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The EU in Georgia - Inducing Democratic Reforms with(out) Conditionality in Place

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The EU in Georgia – Inducing Democratic Reforms with(out) Conditionality in Place

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Abstract

The European Union is one of the main actors actively promoting democratic progress in Georgia. It is widely believed that the EU's democracy promotion in Georgia has been inextricably linked to one of its key foreign policy instruments, namely, the democratic conditionality. In recent years, the EU has been able to induce several transformative democratic reforms in Georgia by tying them to big "*carrots*", such as the signing of the Association Agreement (AA) encompassing the Deep and Comprehensive Free Trade Area (DCFTA) and the Visa Liberalisation process. Considering that Georgia had never received an official EU membership perspective when the country achieved this crucial milestone, experts questioned whether the EU could induce transformative democratic changes in this Black Sea region country and how. Specifically, the strategies, instruments or tools that the EU might employ to push essential democratic reforms adoption and implementation became a point of contention. This thesis attempts to address this debate by answering the following research question: **How does the EU attempt to induce democratic reforms in Georgia without conditionality in place?**

The thesis is based on two case studies within a single case study on Georgia. The first case is related to the EU-promoted anti-discrimination law's adoption and implementation, and the second case study covers the EU-brokered March 8 Agreement encompassing a comprehensive electoral system reform in Georgia. In both cases, the EU appears to play a critical role, albeit through different mechanisms and tools at its disposal. The thesis attempts to provide a reader with a nuanced analysis of the EU's perceived role in the above-mentioned transformative democratic reforms' adoption and implementation in Georgia. The author employs the following qualitative methods for the offered case studies: a qualitative content analysis and in-depth interviews with experts and elites. The thesis aims to contribute to the scholarly literature on EU-Georgian relations.

Keywords: The EU, Georgia, Democratic Reforms, with(out) Conditionality

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List of Abbreviations

AA – Association Agreement

CoE- Council of Europe

CSOs- Civil Society Organizations

DCFTA- Deep and Comprehensive Free Trade Area

EaP-Eastern Partnership

EU-European Union

EC-European Commission

ENP-European Neighbourhood Policy

EG-European Georgia

EPF-Eurasia Partnership Foundation

EP-European Parliament

GD-Georgian Dream

MPs-Members of Parliament

MEPs- Members of European Parliament

OSCE- Organization for Security and Cooperation in Europe

ODIHR- Office for Democratic Institutions and Human Rights

PHR- Partnership for Human Rights

TIG-Transparency International Georgia

UNM-United National Movement

UN- United Nations

VLAP- Visa Liberalization Action Plan

Introduction

This chapter encompasses the following information. Firstly, it provides a reader with a brief overview of the EU-Georgian relations in the context of democratization. Next, it draws attention to the key functional frameworks that have been achieved between the EU and Georgia. After that, the author pays attention to the research problem and, correspondingly, proposes the research question and outlines the main aims of the thesis. Then, following the proposed research question, all the critical concepts are defined and explained per the thesis purposes.

Background information: the EU-Georgian relations in a nutshell

The evolution of EU-Georgian affairs may be split into several distinct stages. These periods are distinguished by varying degrees of cooperation and legal approximation between the EU and Georgia. To begin with, the first phase commenced when the EU recognized Georgia as an independent state following the collapse of the Soviet Union. This was the time when the EU provided Georgia with considerable humanitarian aid (Kakachia & Cecire, 2013, p. 54). During this time, the EU is thought to have clearly supported Georgia's independence and sovereignty, although its participation in terms of democracy promotion was perceived as limited (Davitashvili, 2015; Khuntsaria, 2014). The following essential phase can be characterised as the partnership and cooperation stage (European Union, 1999; Kakachia & Cecire, 2013, p. 55). Per this framework, the EU aimed to provide Georgia with technical assistance and extensive collaboration with the purpose of consolidation of democracy, enhancing trade and investment, advance a market economy, and broaden the political dialogue (Davitashvili, 2015; Gogolashvili, 2017). It intended to support Georgia's democratic and economic reform process and establish the foundation for forming deeper relations between the partners in almost every area other than military and security (European Union, 2007). Since 2004 the EU launched the European Neighbourhood Policy (ENP) to ensure the "*stability, security and prosperity*" of its

neighbourhood and promote European values (European Union, 2016). After launching the ENP, the EU attempted to deepen its relations with Georgia based on a joint commitment to collaborating in significant priority areas such as democracy enhancement, the rule of law, respect for human rights, economic development, migration and security (Buşcaneanu, 2015; EEAS, 2021b; Rinnert, 2011). In 2009, the relations between the EU and its neighbouring Eastern countries further deepened through the Eastern Partnership (EaP) initiative that may be regarded as the EU's step forward in its foreign policy efforts (European Union, 2016). Concisely put, the EaP initiative attempted to approximate EU's Eastern neighbouring countries' economic, social and political dimensions to the EU (European Union, 2016).

The following and the most recent phase in the EU-Georgian relations can be characterised as the association era, which further strengthened the ties and substantively expanded the social, political and economic cooperation between the allies (Emerson & Kovziridze, 2016). This was the period when the EU gave its Eastern allies (Georgia, Ukraine and Moldova) an updated, comprehensive political, social and economic functional framework for closer collaboration. Through this functional association framework, the EU sought to "satisfy" the lofty aspirations of these Eastern partners (EaP) that outlined EU integration as their top foreign policy priorities (EEAS, 2021a). Simply put, the Association Agreement's (AA) signing between the EU and Georgia can be perceived as one of the most important milestones in the EU-Georgian relations due to the following reasons. On the one hand, Georgia officially again recognised the shared principles on which the EU is based - "democracy, the rule of law, protection of human rights and fundamental freedoms" and abided itself to the Association framework that envisioned these values as the primary driving force behind this political and economic cooperation. On the other hand, the EU recognized Georgia as one of the strongly dedicated Eastern European states sharing and promoting these fundamental principles (Emerson & Kovziridze, 2016; European Union, 2014)

Moreover, based on the AA, the EU clearly implied that Georgia has strong historical ties with the EU member states and shares common values (European Union, 2014, p. 2). The AA was

signed based on the common understanding that any domestic changes aimed at improving democracy and advancing the market economy would make it easier for Georgia to participate in various EU programs, policies and activities. One can argue that this association cooperation framework was also based on the so-called premise of the “*more for more*” and “*less for less*” principles (European Parliament, 2021). It implies that additional assistance may be granted to partner countries that commit themselves to deliver respective democratic reforms. Most importantly, the AA stipulated that one of the main objectives of this closer cooperation framework was to strengthen Georgia’s democracy and assure its political, economic and institutional stability (European Union, 2014, p. 5). Shortly after signing the AAs between the EU and its several Eastern partners, the European Union attempted to draw these countries nearer by launching a Visa-free travel regime after implementing corresponding Visa Liberalisation Action Plans (VLAP) (European Commission, 2016). All of the aforementioned events established reciprocal connections between the EU and Georgia under the scope of the association. Economic integration is achieved by increased access to the single market, while political convergence is achieved through a comprehensive policy agenda. (Emerson & Kovziridze, 2016). It can be assumed that this type of cooperation has brought the sides closest than ever before.

The Problem:

The treaty on European Union (EU) clearly outlines the fundamental values of the EU. More precisely, Article 2 of the Treaty on European Union stipulates that principles of “*democracy, freedom, equality and the rule of law*” are of utmost importance for the EU (European Union, 2012). It is widely believed that these values are also incorporated into the EU's foreign policy goals. As Börzel and Risse point out, the EU was among the first actors that included the significance of democracy, the rule of law, and human rights in its treaties with third countries (Börzel & Risse, 2004). Hence, the EU has always been considered one of the important actors

actively promoting “*democracy, the rule of law, human rights and fundamental freedoms*” in its neighbouring Eastern countries.

The European Union is perceived as one of the main actors actively promoting the democratic advancement of Georgia. It is widely believed that the EU's promotion of democratic reforms in its neighbouring Eastern countries, including Georgia, has been strongly related to one of its key foreign policy instruments, namely, the democratic conditionality (Börzel & Lebanidze, 2017; Frank Schimmelfennig, 2012; Lebanidze, 2018, 2020b). The latter implies various incentives that the EU could give to its candidates and neighbouring countries to further encourage the democratization process by linking particular incentives to adopting and implementing respective liberal democratic reforms (Delcour & Soler i Lecha, 2017; Schimmelfennig, 2012; Schimmelfennig & Sedelmeier, 2004). This mechanism is considered one of the most potent tools for incentivising liberal democratic reforms’ adoption and implementation in the EU’s Eastern neighbouring countries like Georgia (Börzel & Lebanidze, 2017; Schimmelfennig, 2010).

However, it has been argued in several scholarly publications that the EU’s transformative influence on democratic processes outside its boundaries has been inefficient. The absence of the most coveted “*carrot*”, namely the EU membership prospect, has been considered one of the main reasons for the perceived ineffectiveness (Börzel & Lebanidze, 2017, p. 18; Lebanidze, 2018, p. 2, 2020b, p. 269; Lehne, 2014; Schimmelfennig & Scholtz, 2008). Nonetheless, whilst reading academic publications on the EU’s foreign policy instruments employed in ENP countries, it becomes evident that despite the existing opinion in Europeanization literature regarding the perceived ineffectiveness of the EU's democratic conditionality in the democratization process of its neighbouring Eastern states, Georgia is regarded as one of the few outliers to this pattern (Börzel & Lebanidze, 2017, p. 18; Lebanidze, 2018, p. 2, 2020b, p. 269). Different scholars have argued that this democratic conditionality mechanism appears effective in Georgia whilst applied consistently by the EU and when certain domestic conditions exist (Börzel & Lebanidze, 2017; Lebanidze, 2020b).

As already noted, various scholars have also argued that the EU's ability to exert transformational democratic power in its neighbouring Eastern countries, including Georgia, has been hampered by the lack of membership perspective (Bolkvadze, 2016, p. 416; Börzel & Schimmelfennig, 2017). However, it has also been argued that the missing "*golden carrot*", namely, the EU membership perspective, has been replaced with signing Association Agreements (AA) encompassing Deep and Comprehensive Free Trade Area (DCFTA) and launching a Visa-free regime (Börzel & Lebanidze, 2017, p. 18). The AA, DCFTA and Visa-free regime equipped the EU with additional opportunity to utilize its key foreign policy instrument, namely, democratic conditionality in its Eastern partner states, including Georgia, Ukraine, and Moldova, to induce transformative democratic reforms (Börzel & Lebanidze, 2015, p. 26).

Thus, the EU has managed to promote several transformative democratic reforms in Georgia by linking them to big "*carrots*" such as the signing of the AA, DCFTA and Visa liberalization process. However, after reaching these essential milestones between the EU and Georgia, it drew scholars' attention to how EU's conditionality-based democracy promotion would evolve and whether the EU could still promote transformative democratic reforms in this Black Sea region country considering that the EU membership perspective is missing for Georgia at least for the foreseeable future (Lebanidze, 2018, 2020a, 2020b, p. 271). The author of the thesis considers that after the achievement of this major milestone between the EU and Georgia, the ways, strategies or mechanisms that the EU could still use to push new transformative democratic reforms further and/or induce the effective implementation of the ones that had been already adopted in the country became a relevant topic that needs to be addressed. The thesis aims to deepen our understanding in this respect and reveal how the EU attempts to induce transformative democratic reforms' adoption and implementation in Georgia after reaching this critical milestone with the EU.

