of society and at the same time is a better eye and hand of the higher government, reaching to every corner."

As we can see, this is absolutely common sense, which should be understandable, both for the government and for society. But, as then, there are still opponents of self-government today. The main reason for the opposition of society, both then and now, is the threat of separatism. In this regard, Ilia notes: "Self-government has many enemies

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in the country; Many are in vain afraid of sleep and rest. They say that it is dangerous to give society that right: it will cause chaos, a stir, people become arrogant and disobedient. When Prussia took Alsace and Lorraine from France and the discussion in parliament arose about what kind of government to give to these newly captured countries, Bismarck said this: "Our task must be to strengthen self-government in Alsace and Lorraine. We must organize local community assemblies for local government. From these assemblies we will know the needs of those countries better than from the Prussian officials. Officials elected and appointed by the local inhabitants will not cause us any fear. The official appointed by us will be a stranger to them, and one bad act will bring down the discontent of the foreigner, and he will not agree with the intentions and wishes of the government. I rather think that the officials selected from them will harm us less than our own Prussian officials."

Here we should note that the current domestic and foreign political situation in Georgia is radically different from that of that time. At that time, Georgia was part of the Russian Empire, and indeed, it would be desirable to have more independent institutions at the local level, which would contribute to the development of national affairs. At the same time, due to the fear of the Russian brutal repressive apparatus, there was no threat of separatism for the Russian Empire. Comparison with Germany is not useful today. Germany was the strongest state, its opponent France and its potential allies could not pose any threat to German rule. And today, independent Georgia faces many existential threats, the prevention of which may exceed Georgia's political and military capabilities. Therefore, we must continue to be more cautious on the path to decentralization.

### **Self-government and decentralization in the Democratic Republic of Georgia.**

A modern political system was created in Georgia in 1918-21 in the form of the Democratic Republic of Georgia. In fact, the foundation of modern Georgian statehood was laid in 1918, despite the fact that 3 years later the new Russian Empire conquered Georgia and incorporated it into the Soviet state. That's when the foundation of democratic statehood was created, which later, in the 1990s, became a kind of prerequisite for the restoration of Georgia's independence. In 1918-21, the Democratic Republic of Georgia played an important role in the process of forming Georgian statehood thinking. Despite its only 3-year existence, it left an indelible mark on the history of Georgia, as it became clear that freedom is the supreme value for Georgia, the entire country is united in the issue of independence, and the new Georgian state (despite some mistakes, especially in military construction) can best govern the country and practically establish a progressive social-democratic government at that time.

Georgia overtook history, becoming the first state in the world to establish a truly democratic government, such as is still lacking in many formally democratic states

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today, which was perhaps premature in that era. Compared to the capitalism of that time, the government existing in Georgia as a whole represented a completely new, progressive step, which was aimed primarily at protecting the interests of workers through the harmonious coexistence and well-being of the entire population of the country. At the same time, it was clearly seen that socialist transformations, unlike the totalitarian system of Soviet Russia formed by the socialist revolution, are not at all associated with violence and political disorder (at least not on that scale). According to the Georgian social democrats, the country's progress should be carried out only democratically. Georgia was united by a common consciousness, the angular confrontation between the various regions of the country was less or not felt at all, the re-formation of the political identity of the Georgian nation was beginning, a nation that was distinguished, on the one hand, by democratic aspirations and high political culture, and on the other hand, by the aspiration for freedom and independence. Accordingly, in the country, in fact, complete agreement reigned between the government and the population.

Such an approach to state building was reflected in the 1921 Constitution of the Democratic Republic of Georgia [7]. The Constitution was distinguished by its democratic spirit, which determined the political system of Georgia, the rules of functioning of the legislative, judicial and executive branches of government in the form of a specific model of a parliamentary republic. Equality of citizens before the law, unwavering protection of human rights and national minorities, etc. are recognized. According to constitutional scholars, the Constitution well combines, on the one hand, world experience, and, on the other hand, the national characteristics of Georgia. For example, as Hans-Dietrich Genscher noted: "The text of the Constitution was one of the most progressive on the European continent. Even then, it recognized such values as freedom, democracy and the rule of law, on which today's Europe is based." [8]

In terms of territorial organization, the Democratic Republic of Georgia was a decentralized unitary state. It included three autonomies (so-called for the peripheral regions): the Abkhazian Autonomy, the Muslim Georgian Autonomy, and the Zakatali Okrug (i.e. region). These territories were granted autonomous governance in local affairs. In Georgia, unitarism was organically combined with both autonomous and broad-based local self-government. The ruling power of Georgia considered local self-government to be the main foundation of a democratic system. In their opinion, state governance could not be truly democratic and Georgia could not establish itself as a full-fledged state without broad-based local self-government. Moreover, broad local self-government was even perceived as a guarantee of a democratic system. Chapter 10 of the Constitution is devoted to local self-government, and Chapter 11 to autonomous governance. The constitutional record on self-government shows an attempt to establish

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full-fledged democratic governance in the Democratic Republic of Georgia, which was determined by a high degree of decentralization in a state of unitary governance. Unfortunately, the Constitution has not actually entered into force due to the loss of Georgia's independence. However, the aforementioned provisions are still very relevant today.

Namely, Article 98 of the Constitution states: "Local self-government is at the same time a body of local governance and manages the cultural, educational and economic affairs of the local administration within its territory." In addition (Article 100) "Local self-government has the right to issue binding resolutions in accordance with the law", but in the same place (Article 104) it is stated that "local self-government is subordinate to the central bodies of the government in matters of management and administration", which manifests the principle of unitary governance. Accordingly, "central bodies of the government have the right to suspend local self-government resolutions and ordinances if they contradict the law", but the legality of such suspension must be immediately reviewed by the court and only the court has the right to annul any resolution or ordinance of local government (Article 101). The law should have separately defined the directions regarding which local self-government ordinances had to be approved by the central government (Article 105). What is especially important (Article 101): "Local self-government shall be elected by universal, direct, equal, secret and proportional suffrage." In general, social democrats believed that the proportional election rule was more democratic than all other forms. Finally, Article 106 deals with the financial independence of local self-government. "Local self-government shall be granted budgetary rights," which, of course, would also be "determined by law." As we can see, high-quality democratic governance was implemented in the Democratic Republic of Georgia in the form of full-fledged decentralization.

### **Territorial organization of Georgia within the Soviet Union.**

During its time as part of the Soviet Union, four constitutions were adopted in Georgia at different times, which were mainly of a facade nature and in reality did not take into account the interests of the peoples included in the Soviet Empire, but the interests of the ruling Communist Party. Accordingly, the main text of the constitution was drawn up in a template for all Soviet republics, taking into account the specifics of the specific geographical (administrative-territorial organization). In reality, the management of regions and republics was carried out centrally in accordance with the legislation established in the Soviet Union, with the exception of a small number of local socio-economic and humanitarian-cultural issues. In addition, the entire government was strictly controlled by the local representation of the Communist Party (region's committees, city committees, the Central Committee of the republic, etc.). In fact, it was a strictly centralized unitary state with a totalitarian regime, where there was no talk of

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independent self-government of any region or city under a system different from the general Soviet Union legislation.

However, there was one exception. In the 70s, in the Abasha region (Georgia), by a kind of cunning of the then leadership of the republic (Eduard Shevardnadze), a so-called experiment was conducted, which envisaged the use of elements of a market economy in agriculture. The results exceeded expectations. The harvest of agricultural products increased unprecedentedly. The “experiment” lasted for several years with the expectation that the same approach would later be implemented elsewhere. In the end, everything returned to communist authoritarian rule. However, the Abasha experiment clearly demonstrated the great advantages of decentralization and free economic governance over centralized and authoritarian rule. [9]

After the collapse of the Soviet Union and so-called “socialist camp”, it was expected that radical transformations would take place in both the former socialist republics of Eastern Europe and the young post-Soviet democracies, which would accelerate their economic and social development, including the establishment of full-fledged democratic governance, a visible expression of which was to be the establishment of a decentralized style of governance with appropriate real functions of local self-government, as is the case in developed countries. However, as it turned out, the rigid, centralized style of governance existing in the Soviet Union turned out to be quite viable and attractive for the post-Soviet countries (with the exception of the Baltic countries), whose state governance is still carried out in a centralized style, including Georgia.