Interestingly, in this respect, the majority of the policy research papers on EU-Georgian affairs outlined that after reaching this critical milestone, one of the key instruments that the EU left at its disposal and could have used to promote the adoption and implementation of respective

democratic reforms in Georgia was the so-called “*negative democratic conditionality*”, i.e. “*negative reinforcement instruments*” (Chkhikvadze, 2019; Lebanidze, 2018, p. 9, 2020a, p. 5). However, the recent political developments in one of the “frontrunners” of the Eastern Partnership (EaP) have demonstrated that this is not the case, and there are some additional instruments, ways and strategies that the EU tries to utilize to induce adoption and implementation of transformational democratic reforms in Georgia.

During the last two years, the EU has expressed unprecedented political will to be actively involved in dealing with political deadlocks in Georgia. Simultaneously, one may argue that the EU attempted to use this “*window of opportunity*” that emerged from the political crisis in Georgia and attempted to push crucial democratic reforms for the country whilst ensuring mediation among all major political elites during the political impasses. The EU-brokered 2020 March 8 Agreement, encompassing essential electoral system reform, reached between the ruling and opposition parties in Georgia can be considered a clear manifestation of the EU's efforts in this matter (Civil.ge, 2020d). Even more recently, Charles Michel's, the President of the European Council, unprecedented active engagement in Georgia's political crisis after the October 2020 parliamentary elections put a spotlight on Georgia and illustrated how the EU attempted to use mediation in order to accelerate the adoption and implementation of new transformative democratic reforms within the country (European Council, 2021a).

However, the academic literature on EU-Georgian affairs rarely emphasizes the EU's role as a promoter of democratic reforms via mediation in Georgia. There is less focus in the scholarly publications on the ways the EU attempts to push respective democratic reforms in Georgia via its engagement in solving the political crisis. Besides, there is limited attention in the academic literature about the actual methods or instruments that the EU might still employ in Georgia to push additional democratic reforms forward and/or encourage the effective implementation of those that have already been enacted within the country after achieving the significant milestone such as signing AA, DCFTA and Visa-free regime. Still, it should be highlighted that the EU's

role as a mediator and political crisis manager is frequently covered in the academic literature in the context of Western Balkan states (Keil, 2013; Petrovic & Wilson, 2021).

It should also be mentioned that several studies assessed Georgia's political transformation and democratization process after regaining its independence in 1991 due to the collapse of the Soviet Union. Some of these studies looked at Georgia's democratization process without putting sufficient emphasis on the role of the EU in the countries' democratization process (Berghlund, 2015; Broers, 2005; Devdariani, 2004; Fairbanks & Gugushvili, 2013; Mitchell, 2006; Nodia, 2005; Steenland, 2016). Simultaneously, various studies attempted to explore the perceived role of the EU in Georgia's democratization process. Most of them evaluated the period from 1991 to 2016 and explored the EU's perceived role in Georgia's democratization process from a different lens. However, most of them assessed the EU's role in Georgia's democratization process from a broader perspective, and they lacked nuanced analysis regarding the role of the EU in Georgia's "revolutionary" democratic reforms (Davitashvili, 2015; Khuntsaria, 2014; Kochoradze, 2012; Nilsson & Silander, 2016; Pokleba, 2016; Steenland, 2016).

The author considers that these cited studies represent essential academic sources for understanding the general democratic directions of Georgia and the perceived role of the EU's influence in this respect. However, as usual, these studies lack nuanced analysis regarding Georgia's "revolutionary" democratic reforms and the EU's role and strategies in this matter. Hence, this thesis aims to address this gap in the literature on the EU-Georgian relations and simultaneously incorporate new empirical data regarding two transformative democratic reforms that occurred in Georgia as a result of the EU's active involvement. The main aim of the thesis is to reveal and analyse the foreign policy tools that the EU has at its disposal to induce essential democratic reforms' adoption and implementation in Georgia without conditionality as such in place. The paper assumes that nuanced analysis in this matter will be an added value to the academic literature on EU-Georgian relations.

Research question:

The thesis aims to answer the following research question: **How does the EU attempt to induce democratic reforms in Georgia without conditionality in place?**

As implied by the proposed question, the primary geographical emphasis of the research is related to Georgia. The author of the thesis decided to select this country for analysis due to the following reasons. It is widely believed that Georgia has high aspirations towards EU integration. One of the renowned scholars, Frank Schimmelfennig, argued that Georgia appears to pursue “self-conditionality” towards the EU (2010: 14). He characterized Georgia as one of those countries attempting to adopt EU regulations, norms and rules to signify its aspiration to join the EU, and thus attempts to persuade respective EU authorities to accept it as one of the candidates (Schimmelfennig, 2010, p. 14). Georgia is also perceived as one of the “frontrunners” among the six EaP countries to deliver progressive economic and democratic reforms (Emerson et al., 2018). Also, it is deemed that the EU has enjoyed greater leverage in Georgia compared to other EaP member states that somehow created a “*window of opportunity*” for the EU to use conditionality-based strategy and/or other types of political influence in order to push new democratic reforms (Kakachia & Lebanidze, 2021).

Besides, Georgia is one of the few EaP member states that has declared Euro-Atlantic integration as the main foreign policy priority (Kakachia & Lebanidze, 2021). The level of economic, social and political affairs between the EU and Georgia is considerably high, and the country’s population is markedly pro-European and anti-Russian, limiting the ability of Georgia’s incumbents to drastically reshape and/or consider any changes in its foreign policy goals (Kakachia & Lebanidze, 2021). Per recently released public opinion polls, “*Future of Georgia*”, the vast majority of Georgians, precisely, 78% support the idea of Georgia’s full integration into the European Union (CRRRC Georgia, 2021, p. 26). All the above-mentioned facts portray the EU as one of the major actors in Georgia with the capacity to affect the country’s democratic advancement. However, once the relations between the EU and Georgia reached its critical milestone, it became questionable whether and how the EU could induce transformative

democratic reform's adoption and implementation within the country, given that the membership perspective is missing at least for the near future (Lebanidze, 2018, 2020a, 2020b, p. 271).

The author of the thesis believes that it is worth diving into the EU-Georgian affairs and thoroughly explaining the ways the EU tries to induce democratic reforms in the country without conditionality as such in place. More specifically, the paper attempts to reveal the main patterns of the EU's influence regarding promoting democratic reforms in the country with no official prospect of membership, although with a strong desire for increased integration into the EU. The constitutional revisions of 2017 clearly represented Georgia's self-aspirations to deeper integration into the EU. During the 2017 constitutional amendments, the country's legislative body passed constitutional changes and announced that all legislative entities should take all actions possible to assure Georgia's complete integration into Euro-Atlantic structures, namely the EU and NATO (The Parliament of Georgia, 2017). Even more recently, Georgia's Parliament passed a new resolution on the country's foreign policy, setting 2024 as the year for Georgia to submit its formal application for EU membership (The Parliament of Georgia, 2020). The author of the thesis assumes that all the above-mentioned facts make Georgia an exciting and relevant case study for exploring the EU's influence in certain transformative democratic reforms' adoption and implementation in one of the *"frontrunners"* of EaP.

Defining the main concepts of the proposed research question

As it can be seen, the research question encompasses two critical concepts that need to be clearly defined before analysing specific cases. Regarding democratic reforms, it should be highlighted that finding a precise definition of democratic reforms is quite challenging. For instance, Kristof Jacobs, considered the term of democratic reforms from a multilevel perspective and defined it as follows: *"democratic reform is a reform of the legislation that deals with the role of the citizen in the decision-making process"* (Jacobs, 2012). However, this definition does not capture all the basic patterns of the concept of democracy. Therefore, at first, different conceptions of

democracy will be identified, and then the author will outline the meaning of the democratic reforms per the thesis purposes.

There are a plethora of definitions of democracy in the academic literature. As Coppedge cites it in his book, “*democracy has been defined in hundreds of ways*”(Coppedge, 2012). “*There is an abundant literature relating to democracy theory, with countless definitions of what democracy should be and what democracy is* “ (Bühlmann et al., 2007, p. 3). The same authors outline “three fundamental principles”, basic factors influencing the quality of democracy. In a nutshell, the authors concluded that “*freedom, equality and control*” are the main fundamental principles of democracy. They ascertained that, based on the fundamental understanding, if a system in question wants to qualify as a democracy, it should guarantee freedom and equality (Bühlmann et al., 2007). The same authors outlined three types of concepts of democracy, “*minimalist, medium and maximalist*”. The “minimalist” conception of democracy mainly emphasizes the electoral process, whilst the maximalist understanding of democracy covers the whole concept of minimalist understanding, and in addition includes features of the welfare state, social justice and fairer share of economic resources (Bühlmann et al., 2007, p. p4; Lebanidze, 2020b, p. 58). Per the “*medium*” understanding of democracy, it concentrates on creating democratic institutions but ignores the qualities of the “*maximalist*” view (Bühlmann et al., 2007; Lebanidze, 2020b, p. 58). This “*medium*” understanding of democracy encompasses the following five key elements: “a system of democratic elections; political and civil rights; horizontal accountability; effective power to govern”(Bühlmann et al., 2007, pp. 20–22; Lebanidze, 2020b, p. 58)

In his article, Landman divided the existing definitions of democracy in the academic literature into the following categories: “ *a) procedural democracy, b) liberal democracy, c) social democracy*”. As he mentions, the two characteristics of contestation and participation are included in “*procedural*” conceptions of democracy. “*Liberal*” definitions of democracy not only retain the procedural conceptions of contestation and participation but also encompass the notion of protection of specific human rights. As a result, “*liberal*” democracy definitions have both institutionalist and human rights dimensions. The institutional component encapsulates

popular sovereignty and consists of accountability, citizens' representation, and participation. Per the human rights dimension, it primarily covers civil, political, property and minority rights. Under the "*social*" definitions of democracy, as the author outlines, it preserves the institutional and rights' dimensions of liberal models of democracy and, simultaneously, expanding the types of rights that should be protected, such as social, economic and cultural (Landman, 2018, p. 50). Simply put, there is no agreement in the scholarly publications about how to describe and/or define democracy. However, whilst reading different scholarly publications regarding definitions about democracy, it becomes evident that the following essential elements/patterns: free and fair electoral process, equality under the law, political freedom, civil liberties, protection of human rights and the rule of law have been acknowledged as critical components of this concept. Thus, for this thesis, democratic reforms refer to any institutional amendments to the given country's legislation aiming to improve the above-mentioned key elements of democracy.

Per the mentioned conditionality, the "problem" is similar as finding one pure definition of the EU conditionality in the context of ENP countries in the academic literature is quite challenging. For instance, in line with the definition provided by Geoffrey Pridham, this term can be understood as an external coercion mechanism aiming at determining the process's outcome (Gateva, 2015). As it is mentioned in Gateva's book, some authors even distinguished formal and informal conditionalities. The former implies conditions publicly stated and known, such as Copenhagen criteria and the "*acquis communautaire*", whilst the latter is identified as pressure and recommendation applied by different actors from one of the EU institutions (Gateva, 2015). In the same book, she also quotes Schimmelfening's and Sadelmeier's definitions of "*democratic and acquis conditionalities*" (Gateva, 2015).

Regarding democratic conditionality, it has been argued that it mainly refers to conditionality, emphasizing democratic rules and values (Gateva, 2015). Due to perceived weak incentives in the ENP, Sasse labelled conditionality as a "*conditionality-lite*". The logic is that the EU attempts to promote democratic reforms with similar institutional structures. However, the incentives are somewhat limited (Sasse, 2008). Interestingly, Svea Koch outlined the definitions

and features of positive and negative “*Ex-ante and Ex-Post*” conditionalities. For a better understanding and simplified comparisons of these definitions, see the following table developed by Svea Koch.

Table 1-Positive and negative Ex-ante and Ex-post conditionalities

“

	Ex-ante	Ex-post
Positive	Conditions need to be fulfilled as a <i>prerequisite</i> to the granting of <i>benefits</i>	Granting of <i>additional benefits</i> conditioned on performance <i>during the course of a relationship</i>
Negative	<i>Reducing or suspending</i> benefits <i>before</i> entering into beneficial cooperation or agreements	<i>Reducing, suspending or terminating</i> benefits <i>during the course of a relationship</i>

”

Source: (Koch, 2015, p. 100)

For the thesis purposes, democratic conditionality can be defined as providing several benefits that the EU can offer to its neighbouring countries to induce various democratic reforms’ adoption and implementation to contribute to the given country’s democratic advancement (Schimmelfennig, 2012). Per the benefits, it mainly implies that neighbouring states are offered specific incentives by the EU, such as heightened financial aid, better access to the Internal market, or institutional linkages, subject to specified criteria (Schimmelfennig, 2010, p. 8)

Literature review

In this literature review chapter, the author explores relevant academic publications related to the proposed research question. As the outlined research question emphasizes how the EU attempts to induce democratic reforms in Georgia without conditionality as such in place, this chapter draws attention to the ways, instruments, mechanisms, and strategies that the EU utilizes in its neighbouring Eastern countries to promote democratic advancement. As Georgia is part of the ENP countries and a member of the EaP, exploring academic literature in this matter will be helpful to answer the proposed research question based on scholarly publications.

The EU's democracy promotion in the ENP countries with(out) conditionality

In general, scholars have extensively studied the EU's efforts in democracy promotion beyond its borders. The academic literature on the EU's democracy promotion outlines that the EU primarily utilizes the following instruments in order to promote democracy: "*democratic conditionality, political dialogue and capacity building*" (Börzel, 2010; Börzel et al., 2008; Börzel & Risse, 2004; Lebanidze, 2020b, p. 20; Schimmelfennig & Scholtz, 2008). It is considered that during the EU enlargement process, all these mechanisms played a crucial role in terms of the Central and Eastern European states democratization process (Lebanidze, 2020b, p. 20). Interestingly, it has also been argued that whilst the EU launched ENP, it attempted to include its enlargement toolkit in the ENP countries' Europeanization context (Gawrich et al., 2009; Lebanidze, 2020b, p. 20). Due to the lack of the membership perspective for neighbouring Eastern states, the mechanism of democratic conditionality has been undermined in the context of ENP countries, and most of the scholarly research papers has focused on the EU's other tools at its disposal, such as "*capacity building and political dialogue*" (Lebanidze, 2020b, p. 21). The political dialogue implies persuasion and social learning process aiming at socializing the third countries' governments into the EU-promoted norms, values and rules, whilst capacity building refers to a process aiming at strengthening various institutions (Börzel & Pamuk, 2011, p. 7;

Lebanidze, 2020b, p. 21). As mentioned in several scholarly publications, the political dialogue was an essential tool in the framework of the Eastern Neighbourhood countries to promote human rights, democracy, and the rule of law. It has been acknowledged that the EU has frequently used political dialogue and capacity building since democratic conditionality has been weak and inconsistent in its ENP countries, mainly because of the absence of the membership perspective (Börzel & Pamuk, 2011, p. 11; Lebanidze, 2020b, p. 22). Interestingly, the political dialogue in ENP countries' context has been characterized as "*less asymmetrical*" compared to the EU's accession context due to the following factors: lack of the EU's intention to press for more democratic changes and the absence of the membership perspective (Lebanidze, 2020b, p. 22). Since the inception of ENP, the EU's inability to promote democracy directly through utilizing democratic conditionality prompted the creation of new strands in scholarly literature focusing on indirect means of democracy promotion (Freyburg et al., 2011; Lavenex & Schimmelfennig, 2011, 2012; Lebanidze, 2020b, p. 22). The same authors outlined that this indirect means of democracy promotion encompasses "*governance model*" emphasizing amendments in governance norms and procedures within specific policy sectors, and it encompasses three following main elements: "*transparency, accountability and participation*" (Freyburg et al., 2011; Lavenex & Schimmelfennig, 2011, 2012; Lebanidze, 2020b, p. 22). In her article, Lavenex has argued that the ENP can be characterised as a "*lite*" version of the "conditionality framework". She proposed a new way of thinking about the ENP, the EU's methods and means of influence in target countries. She proposed to conceive the EU's influence in target countries through a governance perspective. As she outlines, rather than a clear hierarchy of goals, methods, and tools, it serves as a ceiling over a developing system of functional regional integration that moves at miscellaneous rates, and with different dynamics, in various policy sectors (Lavenex, 2008, p. 939). The EU's effect is thus evaluated in terms of developing sectoral governance networks as a foundation for regulatory convergence and ENP nations' organizational involvement (Lavenex, 2008, p. 939). Unlike traditional perspectives to the EU's foreign policy influence, the governance approach views the growth of regional integration's boundaries, as well as the continuities and discontinuities between internal policies

and their exterior dimension, from a more structural, institutionalist viewpoint (Lavenex, 2008, p. 940) Simply put, the presented explanatory model by Lavenex contends that network governance might be extended to ENP nations where interests coincide, and rule implementation issues are minimal (Lavenex, 2008).

After intensifying relations between the EU and its EaP associated member states (Georgia, Ukraine and Moldova), primarily with signing AA, DCFTA and Visa-free regime, it has been acknowledged that the EU has equipped itself with additional opportunities to utilize its key foreign policy instrument, namely, democratic conditionality (Börzel & Lebanidze, 2015, p. 26). However, after reaching these critical milestones between the EU and Georgia, the academic literature outlined further avenues for research regarding how the EU's conditionality-based democracy promotion would evolve and if the EU could promote transformative democratic reforms in Georgia given the EU membership prospect is missing, at least, for the foreseeable future (Lebanidze, 2018, 2020a, 2020b, p. 271). It should be noted that after deepening relations between the EU and its ENP countries regarding democratization, several academics frequently noted two mechanisms of the EU's democratization policies beyond the EU. They are named as follows: "*conditionality and socialization*". The former refers to a model which provides benefits to target countries if specific economic or political requirements are met; the latter includes the mode of interaction where the EU is represented and perceived as an appropriate structure of the society founded on fundamental democratic principles, therefore respective third country authorities' representatives from neighbouring countries are reconsidering their behaviour and learning through interaction with their counterparts from the EU (Aydin & Emerson, 2005). Socialisation is an essential technique for familiarizing ENP representatives with EU laws, norms and arrangement and forming new common identities in the EU's neighbouring countries (Schumacher et al., 2017, p. 448). In contrast to conditionality, it does not expressly rely on hierarchy, and it does not attempt to "force" EU laws on other nations. Alternatively, the mechanism of socialisation is based on a "*logic of appropriateness*" according to which ENP actors opt for proper behaviour based on their perceived social standards in a specific context (Schumacher et al., 2017, p. 448). Simply put, socialisation is mainly based on

the concept of “*normative rationality*” (Schumacher et al., 2017, p. 448). The outcomes of socialisation are expected to be delivered in the long-run perspective, and thus far, the results of this mechanism in ENP countries are regarded as very limited. One of the main reasons hindering the potential of socialisation mechanism is considered to be a lack of co-ownership (Schumacher et al., 2017, p. 450). Interestingly, it has been argued that, among several factors, the coexistence of “*conditionality and socialisation*” may harm both mechanisms’ potentials (Schumacher et al., 2017). It is considered that the European Neighbourhood Policy and the Eastern Partnership initiative were designed mainly based on the instruments mentioned above.

Per Levitsky and Way, there are two significant modes of interaction between the EU and the countries in question. These modes are labelled as “*linkages and leverages*”. The former highlights the importance of the extent of economic, political, organizational and social ties between the target country and the West (EU), the latter entails the economic, political and security actions of the West (EU) towards the targeted states with the purpose of external democratizing pressure (Levitsky & Way, 2006).

Interestingly, the academic literature clearly outlines that the EU’s promotion of democracy in its neighbouring Eastern states in the framework of Association Agreements has been strongly connected to democratic conditionality (Börzel & Lebanidze, 2017). There are several forms of conditionality outlined in the scholarly literature. For instance, as Bolkvadze outlined the conceptual framework developed by Schimmelfennig and Sedelmeier in her article, there are differences between “*democratic and acquis/functional*” conditionalities. Whilst the “*democratic conditionality*” encompasses guidelines regarding fundamental principles of the EU such as liberal democracy and human rights, the *acquis/functional* conditionality requires the adoption of certain rules for “*acquis communautaire*” (Bolkvadze, 2016, p. 412)

Interestingly, Grabbe identified different kinds of circumstances during which the EU employs this mechanism of democratic conditionality. These are the following situations: “*the situation before accession, the situation prior to providing a target country with institutional and legislative templates, the situation amidst providing a country with particular aid and technical*

assistance, the situation while helping a target country with advice and twinning” (Grabbe, 2011).

As already highlighted by the authors mentioned above, it is considered that with the mechanism of EU conditionality, the EU offers non-members and neighbouring states special incentives such as financial aid, market access or institutional ties with certain conditions that those states need to follow (Schimmelfennig, 2010: 8). These conditions can be both positive and negative. For instance, positive incentives may include certain benefits such as signing Association Agreements, Visa-free travel and economic liberalization, whereas negative conditions include aspects like denying a particular government financial aid and/or even imposing sanctions. In the academic literature, *"sticks and carrots"* are frequently used to describe these positive and negative forms of conditionalities (Börzel & Lebanidze, 2017; Schimmelfennig & Scholtz, 2008).

In general, the extent to which the EU conditionality mechanism has been influential in the democratic transition of the Eastern Partnership area is a matter of discussion in the academic literature, given the effects range between EaP member states. Compared to its clearly established enlargement requirements, the EU's democratic conditionality towards its neighbouring countries has been characterized as ambiguous and unclear (Börzel & Lebanidze, 2017). The same authors have argued that it is far from easy to isolate conditionality's causal impacts, hence, further study is required to conceptualize and then empirically analyse “neighbourhood conditionality” components (Börzel & Lebanidze, 2017).

The analytical emphasis of the literature primarily explains that in Central and Eastern European countries, where a membership perspective was on the table, the EU's position in promoting democracy has been robust and flourishing (Lebanidze, 2020b; Sasse, 2008; Schimmelfennig, 2012; Ugur, 2013). One of the main reasons, among various factors, is considered to be the democratic conditionality that has been linked to the accession process. However, according to the scholarly literature on Europeanization, the EU's democracy promotion has been less coherent, consistent, and compelling outside of its boundaries, and hence its perceived

transformative power has been criticized for failing to deliver tangible results. Among several factors, the absence of the most coveted "carrot", the EU membership perspective, has been considered the primary cause of its ineffectiveness (Gromadzki, 2015; Lebanidze, 2020b; Lehne, 2014; Schimmelfennig & Scholtz, 2008). Later, some authors even argued that the absence of a membership perspective was coupled with the EU's weakened political commitment to its neighbourhood and less political will in this respect that also limited the scope of its effectiveness (Lebanidze, 2020b, p. 265).

Bidzina Lebanidze has also argued that, besides the arguments mentioned above, the consistent usage of democratic conditionality from the EU has a meaningful influence on its effectiveness and represents additional external leverage for the incumbents. He criticized the commonly perceived reason of inefficiency of the "*neighbourhood conditionality*", namely, the absence of the membership perspective, and stated that the EU's inconsistent application could be considered a major problem in this matter (Lebanidze, 2020b). Following this discussion, some authors argued that once certain domestic conditions can be identified in target countries, the EU utilizes democratic conditionality more consistently and works despite the membership perspective is in place or not. These domestic conditions are as follows: "*the lack of a stability-democratization dilemma and the presence of pro-democratic reform coalitions*" (Börzel & Lebanidze, 2017). They showed that if the EU does not need to pick between democratization and stability and is capable of strengthening democratic reform coalitions, democratic conditionality is regularly applied (Börzel & Lebanidze, 2017). They have also outlined that the EU's success in fostering democracy in its neighbouring countries is hampered not by the absence of a membership perspective itself but by the uneven application of other incentives (Börzel & Lebanidze, 2017).