### **Challenges of Decentralization in Modern Georgia.**

From the day Georgia gained its independence, the dismantling of the governing legacy of the Soviet Union and work on a new constitution began, which was supposed to reflect the rules of functioning of Georgia as a democratic state. Since then, all political parties and authorities have considered democratic governance as the only alternative way of governing the country, and therefore the issues of decentralization of the country's governance have come to the fore, as required by the legacy of the Democratic Republic of Georgia. The decentralization process has indeed begun, but in fact, decentralization has not been fully implemented during the 33 years of independence. Such a situation is actually due to the unstable development of the Georgian state, including due to violent changes in government, when the new government categorically rejected the results achieved by the previous government and again started the necessary transformations almost from scratch. As a result, we have a paradoxical situation. On the one hand, the Chapter One of Constitution declares that Georgia is a “legal and social state”, the “separation of powers” of central and local government is based on the principle of subsidiarity, the country functions according to

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the rules of a democratic state, and at the same time, both researchers and politicians and a large part of society believe that real self-government has not yet been established in the country.

Here we can clarify that according to the government, necessary transformations are underway in the country, including the process of decentralization and proper reform of local self-government, while according to the opposition and part of civil society, this process is being carried out incorrectly (or, in a radical view, nothing is being done). In any case, the result obtained from the contradictory changes implemented in recent years is not yet favorable.

Currently, it can be said that the insufficient pace of decentralization in Georgia is caused by both subjective and objective factors existing in the country.

**Subjective factors** include the unwillingness of the current authorities to transition the country to a truly decentralized governance, since, among other reasons, the centralized management style that has been in place since the Soviet Union and has remained by inertia has proven to be very comfortable for them. Indeed, the management system existing in the Soviet system is very “convenient” for the government, because under such conditions it seems to the ruler that there is no need to take into account the views of the local population, which at first glance makes the management process easier. Another issue is that without communication with the population and taking their opinions into account, that is, without real feedback in the management process, any management is ultimately doomed to failure, which was confirmed by the collapse of the Soviet Union.

**Objective factors** include the influence of external global political circumstances on the processes taking place in the world in general, including Georgia. It is also necessary to take into account the post-Soviet legacy in Georgia, which affects the mentality of both the population as a whole and public servants in particular, their professionalism and executive discipline. The ongoing geopolitical processes in the world and the political confrontation in Georgia have somewhat overshadowed the issues of decentralization and local self-government in the country, despite the fact that practically all politicians recognize the necessity of decentralization for real democratic governance.

Maintaining peace is of paramount importance for modern Georgia. Everyone (except for hostile forces) understands that the more or less normal development of Georgia and the fulfillment of its function as a social state are unconditionally connected with peaceful existence. The war in Ukraine requires special vigilance from the



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Georgian authorities so that the country does not find itself drawn into war. Such a tense situation was always exacerbated by the Russian so-called “Creeping occupation”, which, together with the insufficient economic and social situation, instills a kind of nihilism in the population about the possibility of establishing prosperity in Georgia. The ongoing war in Israel also contributed to the increase in tension. Until the end of the ongoing wars in Ukraine and Israel and the establishment of stable peace in the world (at least in the vicinity of Georgia), the country seems to be unable to free itself up for the implementation of medium-term and especially long-term projects, among which, is the problem of decisive and effective reform and decentralization of local self-government. The Covid pandemic also played its negative role. Ensuring the health of the population was a priority for the country, and thinking about such a “luxury” as decentralization was no longer relevant. These processes were always accompanied by acute political confrontation between the government and the opposition parties. The EU candidacy status has somewhat cooled the political temperature and allowed the country to continue necessary reforms, including decentralization, in a relatively calm environment. However, currently, protests by opposition forces are still ongoing in Georgia, which also hinders the substantive discussion of decentralization issues.