Even though this mechanism of democratic conditionality has been heavily criticized for its failure to deliver tangible results in the EU's Eastern neighbouring countries, Georgia, as one of the "*frontrunners*" of the Eastern Partnership, has been regarded as one of the few exceptions to this general pattern (Börzel & Lebanidze, 2017; Lebanidze, 2018). It has been argued that this

mechanism of democratic conditionality appears effective in Georgia whilst certain conditions exist within the country (Börzel & Lebanidze, 2017; Lebanidze, 2018). Simultaneously, it has been acknowledged by different scholars that Georgia attempts to pursue the strategy of "accession by stealth" towards the EU. This implies that the country operates as if it has a clear perspective of joining the EU (Börzel & Lebanidze, 2015, p. 19; Kakachia et al., 2019, p. 6). It should be underlined here that in his article, *"Europeanization beyond Europe"*, Schimmelfenning has also argued that the mechanism of EU conditionality might have worked alternatively in those countries that sought to become members such as Ukraine, Moldova and Georgia (2010:14).

As it can be seen, the most desired carrot, EU membership prospect, has never been an official bid for EaP countries, as the EU has been willing to offer its eastern neighbours since the inception of the European Neighbourhood Policy (ENP) *"everything, but institutions"*. Therefore, the EU attempted to provide alternative incentives to neighbouring states in exchange for internal changes, such as advanced accession to the common market, a Visa-free regime and enhanced financial assistance (Börzel & Lebanidze, 2017). As Romano Prodi highlighted: *"we have to be prepared to offer more than partnership and less than membership, without precluding the latter"* (Prodi, 2002). Hence, signing the Association Agreement with its integral part of the Deep and Comprehensive Free Trade Area (DCFTA) and launching the Visa liberalization process can be regarded as the most influential incentives for those EaP countries where EU integration has always been the main priority of foreign policy agenda. As some scholars stated, in light of the absence of the membership perspective, the EU conditionality has been modified in the European Neighbourhood Policy, and the "golden carrot" has been "replaced" with incentives such as Visa liberalization, better access to the internal market and enhanced financial aid. Authors name all the incentives mentioned above as "neighbourhood conditionality" (Börzel & Lebanidze, 2017, p. 18)

Theoretical Framework

This chapter outlines the theoretical framework for the thesis. Taking into account that Georgia is one of the EaP members and the outlined research question attempts to understand the ways the EU tries to induce democratic reforms in Georgia without conditionality as such in place, theory on external governance seems to be a promising starting point as it seeks to comprehend the EU's expanding reach of laws, conventions and regulations outside its borders. This chapter will explore different modes of the EU's external governance in detail and then draw attention to how it will be applied in this particular research.

The EU's external governance

Lavenex and Schimmelfennig highlighted in their article that when reciprocal interdependence is strong between the EU and the country in question and the models serves the interests of third countries or foreign organizations, external governance may arise even unexpectedly (Lavenex & Schimmelfennig, 2009). The concept of external governance was influenced by academic debates of International Relations (IR) literature and comparative politics. The external governance literature is distinguished by its rejection of the assumption of the unitary state agent paradigm into the EU and its departure from conventional foreign policy theory by taking a more institutionalist perspective (Lavenex & Schimmelfennig, 2009). The concept of governance is especially well suited to grasping this phenomenon of rule expansion beyond the formal membership in the EU polity (Lavenex & Schimmelfennig, 2009). For instance, external governance refers to a situation “when parts of the *acquis communautaire* are extended to non-member states”, as Lavenex and Schimmelfennig (2009) cited in their work.

Theory on external governance attempts to understand the widening reach of the EU laws, norms and rules outside its boundaries. The European Union's evolution into a unique political structure, having a legal personality, has coincided with a growing foreign affairs presence (Lavenex & Schimmelfennig, 2009, 2011). This is also reflected in the EU's attempts to control third countries and foreign relations in general (Lavenex & Schimmelfennig, 2009). Besides its

efforts deriving from its coordinated external action through the shared foreign and security strategy, the EU has established a diverse set of external ties ranging from conventional trade to democracy promotion and cooperation in different policy domains within its legislative jurisdiction (Lavenex & Schimmelfennig, 2009). The same authors highlight that the external governance of the EU differs by states, regions and policy domains. It can be part of the more extensive foreign policy programs such as the European Economic Area (EEA) or European Neighbourhood Policy (ENP) (Lavenex & Schimmelfennig, 2009).

The same authors provided readers with nuanced information about the modes of external governance dominating different policy fields and regions. Also, they attempted to answer the reason for this variation. They distinguished between three institutional forms as follows: *“hierarchy, networks, and markets”*. The aforementioned structural forms serve as both chances and restrictions for actors’ modes of interaction affecting law “extension” processes. Hierarchical governance is founded on developing mutually binding formulas and forbiddances in more formalized affairs of dominance and subordination. This work is carried out in the democratic state by adherence to law entailing the creation of enforceable laws, the infringement of which will result in punishment (sanction)(Lavenex & Schimmelfennig, 2009)

When the rulers and ruled are in vertical relations, power is wielded asymmetrically. For the sectoral level, hierarchical governance implies a form of guiding focused on legally binding enforceable laws. For the EU’s context, the conventional community system of policy-making is synonymous with hierarchy (Lavenex & Schimmelfennig, 2009). When it comes to the EU’s external relations, the non-member states officially hold absolute authority over the European Union, however, certain forms of external governance resemble a bureaucratic hierarchy and jeopardize essential aspects of third-country legislative sovereignty (Lavenex & Schimmelfennig, 2009).

Contrary to the form of hierarchical governance, network governance refers to a partnership in which the characters are officially on an equal level formally. As Lavenex and Schimmelfennig cited Börzel, this does not rule out the likelihood of power imbalances, but it does suggest that

involved parties enjoy almost equal institutional rights and that no side can tie the other to a measure without the latter's permission (T. A. Börzel, 2008). Therefore, it is argued that whilst hierarchical systems emphasize the creation of the legally mutually binding authority, networks encompass instruments that mainly provides procedural forms of interaction and mainly puts emphasis on reciprocal consensus. Moreover, networks are often referred to in the literature as negotiation schemes, in which different potential conflict of interests are solved through mediation and voluntary compromise based on negotiating or arguing rather than through legislative and authoritative means (T. A. Börzel, 2008). With regards to the application of this term to the EU's external relations, from a broader perspective, it refers to a well-institutionalized and unified mechanism of ongoing horizontal coordination, therefore rather than direct application of the EU law, regulatory extension happens by coordination of national laws (Lavenex & Schimmelfennig, 2009). Due to its voluntary nature, this constellation type gives a special mechanism of influence based on social learning (Lavenex & Schimmelfennig, 2009). Regarding the market mode of governance, this refers to a situation when competition between different "*formally autonomous actors*" leads to specific outcomes. (Lavenex & Schimmelfennig, 2009).

Regarding the effectiveness of EU external governance, Lavenex and Schimmelfennig have also argued that this can be measured through different levels. These levels are as follows: "*rule selection, rule adoption and rule application*" (Lavenex & Schimmelfennig, 2009, p. 800). What is important here to note is that the rule adoption process does not always result in rule application, as the authors underline. Also, it is highlighted that external governance's most profound effect can be found whilst there is a precise application of the rules after its adoption (Lavenex & Schimmelfennig, 2009, p. 800).

In accordance with institutionalists' approach, EU external governance is typically formed by established EU institutions. They serve as a model for externalising EU policies, norms, laws, governance styles, and unique criteria for its efficacy (Lavenex & Schimmelfennig, 2009, p. 802). In this regard, it has been argued that whether the EU rules will be selected, adopted and

implemented outside the EU borders is highly linked to the more specific and adhesive those rules are (Lavenex & Schimmelfennig, 2009). Also, it is believed that the more rules are supported within the EU framework, the more it aligns with international law outside, the more likely it is that a third country embraces and implements it. Moreover, an intense monitoring process and sanctioning induce rule adoption and as well as its application. In a nutshell, according to institutionalist expectations, the quality of the EU institutions determine the mode and effectiveness of EU external governance (Lavenex & Schimmelfennig, 2009, p. 803).

Theory on external governance provides both power-based and domestic structure explanations. The power-based explanation states that the EU's influence and third countries' interdependence with the EU determine its external governance. Here, it is highlighted that the hierarchical model of governance demands the situation where third countries are strongly dependent on the EU and at the same time more reliant on the EU than on other suppliers of governance. Market governance necessitates a high level of market convergence but not the presence of a single, unified governance supplier. Regarding network governance, it refers to symmetric power structures and moderate levels of interdependence (Lavenex & Schimmelfennig, 2009, p. 803). In line with the power-based clarification, accession negotiations are considered as the most substantial incentive leading to EU rule transfers to third countries, and this is when the EU's bargaining power is strong. Therefore, it has been argued that outside the enlargement framework, EU bargaining power is weaker and differs across different states and policies (Lavenex & Schimmelfennig, 2009, p. 803). Per the domestic structure explanation, the mode of external governance follows the third countries' governance model. Here, third-world affairs and the EU are characterized as functional *"driven by legitimacy and resonance"*. In this regard, hierarchical governance demands thoroughly and well-functioning "power" for administration and execution (Lavenex & Schimmelfennig, 2009). Most importantly, the domestic structure explanation underlines that the effectiveness of the EU external governance is also highly dependent on the domestic structures (Lavenex & Schimmelfennig, 2009, p. 805).

Relevant contributions to external governance examined the extent to which the EU successfully managed to promote, induce and transfer its rules to third countries beyond the EU borders (Lavenex & Schimmelfennig, 2009). Regarding contributions to external governance to promote democracy, the scholar Richard Youngs has explored the several governance modes used by the EU in Ukraine, the southern Mediterranean and Western Balkans. His comprehensive analysis illustrated that the EU has applied a “hierarchical mode of governance” in the Balkans, whilst “network governance” was used towards Ukraine and the Mediterranean countries in the framework of the ENP. Interestingly, he explored the difference in the effectiveness of the EU democracy promotion in the countries mentioned above and ascertained that variation was deriving from differences of the perceived EU’s influence and domestic structures of third countries (Lavenex & Schimmelfennig, 2009; Youngs, 2009).

This theory on the EU’s external governance seems to be promising in understanding better how the EU attempts to promote its norms, values, and rules beyond its borders. During the case studies, the author will attempt to explore whether, in the examined cases, the EU’s promotion of respective democratic reforms’ adoption and implementation in Georgia had a pattern of “*hierarchical*” or “*network-based governance*”. Also, it will be analysed in the examined cases whether the EU’s influence resulted in respective rules’ selection, adoption and/or application. As already highlighted, the rule adoption procedure does not always result in rule application. Furthermore, it is emphasized that the most profound influence of external governance may be discovered when the rules are precisely applied following their approval (Lavenex & Schimmelfennig, 2009, p. 800). Therefore, in the examined cases, the thesis will also attempt to shed light on how the EU tries to induce respective rules selection, adoption and application in Georgia.

Research design

The following chapters introduce the research design and methods used in the thesis. It starts with explaining the research design. Then, the following paragraphs will outline the justification for the selected cases. Subsequent sections will describe in detail what methods were used for

this particular research. After that, the author will shed light on data collection and describe how relevant sources were collected, selected and processed.

In line with the aims of this research project, qualitative methodology is used, which allows to further dive into the specificities of the given research project. The author of the thesis considers that due to the substance of the qualitative methodology, a comprehensive case study will be helpful to identify and explain the characteristics of the given phenomenon in depth. The thesis is based on two cases within a single case study on Georgia. As the main objective of the research is to explain how the EU tries to induce democratic reforms in the country without conditionality in place, a thorough understanding of the given cases within a single case on Georgia represents a good possibility for the in-depth analysis.

Case selection and justification

In order to thoroughly answer the proposed research question: **how does the EU attempt to induce democratic reforms in Georgia without conditionality in place?** - the emphasis is drawn to two transformational democratic reforms that occurred in Georgia due to the EU's active engagement despite the emerging challenges at the domestic level. Thus, the thesis is based on two empirical case studies within a single case study on Georgia. This represents an excellent opportunity to illustrate the ways, strategies, and instruments that the EU attempts to employ in this Black Sea region state to induce particular democratic reforms' adoption and implementation.

The first case study is related to the adoption and implementation process of the so-called "anti-discrimination law" that occurred in the country before signing the AA, DCFTA and launching the Visa liberalisation process in 2014 (EEAS, 2021a). Whilst one may argue that this particular democratic institutional change in Georgia was "conditionally-driven", and the EU linked its adoption process to one of the most coveted "carrots" for Georgia, namely, the Visa-free activation process, still it is not evident how does the EU attempt to promote its effective implementation from 2014 onwards (Tkhelidze, 2020). Therefore, the first case study will shed light on the perceived influence of the EU not merely in the adoption but also in the

implementation process of this essential democratic reform in Georgia. Besides, this case study will cover the period from 2014 till 2020, which will be helpful to reveal some patterns of the EU's foreign policy instruments with regards to this particular democratic reform's adoption and implementation process both before and after offering the AA, DCFTA and Visa-free regime to Georgia.

The second case study is related to the EU-brokered March 8 Agreement in Georgia. This agreement envisaged a comprehensive electoral system reform for the country in 2020. This represents the phase in the EU-Georgian affairs when the above-mentioned *"juicy carrots"* have already been given to Georgia by the EU. The second case study will illustrate the ways, strategies, and tools that the EU tries to employ to deal with the political crisis in the country and, simultaneously, to push essential democratic reforms' adoption and implementation. Therefore, exploring these two cases in detail is an excellent opportunity to better explain how the EU has attempted to induce particular democratic reforms in Georgia before offering significant carrots AA, DCFTA, Visa liberalization and after those carrots have been "consumed". In addition, it should be mentioned here that these cases are worth analysing as various domestic actors have significantly challenged the adoption and implementation of both democratic institutional changes. In both cases, the EU seems to play a crucial role, but with different mechanisms at its disposal. The fact that the EU played a crucial role in this matter and the relevance of these two cases is thoroughly covered in the following "context" chapters of each examined case.

Research methods and data collection

The author uses the following qualitative methods for the given case studies: content analysis and expert and elite in-depth interviews. Before conducting the expert and elite interviews to check the main findings, qualitative content analysis has been used to look at different primary and secondary sources and check what they have outlined. The main aim of the content analysis was to examine the parliamentary debates, various legal records, papers, official statements, and

documents from the EU and Georgia regarding the scrutinized cases. The author used a systemic collection of primary and secondary sources.

For instance, per the first case regarding the adoption and implementation process of the so-called “Anti-Discrimination” law, the following primary sources have been taken into account for the analysis: the EU progress reports on Georgia, Visa Liberalisation Action Plan (VLAP), and four VLAP progress reports. Besides, bills, laws, parliamentary debates, and documentation regarding the adoption and implementation process of "Elimination all Forms of Discrimination" were analysed.

For the second case regarding the EU-brokered March 8 Agreement encompassing a new electoral reform, the author looked at the official assessments of the EU and Georgia’s official announcements in this respect. Also, parliamentary documents and debates were thoroughly covered and analysed. The author gathered and listened to all the parliamentary hearings (3 parliamentary hearings for each case) on the examined cases from the official website of the Georgian Parliament (www.parliament.ge). For research purposes, the author has also used the archive of Civil.ge, which is perceived as an independent media outlet providing unbiased and impartial news about Georgia. It is noteworthy that Civil.ge is frequently used in official documents of the EU and different academic sources. This online news website was founded by the UN Association of Georgia (UNAG) in 2001 to ensure online coverage of quality news about the country with editorial and political independence (Civil.Ge, 2021). More precisely, the author read and analysed all the Civil.ge archive articles related to the examined cases, 30 articles overall. Mainly, the author took into account Georgian politicians' comments and positions regarding the examined cases. After collecting the data, the main findings were then compared and analysed to understand better how the EU has attempted to induce particular democratic reforms in the country without conditionality as such in place.

Apart from a systematic collection and evaluation of official documents from the EU and Georgia, the thesis is further supplemented by secondary sources. Here, one should always consider that official documents portray perceived reality based on the perspective of those who

created the particular document (Bryman, 2012). As usual, they are written to create a favourable perception of the author. It is possible that the official documents from the EU and Georgia will attempt to portray themselves positively. Therefore triangulation of data is of crucial importance in this matter. The author is aware of the limitations of this particular method and attempted to consider it whilst analysing the gathered data.

Furthermore, as already outlined, the expert and elite in-depth interviews were conducted during the research process. The author contacted 10 persons overall, however, given the Covid-19 related circumstances and political turmoil in Georgia, overall, 5 in-depth interviews were possible to conduct. The average duration was approximately 30 minutes. In-depth interviews were conducted with experts and elites representing the EU and Georgia. The interviews were semi-structured; therefore, the main questions were prepared in advance, however, some questions arose during the in-depth interviews with the selected participants.

During the selection process, non-random, the so-called target sampling was used to contact the relevant experts and elites for these particular cases. The research participants were selected per their expertise and professional experiences connected to the scrutinized cases. As the author got permission from the interviewees, they will be referred to in the text based on their institutional affiliation.

For the first case regarding the adoption and implementation process of the so-called “Anti-Discrimination” law, one interviewee was selected from the Delegation of European Union to Georgia. This person, among other things, has been directly responsible for the annual monitoring and evaluation of the ongoing processes regarding the anti-discrimination law in Georgia. As for the second interviewee, this person was selected as one of the representatives of these renowned think tanks in Georgia that was directly involved in the drafting process of this particular legislation in 2014.

Regarding the second case on the March 8 Agreement, one interviewee was selected as one of the independent MPs directly involved in all the negotiations related to the March 8 Agreement in Georgia. In addition, the second interviewee for the second case study represents

Transparency International Georgia(TIG), one of the renowned think tanks directly involved in the ongoing democratic reforms' monitoring and evaluation in Georgia. The speciality of this person, among other things, encompasses the revision of the electoral reforms of Georgia, and as usual, this person regularly monitors the legislation evolution process within the country. Finally, the third person for the in-depth interview was selected as being Georgia's biggest opposition party representative, namely, the United National Movement (UNM), during the March 8 Agreement's negotiations.

The research was conducted in full compliance with all ethical norms and principles to protect interviewees' interests. Before the interview, each respondent was informed about the research topic, reasons and objectives. The interviews were recorded only with prior consent from the interviewees. The thesis author got permission to use the voice recorder during the interviews. Given the current circumstances created by the pandemic of Covid-19, interviews were conducted online via the “Zoom” platform. The interviews were conducted in Georgian and English languages. All the Georgian transcriptions were translated into the English language and represent the work of the author. The interviewees and their institutional affiliations are included in Appendix 1; however, the respondents' identities are confidential due to the sensitive information provided during the interviews. Also, due to sensitive information, transcriptions remain confidential even though none of the participants demanded to conceal the gathered information from the interviews.

The expert and elite interviews method represent an excellent opportunity to obtain in-depth information from the directly involved people in the examined cases. Also, using expert and elite interviews as a method is an excellent possibility for data triangulation as the researcher can combine literature study with content analysis and improve the quality of the obtained data (Van Audenhove, 2017). It represents a good tool for researchers to get information that would be impossible to get otherwise (Van Audenhove, 2017, p. 14). However, this method has its pros and cons. Regarding the pros, exploring and understanding different views is an excellent chance to broaden the researcher's horizons and views on the topic in question. Also, it is a good tool to

double-check the information and facts that the researcher found out whilst analysing different sources of data (Van Audenhove, 2017, p. 16). However, per the negative sides of this method, there is a probability that the obtained information will be fully or partially biased. Also, there is a likelihood of information flaws in these kinds of interviews (Van Audenhove, 2017, p. 16). Therefore, the researcher has taken into account every shortcoming whilst using this method.

The first case study: the EU-promoted “anti-discrimination law” in Georgia

The following sections present the first case study of the EU-promoted anti-discrimination law in Georgia, which occurred in 2014. This case study aims to shed light on how the EU has attempted to induce this specific democratic institutional change in Georgia and assure its effective implementation. The chapters are structured as follows. It begins by outlining the context in which this specific democratic change arose. After that, the paper will attempt to reveal the main driving factors of this particular democratic reform and the perceived role of the EU in this matter. Then, the paper will thoroughly cover the challenges that occurred during the adoption and implementation process of this reform and reveal the ways, instruments and strategies that the EU has used to address them and ensure successful rule implementation. The final paragraph summarizes the main findings and offers some conclusions regarding the ways the EU attempts to promote this particular democratic reform’s effective implementation in the country in the absence of conditionality as such in place.

Context

Since 2017, the EU has launched a Visa-free travel regime with Georgia. Given Georgia's stated goal of becoming a full member of the European Union, this can be perceived as a tremendous accomplishment (Tkhelidze, 2020). However, launching a Visa-free regime has been quite challenging for Georgia due to various institutional changes stipulated by the VLAP (Tkhelidze, 2020).

More precisely, the VLAP was divided into the following four sections: “*passport and travel security; integrated border management, management of migration and asylum; public order and security; external relations and fundamental rights*” (European Commission, 2016). Under

the fourth block regarding the “*external relations and fundamental rights*”, this action plan stipulated significant amendments in the anti-discrimination legislation of the country. According to the VLAP, Georgia was required to institutionalise a comprehensive law on “*Elimination of all Forms of Discrimination*”. It was agreed from both sides that the adoption of this law would help the country to accelerate the Visa-Liberalisation process (European Commission, 2013). However, the adoption process of the EU-promoted anti-discrimination law was highly contested, although the Georgian Parliament passed the bill in 2014 (The Parliament of Georgia, 2014a).

The principal aim of this democratic institutional change has been to prohibit any forms of discrimination within the country and uphold the principle of equality for everyone: “*irrespective of race, skin colour, language, sex, age, citizenship, origin, place of birth or residence, property or social status, religion or belief, national, ethnic or social origin, profession, marital status, health, disability, sexual orientation, gender identity and expression, political or other opinions, or other characteristics*” (The Parliament of Georgia, 2014b)

Before implementing respective Visa Liberalization Action Plan (VLAP) requirements in Georgia, the EU officials had various meetings with Georgian political elites, civil society representatives and international experts to assure inclusiveness of the process (European Commission, 2013). The first progress report of the VLAP indicated that Georgia needed to pass a comprehensive anti-discrimination statute per the UN and Council of Europe oversight bodies’ proposals to ensure an adequate protection mechanism against discrimination in the country (European Commission, 2013, p. 23). The adoption of the above-mentioned law was actively scrutinized and reported by the European Commission to the European Parliament and Council. Overall, four progress reports were written about Visa Liberalization Action Plan that included detailed information about this specific institutional amendment in Georgia.

Value-driven or Visa-free driven democratic reform in Georgia?

The adoption of the law on “Elimination of All Forms of Discrimination” can be considered one of Georgia's essential democratic institutional changes in 2014 after serious debates in the country's highest legislative body. Several renowned think tanks and NGOs working on democratization and human rights issues in Georgia and all the interviewees mentioned that introduction of this law represented an essential phase in Georgia’s further democratization process and its legal approximation to the EU (Representative of PHR, online interview, April 29 2021; Representative of the EU Delegation to Georgia, online interview, April 26 2021; TIG, 2014).