Various studies related to local self-government show that serious work is needed in this direction. Among the most important issues, the following challenges are highlighted: “It is necessary to ensure the property and financial independence of local self-government; a clear separation of powers between central and local self-government; greater involvement of the population in the work of local self-government should be ensured; in order to achieve the sovereignty of local self-government and the effectiveness of democratic governance, it is necessary to implement land reform in a timely manner; in order to fully establish democratic governance in the country, it is necessary to implement income-tax, utility and other reforms in local self-government” and others. [10]

As the latest research shows, much more significant and profound problems are observed in the process of establishing real self-government in Georgia. Most importantly, the process of decentralization and local self-government reform in Georgia over the past 33 years of independence has been characterized by inconsistent policies, not only because the new government has radically changed its priorities, but also sometimes by unjustified cancellation of its own decisions. In addition, the competencies of local self-government have not yet been clearly defined, which is delayed by the long extension of the process of delegation to local self-government by the central government. At the same time, some services are still being centralized. In addition, the central government continues to exercise formal and sometimes informal interference in the exclusive powers of the municipality. Changes in municipal

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governance structures are also frequent, which is reflected in changes in the procedures for elections to the Sakrebulo (local representative body) and the appointment of public officials. The number of municipal personnel is increasing unjustifiably, the organizational forms of municipal services are changing, etc. The prevailing opinion among some sections of society is that municipal services are actively involved in the election process in favor of the ruling party, etc. The economic situation of municipalities is weak in that they are almost entirely dependent on material and financial resources received from the center, which complicates the planning and implementation of long-term programs for self-governments. At the same time, the transfer of property on the state balance sheet to municipalities is delayed. Formal or informal interference of central government representatives in the activities of municipalities under the pretext of supervision is frequent. On the other hand, civil society control over municipal activities is weak, often due to the latter's lack of transparency and the passivity of society itself, which strengthens distrust of municipalities among the population.

In order to overcome these challenges, the country's Decentralization Strategy 2020-2025 has been developed, with which the government announced the start of a new stage of self-government reform. The goal of the strategy's implementation is to form truly functioning, result-oriented local governments that will have the trust of the population, their work will be transparent and accountable; the role of self-government in public activities will increase and for this they will be provided with appropriate financial and material resources. [11]

As a result of the implementation of the 2020-2025 Decentralization Strategy and the 2020-2021 Action Plan [12], the Government of Georgia has taken a number of steps. In the implementation of the strategy and action plans, it is important to conduct thorough technical work carried out by a number of agencies (primarily the Ministry of Regional Development and Infrastructure), which is aimed at increasing the efficiency of the existing system. The disadvantage of the strategy is that it does not cover all areas of decentralization, the implementation of which requires the presence of political will in the ruling power and society. Ignoring this situation will hinder the possibility of establishing real self-government in Georgia. The real results of the implementation of the decentralization strategy will become known in the near future.

### **Conclusion**

The paper discusses the issues and challenges related to the reform and decentralization of local self-government in Georgia, as well as ways to solve them. It shows how self-government was formed and decentralized management was practically implemented in the Democratic Republic of Georgia in relation to the then Constitution,

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briefly describes the situation in the Georgian Soviet Republic, and assesses the process of reforming and decentralizing local self-government in today's Georgia. A very important factor in the process of reforming self-government in Georgia is the ethnic diversity of Georgia. Accordingly, the discussion of the issue of decentralization should be linked to finding the optimal balance between government and autonomy, taking into account the interests and needs of different ethnic groups.

The paper shows that today the decentralization process in Georgia is proceeding at an insufficient pace, which is caused by a number of subjective and objective factors, among which the inconsistent policies of the Georgian governments and, to a certain extent, the preservation of a centralized governance style characteristic of authoritarian rule are decisive, as well as the acute political confrontation and tense foreign policy situation in the country.

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