Interestingly, the „explanatory note“ of the law reads that the law was initiated due to the following reasons: “a) *the former anti-discrimination law was ineffective and b) the adoption of a new comprehensive anti-discrimination law was essential as it was part of the VLAP*” (The Ministry of Justice of Georgia, 2014; The Parliament of Georgia, 2014b). However, the Parliamentary hearings demonstrated that most of the MPs from the ruling Georgian Dream party attempted to portray this process as an additional manifestation of the shared values between the EU and Georgia. For instance, Tamar Kordzaia, from the ruling party, frequently underlined during the parliamentary hearings that the adoption process of this law was value-driven and Georgia was “*bearer of the EU values*” in this regard (First hearing of the draft law on "Elimination of All Forms of Discrimination" in the Parliament of Georgia, 2014a). Moreover, the former first speaker of the Parliament of Georgia, David Usupashvili, portrayed the adoption process of the law as an option for Georgia between Russia and Europe (Civil.ge, 2014b).

However, as it seems, the general perception about the main driving factor for this institutional change is considered to be the Visa Liberalization process itself. All the interviewees perceived that it would be improbable for the incumbents to pass the law without such incentive due to the existing “veto players” that created considerable domestic pressure against passing the law. Also, it is worth noting here that during that time, Georgia was about to sign the Association Agreement with the EU that also envisaged the existence of comprehensive anti-discrimination

policy under the “employment, social policy and equal opportunities” provision of the agreement (European Union, 2014, p. 117). Respectively, one may argue that complete rejection of the above mentioned institutional change would somehow hinder the AA’s signing process.

“the driving force behind this law was definitely the visa liberalization process [...] I think it was absolutely unpopular, and without that strong necessity, my understanding is that it would have been difficult to adopt this law otherwise” (Representative of the EU Delegation to Georgia, online interview, April 26 2021)

Regarding the actual preparatory phase of the law, the Ministry of Justice was responsible for drafting and initiating the bill. As it seems, the preliminary procedure before actual parliamentary scrutiny over the draft on “Elimination of All Forms of Discrimination” can be characterized as transparent and participatory. The explanatory note of the bill and also the first progress report of VLAP noted that the draft was actively consulted with diplomatic corps, media representatives, human rights NGOs, religious and ethnic minority representatives and it was reviewed by different international experts (European Commission, 2013, p. p23; The Ministry of Justice of Georgia, 2014, pp. p1-2). It should be underlined here that all the respective VLAP progress reports had the same pattern and stressed the importance of ensuring a transparent and participatory process during the adoption and implementation process of the above-mentioned law (European Commission, 2013, 2014, 2015a, 2015b). Here one may refer to the governance model theory that stipulates the importance of indirect means of democracy promotion such as ensuring transparency, broader participation and accountability during certain norms and rules’ adoption and implementation.

“ As I have been directly involved in the drafting process of this law, I would highlight that this law, in fact, was characterized with a large community involvement in the discussion; no other bill has had such a big discussion since then ” (Representative of PHR, online interview, April 29 2021)

Although, it is noteworthy here that the bill's explanatory note did not specify any financial resources that would be allocated from the state budget to guarantee sufficient funding of responsible institutions for effective implementation and enforcement of the law (The Ministry of Justice of Georgia, 2014). Even none of the respective VLAP progress reports addressed this shortcoming with respective recommendations. It is evident that such institutional change without entailing any financial means would make effective implementation of the law almost impossible. Based on this fact, one can argue that such a shallow approach from the respective decision-makers coupled with given enough space from the EU authorities only leads to a situation when third-country government attempts to merely meet the specified requirements and benchmarks without actual intention to address the existing problem adequately and therefore introduces a “*façade*” law.

The power of domestic pressure

Despite ensured transparency and high participation in the drafting process before parliamentary hearings of the bill, the tabled draft version was highly controversial due to the following reasons. Firstly, “unexpected” amendments occurred in the bill before its submission to the Georgian Parliament. Several domestic CSOs and international organizations heavily criticized the government for “*watering down*” the draft broadly consulted and prepared with the high community and experts’ involvement. For instance, Amnesty International has urged Georgian officials to ensure the adoption of envisaged effective mechanisms for combatting discrimination and avoid the situation that would merely fight against discrimination on paper. The public statement of Amnesty International reads that the Georgian incumbents decided to revise the draft before its formal submission to the Parliament, and the amendments that were included in the draft substantially altered the bill. These amendments decreased the law’s capabilities and effective mechanisms to adequately enact anti-discrimination legislation (Amnesty International, 2014; Civil.ge, 2014a). In particular, the envisaged creation of an effective inspector’s institution was excluded from the bill, and Public Defender was considered as the primary institution in charge of monitoring the pending law’s enforcement. Due to the constitutional mandate of the Public Defender’s institution, it had no right to impose fines or enact mandatory punishments

and was merely allowed to give recommendations (Amnesty International, 2014, p. 1). In addition, as mentioned previously, the explanatory note of the law did not specify any financial resources for the Public Defender's institution that would support the effective implementation of the law itself. Correspondingly, there was a big concern from the very beginning that in case of adoption of a "suddenly" altered bill, the anti-discrimination law would be ineffective and unenforceable norm in future (Amnesty International, 2014, p. 1). Therefore, it was highly recommended for the legislators to follow the very first draft consulted with civil society and international experts. It should be highlighted that no official data is explaining why the broadly consulted draft was changed suddenly before the actual parliamentary hearing.

Secondly, various "veto players" emerged during the parliamentary hearings claiming that this draft was against the so-called "Georgian morals" and "traditions". During the first two parliamentary hearings, it became apparent that reaching the agreement on the legal language acceptable for opposing sides was quite challenging. As can be ascertained from the parliamentary debates, the main problem was related to the indication of "sexual orientation" and "gender identity" as possible grounds for discrimination. Several MPs from the ruling Georgian Dream party, representatives of parliamentary and non-parliamentary oppositions and representatives from Orthodox Church actively stated that it was unnecessary to specify the types of discrimination in the bill's final version.

It is also evident that the indication of these terms in the draft law was problematic and electorally disadvantageous for the incumbents due to its unpopularity and existing public attitudes towards minorities during that time in Georgia. For instance, the World Values Survey of 2010-2014 indicates that approximately 87% of Georgian citizens noted that they would like not to have sexual minorities as their neighbours (World Values Survey, 2014, p. 14). Also, the NDI-consulted survey on public attitudes in Georgia demonstrated that even though 62% of the Georgian populace at the national level considered that protection of minority rights was essential to the country's democratic advancement, protection of the rights of sexual minorities was regarded as considerably less significant compared to other groups of minorities such as

religious and ethnic ones (National Democratic Institute, 2014, pp. 31–32). From the very beginning, the Patriarch of the Georgian Orthodox church addressed the Parliament and urged it to delay the adoption process of this law. The pressure from patriarchy coupled with opposing domestic public attitudes towards minorities represented a considerable obstacle for this law to pass. As the interviewees noted, during that time, the Orthodox Church had opinion-making power in the country and enjoyed immense public trust, therefore it was important for the incumbents to find common grounds with “*veto players*” to avoid confrontations within different groups of society.

“ The process was quite difficult, and until the last moment, we thought that the state would back down because this law was highly contested by one the most powerful institutions in Georgia-Orthodox Church. They were supported by several politicians even. As you may know, public officials in Georgia and the state have to step back when they make an unacceptable decision for the church”(Representative of PHR, online interview, 29 April 2021)

As it seems from the first two parliamentary hearings, the ruling Georgian Dream party attempted to somehow compromise with “veto players” and, simultaneously, to ensure the law’s passage. During the first parliamentary hearings, the “veto players” especially conservatives from the Orthodox Church, frequently noted that the law was against “Georgian morals”, and the respective authorities had to take this into account. As it turned out, during the second parliamentary hearings, the legislators reflected these claims in the legal text. This became clear when the 2nd article of the draft was changed in line with conservative factions’ “asserts”.

Table 2 – “Article 2-Notion and Prohibition of Discrimination”-Comparison of the first and final drafts of the law on anti-discrimination

Draft during the first Parliamentary Hearing	Draft during the second and third hearings(final version)
<p>“Article 2 - Notion and prohibition of discrimination</p> <p>2. Direct discrimination is the kind of treatment or creating the conditions when one person is treated less favourably than another person in a comparable situation on any grounds specified in Article 1 of this Law or when persons in inherently unequal conditions are treated equally in the enjoyment of the rights provided for by the legislation of Georgia, unless such treatment or creating such conditions serves legitimate purpose and is necessary in a democratic society, and the means of achieving that purpose are appropriate“ (The Parliament of Georgia, 2014b)</p>	<p>“Article 2 - Notion and prohibition of discrimination</p> <p>2. Direct discrimination is the kind of treatment or creating the conditions when one person is treated less favourably than another person in a comparable situation on any grounds specified in Article 1 of this Law or when persons in inherently unequal conditions are treated equally in the enjoyment of the rights provided for by the legislation of Georgia, unless such treatment or creating such conditions serves the statutory purpose of maintaining public order and morals, has an objective and reasonable justification, and is necessary in a democratic society, and the means of achieving that purpose are appropriate“ (The Parliament of Georgia, 2014b, 2014b)</p>

Based on comparative analysis of the first and second drafts of the law on anti-discrimination, one can see that the second draft encompassed more “consensus-based” legal language aiming at compromising with conservative “veto players” through outlining the following words in the draft: *“public order”* and *“morals”*. To be more precise, the second article of the first draft regarding the notion and prohibition of discrimination specified the legal basis according to which discrimination can be justified based on “legitimate purpose”, however, during the second hearing of the draft, the words *“legitimate purpose”* was changed with the following words *“maintaining public order”* and *“moral”*. Even though the inception of these words did not substantially change the justification grounds for discrimination and did not water down the law substantially, still it showed us how the Georgian incumbents compromised with conservative “veto players” to decrease the tensions at the domestic level. As it turned out, the EU was fine with these words’ inception in the final version of the draft, as none of the VLAP progress reports labelled these amendments as shortcomings of the law. Nevertheless, this is a clear instance of how the Georgian incumbents and the EU “compromised” with the conservative “veto players” during that time.

It should be highlighted here that Delcour and Wolczuk found in their article that despite Georgia’s support for democratic values, the country has an antagonistic approach to certain types of EU values. In this matter, they outlined the examined case on anti-discrimination and highlighted that whilst the law was being adopted, it somehow “damaged” the local perceptions towards the EU as a value promoter (Delcour & Wolczuk, 2021, p. 164). In 2015 approximately 45% of Georgian citizens noted that the EU “harms” Georgian traditions, almost 15% rise over the previous years’ results. This considerable increase in unfavourable public perceptions towards the EU has been connected to the EU-promoted anti-discrimination law’s inception in Georgia (Delcour & Wolczuk, 2021, p. 164; EPF, 2016, p. 8)

From rule adoption to rule application

Finally, the law was adopted on May 7, 2014, and the second VLAP progress report positively assessed the adoption process. However, the report highlighted that some changes should be considered if found essential for its effective implementation (European Commission, 2014, p. 7). Here, one may argue that during that time, when the law was being adopted, the EU could push this particular democratic reform even further by supporting the incorporation of effective law enforcement mechanisms in line with the very first draft of the law and recommendations provided by Amnesty International, however, as it seems, due to the domestic pressure, negative public attitudes towards this particular reform, the EU opted for an incremental approach (Representative of the EU Delegation to Georgia, online interview, 26 April 2021). The latter refers to a situation when the EU firstly supports certain democratic institutional change in the third country by ensuring the creation of a legal basis/framework and then attempts to increase the public support and assure capacity building towards the substantial institutional change through a step-by-step approach. This assertion can also be seen in the third VLAP progress report, according to which benchmarks regarding anti-discrimination law were considered almost fulfilled. Although, it was highly recommended that the respective Georgian authorities raise public awareness regarding the reform on different levels and ensure ongoing legal specialists' preparation in close collaboration with civil society, international organizations, and sponsors (European Commission, 2015a, p. 10).

It is important to remember that the rule adoption process does not necessarily end in rule application per the external governance theory. Several factors may hinder the implementation process of certain democratic institutional changes. Therefore, to explore this in-depth, the main shortcomings should be highlighted regarding the implementation process of this particular reform and then explore the ways and strategies the EU has used to address these challenges in the examined case.

Considering the challenges that this institutional change underwent during the adoption process, it is not surprising that the following-up phase, namely, the implementation stage, also became

quite challenging. The author assumed that once Georgia met the EU demanded requirements per the VLAP where the apparent stimulus was on the place for Georgian incumbents to opt for this institutional change despite the reform's unpopularity and existing domestic pressure, it would be even more challenging for the EU to further push implementation process of this particular reform without additional incentive for the incumbents. However, according to the interviewee from the EU Delegation to Georgia, there is still another “hidden” constant factor for the country to follow the recommendations from the European Commission and to assure that none of the benchmarks of the VLAP is backtracking. This continuous stimulus, “a negative reinforcement-lite” instrument, is incorporated under the so-called suspension mechanism for Visa-free benefiting third countries like Georgia.

“there is a possible suspension mechanism if conditions change drastically compared to the period when it was granted. So there is still [...] an incentive for the Georgian government to implement the law on anti-discrimination.” (Representative of the EU Delegation to Georgia, online interview, 26 April 2021)

The Visa-free regime suspension mechanism: a constant “conditionality-lite” for Georgia’s “anti-discrimination law”?

This mechanism was first included in the EU’s foreign policy in 2013. From the very beginning, it was envisaged for EU member states that in the event of a significant rise in illegal migration from the partner nations, the procedure would allow for the temporary suspension of visa exemption for third countries for a limited period (European Commission, 2020). Interestingly, after four years of the inception of this mechanism, the European Parliament and the Council opted for a revised instrument in 2017. Per 2017 revisions, the European Commission became responsible for overseeing and reporting to the European Parliament and Council regarding the continuous completion of visa liberalization benchmarks and conditions by Visa-free benefiting third countries (European Commission, 2020).

This new mechanism set the additional obligation on the Commission to do the following tasks. The Commission shall track and monitor the ongoing implementation of respective VLAP benchmarks in Visa-free benefiting third states and report to the European Parliament and Council at least once annually in this matter (European Commission, 2020). According to this new instrument, the suspension process may now be activated by EC in case a particular set of requirements under VLAP are no longer appropriately fulfilled by third countries (European Commission, 2020)

Overall, three reports were written under the so-called visa suspension mechanism. However, as it seems, these reports do not fully cover and assess all the policy areas envisaged under VLAPs. According to the official explanation, reports do not encompass assessments on benchmarks that are perceived stably implemented. Therefore, the reports merely emphasize conditions defined explicitly for each region, where further oversight and intervention are required to assure the continuity of the changes and sustained enforcement of respective reforms (European Commission, 2020). Eventually, these reports outline certain steps that partner countries should take to implement respective reforms properly.

Interestingly, based on the analysis of Visa Suspension Mechanism reports on Georgia, it is worth noting that only the first report published in 2017 gave Georgian authorities recommendations regarding the adoption of new amendments to the anti-discrimination law to assure its effective and successful implementation (European Commission, 2017, p. 12). The second and the third reports did not evaluate the situation in Georgia regarding anti-discrimination law's implementation as benchmarks were considered stably implemented (European Commission, 2018, p. 1). However, as it seems, it is not specified exactly what type of situations the EU perceives as unstable or stable in terms of particular reforms' implementation. More precisely, the author revealed that the circumstances that will hint and indicate EU authorities on an inadequate or partial implementation of specific reforms per the VLAP are blurry and vague. It is unclear what the red line for the EU is and why the EU perceives that this particular benchmark on anti-discrimination law in Georgia is stably

implemented. Here, it should be highlighted that one of the interviewees noted that this particular reform on anti-discrimination under VLAP has not been implemented stably so far. Based on this person's perceptions, the most alarming shortcoming of the anti-discrimination reform since its adoption is its partial implementation due to poor "court practice" and negative attitudes towards this reform not only on social but also on the public institutions level. As the interviewee outlined, the effective implementation of this law is also hampered by the fact that people working in respective public institutions do not believe and share the values enshrined in this legislation (Representative of Partnership for Human Rights, online interview, 29 April 2021). Here, it also should be underlined that the recently published Freedom House's report on Georgia also highlights the problem of "*uneven enforcement*" of anti-discrimination law. It demonstrates that even though the statute attempts to protect targeted groups of the law, "it is enforced unevenly" by respective public authorities (Freedom House, 2020). Therefore, as it seems, the perceptions regarding the implementation phase of this particular democratic reform are different. The EU perceives it as stably implemented, whilst other Western institutions, such as Freedom House, indicates the poor and/or partial implementation in this matter.

Before going into details regarding how the EU attempts to assure effective implementation of this law, the author wants to highlight an interesting pattern that can be ascertained from the Georgian Parliamentary database. As the Georgian Parliamentary database indicates, from 2014 till 2018, there have been several legislative proposals from pro-Russian affiliated party members, namely, Alliance of Patriots of Georgia, and various individuals, representatives of different civil society organizations to make substantial amendments to already existing rule on "Elimination of All Forms of Discrimination" in order to water down the scope of the law. In most cases, these legal proposals insisted on deleting "sexual minorities" and "gender identities" from the law. However, as it turned out, despite the considerable domestic demand to backtrack the law, none of these legal proposals went through even parliamentary hearings. The author assumes that, among several factors, these legal proposals did not go through parliamentary hearings due to the above-mentioned Visa Suspension mechanism. As it seems, the Visa

Suspension mechanism still guarantees that already existing institutional change in Georgia will not be backtracked substantially.

Per the interview with the representative of EU Delegation to Georgia, the EU's strategy towards promoting effective implementation of anti-discrimination law in Georgia without conditionality as such in place can be characterized as incremental. As this person mentioned during the interview, to support the effective implementation of the anti-discrimination law in Georgia, the EU is frequently assisting and consulting with civil society representatives and the Public Defender's institution in Georgia to monitor and audit the law's implementation. The EU Delegation to Georgia has close cooperation with the Public Defender's institution and publishes special reports regarding Georgia's anti-discrimination law's application annually. These reports outline recommendations for respective Georgian authorities to address the shortcomings of the law's implementation phase. Also, as the interviewee mentioned, the EU strongly supports and invests in the capacity building of Public Defender's institution that is directly responsible for law's implementation.

Per the negative public perceptions about this particular democratic reform on social and public institutions level, the EU attempts to support and invest in many anti-discrimination awareness-raising projects not only on the central but also on the rural level of the country in order to ensure equal delivery of the service in this regard (Representative of the EU Delegation to Georgia, online interview, 26 April 2021).

As it turned out, this network-based approach is aiming at, firstly and foremost, increasing public support towards this democratic reform at the domestic level to create domestic demand for its effective implementation. As it seems, the EU tries to set long-term goals and is not determined to see rapid outcomes from a short-term perspective. This claim can be ascertained from the EU official documents, specifically from the respective four VLAP progress reports and from the interviews with the representative of the EU delegation to Georgia (Representative of the EU Delegation to Georgia, online interview, 26 April 2021). Interestingly, this person has also noted that after detecting initial shortcomings in terms of reform's implementation, it was far from easy

to rapidly address these challenges and translate them into respective legal amendments due to the unpopularity of the reform. As this person underlined, even discussions about this law appear to be difficult on the highest legislative level in Georgia. Therefore, substantive changes in the legislation aiming to strengthen rule implementation mechanisms took longer when it was expected. It only became tangible and manageable through raising awareness on the political level. However, raising awareness on the political level was insufficient to push amendments solely for anti-discrimination law; therefore, the EU was waiting for a right moment, a “*window of opportunity*” to link crucial amendments of anti-discrimination law to another law package. More precisely, in 2019, some legislative amendments occurred under the law package on “protecting women against violence”. This law package also encompassed provisions regarding strengthening the Public Defender’s institution to implement anti-discrimination law effectively.

“ I mean the whole issue of that law(anti-discrimination) actually seems to be so difficult to discuss in Parliament, so the promised changes took longer. But we did it based on the findings of reporting and monitoring. [...]We have been raising a lot on the political level because that is our another strain of work, or pillar [...]we have the technical assistance and the operational parts, but then we have of course also policy for political dialogue [...] luckily I think it was in 2019, together with some amendments on the law regarding women and domestic violence and there was finally the opportunity to change the law(anti-discrimination) that would strengthen the mandate of the Public Defender in that regard”(Representative of the EU Delegation to Georgia, online interview, 26 April 2021)

The EU’s strategy towards this particular reform’s implementation in Georgia can be characterised as incremental one based on a bottom-up approach. Furthermore, by this step-by-step approach, the EU attempts to assist respective Georgian state authorities’ with capacity building. Also, to change relatively negative public attitudes and increase the credibility towards this particular reform, the EU opted for increasing awareness regarding the necessity of

this particular democratic institutional change not only on the societal but also on the political level.

Interestingly, Delcour and Wolczuk has also outlined in their article that monitoring and special assistance from the EU in order to ensure anti-discrimination law's effective implementation in Georgia has crucial importance as it leads to "*attitudinal change*" within the country (Delcour & Wolczuk, 2021, p. 164)

Summary and the main findings

This case study demonstrated that enacting of anti-discrimination law may be regarded as one of Georgia's crucial democratic institutional changes in 2014 after fierce debates in the Georgian Parliament. The general view of the main driving factor for this institutional change appears to be one of the most coveted "carrots" for Georgia, namely, the Visa Liberalization process. It is perceived that in case of the absence of such incentive, incumbents would be unlikely to pass the legislation due to existing "veto players" who have created solid domestic resistance to the bill's passage. As it turned out from the EU official documents and interviews with respective respondents, the EU attempted to ensure the adoption process of this democratic reform based on the principles of transparency and participation. However, despite openness and widespread participation in the drafting process before the bill's legislative hearings, the tabled draft version was highly contentious due to the unpopularity of the reform and sudden changes that considerably limited the law's capacity to be effectively enforced in the future.

As it turned out, the adoption of the anti-discrimination reform in Georgia negatively reflected in domestic public perceptions about the EU as a value promoter. The paper assumes that these negative domestic perceptions have also determined the EU's cautious strategy in the following years aiming at supporting reform's effective implementation incrementally. As the case study demonstrated, due to domestic pressure, relatively negative public attitudes towards the reform, and the reform's unpopularity, the EU chose a phased and careful way to push the implementation of this reform without conditionality in place. The EU first attempted to induce this democratic reform in Georgia by establishing a respective legal framework. Then, through

incremental strategy, aiming to increase the credibility of this “revolutionary” institutional change by investing in awareness-raising campaigns regarding anti-discrimination policy both at societal and political levels. Also, to support the effective implementation of this particular reform, the EU invested in capacity building of Public Defender’s institution that is directly responsible for the reforms effective implementation and monitoring.

Besides, as it appears, the EU’s Visa Suspension Mechanism represents another continuous factor for Georgia not to backtrack the anti-discrimination law substantially despite the unpopularity of the reform at the domestic level. This continuous form of stimulus, “*a negative reinforcement-lite*” instrument, can be perceived as a guarantor for maintaining already existing democratic change without substantial reversion. However, as it seems, the EU’s perceptions about the quality and effectiveness of the implementation phase of this democratic reform differ from the domestic and other international organizations’ perceptions in this matter. This case study showed that the EU’s attempts to induce this particular democratic reform in Georgia have patterns of network-based governance. The EU tries to support the effective implementation of this particular institutional change based on the following tools at its disposal: capacity building, permanent monitoring and auditing, consultancy, and annual scrutiny. Also, this case study revealed that in the absence of public support towards particular democratic reform in Georgia that is in line with the EU values, the EU attempts to increase the law's domestic credibility to generate domestic demand for its successful implementation via “*attitudinal change*”. For the latter, the EU attempts to raise awareness about the significance of this particular democratic reform both locally and centrally at the social and political levels.

The second case study-the EU-brokered March 8 Agreement in Georgia

The following paragraphs introduce the second case study regarding the March 8 Agreement that occurred in Georgia in 2020. The next sections are organised in the following way. It starts with introducing the context in which the March 8 Agreement emerged. Then, the content and perceived significance of the agreement is thoroughly covered. After that, the paper illustrates the perceived role of the EU in the political dialogue and facilitation process over the March 8

Agreement and in its effective implementation. Then, the updated concept of the EU's mediation and its role in solving the domestic crisis and simultaneously inducing democratic reforms in third countries like Georgia is thoroughly analysed. The final paragraph sums up the main findings and draws some conclusions about the ways the EU tries to induce democratic reform in Georgia in the absence of conditionality as such in place.

Context

In recent years, Georgia has undergone several constitutional amendments in terms of state arrangement. Since 2018, in the aftermath of the enforcement of a new constitution, the country evolved from a semi-presidential to parliamentary system of government that envisaged substantially strengthened role of the parliamentary oversight in the country's democratic governance (Civil.ge, 2018). The significantly increased role of the parliament required several amendments to Georgia's Constitution and thus in the country's electoral code. Per the amendments to the Georgian Constitution made in 2017, the country should have transitioned to a fully-proportional voting system by 2024 (Civil.ge, 2019). However, due to the major political developments in Georgia, altering the Georgian constitution over the electoral system was promised even earlier in June 2019. This promise derived from the protests in Tbilisi triggered by the Russian delegation's presence at the so-called "*Inter-Parliamentary Assembly on Orthodoxy session*" in the parliament's plenary chamber on June 20, 2019 (Civil.ge, 2019). More specifically, a member of the Russian Duma, a kremlin-affiliated Sergei Gavrilov, visited the Georgian parliament and addressed the deputies from the head of the parliament speaker's rostrum. Georgian citizens perceived this behaviour as insulting and unacceptable, which sparked protests and demonstrations in the capital city (Civil.ge, 2019). Apart from the resignations of several political figures, one of the primary demands of thousands of protesters has been to replace the previous electoral system (hybrid system) with a new fully-proportional one for the 2020 October parliamentary elections (Civil.ge, 2019). In order to decrease tensions within the country, Bidzina Ivanishvili, the founder of the ruling Georgian Dream party, announced on June 24, 2019, that the 2020 parliamentary elections in Georgia would have been held under an utterly proportional system with no entry threshold for political parties. This promise was widely

welcomed and assessed positively as it was in line with the international recommendations, domestic needs and demands. Considering that since 2018 Georgia opted for a parliamentary system of governance, this fully proportional electoral system was perceived as an important opportunity that would assure power-sharing in the Georgian parliament, which is one of the most crucial elements of the parliamentary democracy in general (Representative of Transparency International Georgia(TIG), online interview, April 16 2021; UNDP, 2019). Also, the transition to a fully-proportional system for 2020 parliamentary elections was perceived as a crucial institutional change for creating a consensus-based coalition government that would immediately address Georgia's deep-rooted problem of one political party dominance in the country's governance process (Representative of Transparency International Georgia(TIG), online interview, April 16 2021; UNDP, 2019).

However, after five months of this announcement, the ruling Georgian Dream party failed to deliver its long-promised electoral reform. This failure to deliver a new system for the 2020 parliamentary elections sparked another severe demonstration in the capital city, and the country entered a political crisis mode (Civil.ge, 2019c).

The EU's crisis-driven mediation regarding the March 8 Agreement in Georgia

Massive protests coupled with political elites' inability to communicate constructively led the country into political deadlock. As October 2020 parliamentary elections were approaching, political destabilization was regarded as the least desirable occasion in the country. The domestic pressure insisting on adopting a long-awaited electoral reform was considerably high that Georgia's Western allies decided to step in the process and help the country find a way out of this political impasse. Despite frequent protests and rallies, as all the interviewees underlined, it was improbable that the governing party would have reconsidered its decision in the absence of the engagement of Georgia's Western partners in the process, including the EU (Representative of the Parliament of Georgia, online interview, April 16 2021; Representative of TIG, online interview, April 16 2021; Representative of UNM, online interview, May 3 2021).

As it is known, the ambassadors of the EU, Germany, the U.S and the Council of Europe called all the major political parties to partake in their brokered negotiations. After five rounds of extensive negotiations, the Georgian political elites from both opposition and ruling parties agreed to change the status-quo (mixed electoral system) and move to a fairer and more proportional system for the 2020 parliamentary elections. The agreement was reached on March 8 2020. Reaching the agreement was characterized as groundbreaking and a historical accomplishment that would substantially pave the way for Georgia's further advancement of its parliamentary democracy. Josep Borrel Fontelles highlighted that: *"March 8 Agreement in Georgia was a historic achievement"* (Civil.ge, 2020d).

Also, the European Parliament adopted a resolution on September 16, 2020, regarding the implementation of the EU Association Agreement, that positively assessed the content of the agreement and the fact that major political parties managed to compromise and found the way for the country out of crisis through establishing a new, temporarily established system for 2020 parliamentary elections (European Parliament, 2020a).

The significance of the March 8 Agreement in Georgia's struggle for democracy

The March 8 Agreement encompassed two significant provisions. The first provision of the agreement clearly stipulated constitutional amendments related to introducing a new electoral system, and the second provision was connected to justice-related issues (U.S Embassy in Georgia, 2020a). As the interviewees mentioned, the first part of the agreement was relatively detailed and explicit compared to the second provision regarding justice-related issues. Some interviewees noted that the agreement's second provision was quite vague (Representative of the Parliament of Georgia, online interview, 16 April 2021; Representative of UNM, online interview, 3 May 2021). Although both provisions were aiming at overcoming political deadlock in the country by creating a special environment for conducting free and fair 2020 parliamentary elections in Georgia.

Table 3-The EU-Brokered March 8 Agreement's Provisions

The March 8 Agreement's Provisions:	Clear Provision	Vague Provision
The first provision regarding amendments to Georgia's Constitution on Electoral System	<ul style="list-style-type: none"> establishing a special electoral system for 2020 parliamentary elections to assure more proportionality principle at the highest legislative body of the country(120/30 formula with 1% threshold and introduction of a special "capping" mechanism) 	X
The second provision on perceived justice-related Issues	X	<ul style="list-style-type: none"> the significance of ensuring high standards in Georgia's judicial system; dealing with activities that might be viewed as improper

		politicization of Georgia's judicial system
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*Author's analysis based on the source: (U.S Embassy in Georgia, 2020a)

The first provision of the agreement was a critical component of the deal. The agreement called for revisions to Georgia's constitution and electoral code. More specifically, it encompassed the adoption of a more proportional system with 120 mandates distributed proportionally and 30 mandates based on the majoritarian single-mandate system with a 1% threshold. In addition, it encompassed a special "capping mechanism" ensuring that any political party that would receive less than 40% of the vote during the election was not allowed to form a majority in the parliament (The Parliament of Georgia, 2017; U.S Embassy in Georgia, 2020a).

Table 4 Electoral Systems in Georgia before and after the EU-brokered March 8 Agreement

Electoral Systems for Parliamentary Elections in Georgia	Before March 8 Agreement	After March 8 Agreement (Specially Designed Electoral System for 2020 Parliamentary Elections)
Proportional Seats	77	120
Majoritarian Seats	73	30
The threshold for political parties to be admitted to the Georgian parliament	5%	1%

Sources:(The Parliament of Georgia, 2017; U.S Embassy in Georgia, 2020a)

Even though indicated amendments were considered as crucial advancement of the status-quo intending to change the electoral system and ensure more fairly redistributed seats in the parliament of Georgia, it did not substantially address Georgia's electoral code that would assure a better electoral environment as it was recommended by OSCE/ODIHR (Representative of TIG, online interview, April 16 2021)

Due to shallow power-sharing practice at the Georgian Parliament, the country had a pattern of one party dominance during the last decades. Smaller political parties have struggled to access Georgia's parliament due to the comparatively high entry threshold. As it appears, based on the interviewees' perceptions, the old electoral system deepened a tense and polarized political environment during the last decades in Georgia (GIP, 2021). Therefore, the introduction of this new electoral system aimed at ensuring political pluralism and broader representation of different political parties at the highest legislative level of the country. Besides that, as the paper already outlined, the country was in political crisis mode, and the envisaged introduction of respective democratic reform under this agreement was used to ensure political stabilization in the country.

“ This agreement was significant to achieve political stabilisation, because back then the country was, as it is right now, unfortunately, in the tense political environment, and on the other hand, the constitutional amendments were aiming at increasing the opposition representation in the parliament.[...] As a result of the March 8 Agreement, opposition parties have more seats than ever, and the political balance shifted towards benefiting the opposition more than ever before. “ (Representative of the Parliament of Georgia, interview, April 16 2021)

The second pillar of the agreement attempted to address the perceived politicised justice system to eliminate any inappropriate politicisation of judiciary that would deteriorate the political situation and the possibility of ensuring a free and fair environment for 2020 parliamentary elections (U.S Embassy in Georgia, 2020a). Interestingly, even though the agreement outlined the perceived politicised justice-related concerns, it did not indicate explicitly any specific

measures or cases that needed to be addressed by relevant authorities in Georgia. However, one of the interviewees directly involved in the negotiations highlighted that during the closed-door meetings, several criminal cases were brought up during the discussions, namely the cases over alleged political prisoners Gigi Ugulava, Irakli Okruashvili, and Giorgi Rurua (Representative of the Parliament of Georgia, online interview, April 16 2021). As it turned out, the following reasons can explain why the agreement did not stipulate precise measures and cases that needed to be addressed in the justice-related cases. Firstly, it was beyond the official mandate of political parties, and it was a mandate of a judge. Secondly, it was complicated for facilitators to finger point that specific legal outcomes should be delivered as it was beyond the facilitators' intentions and could be perceived as interference in Georgia's justice system (Representative of the Parliament of Georgia, online interview, April 16 2021).

The perceived role of the EU in the political dialogue and facilitation over the March 8 Agreement

Based on the interviewees' perceptions, reaching the agreement would be implausible without Georgia's European and American partners' engagement in the process. As it seems, among several factors, one of the main perceived reasons in this matter is an immensely polarised political environment within the country. Also, as can be perceived, respective political actors, both from ruling and opposition parties, lack the ability to compromise and discuss political issues constructively.

As one of the interviewees noted, in this tense political situation, the EU attempted to create a special platform for political parties and to advocate for reaching some common grounds. The venue that ambassadors of the EU, U.S, Germany and Council of Europe created was the only possibility where political parties could communicate to each other to compromise and stabilise the political climate in Georgia. However, due to the polarized political environment within the country, it was far from easy for the EU to find common grounds for political parties to reach an agreement.

Overall, five rounds of negotiations took four months to get the parties to agree on stipulated electoral reform. As all the interviewees mentioned, facilitators were the ones who found the middle ground for the political parties and formulated respective proposals (Representative of the Parliament of Georgia, online interview, April 16 2021). Here, it should be highlighted that when it comes to the EU's mediation strategies, as Bergmann and Niemann outlined in their article, there are three different mediation strategies that the EU can use: "facilitation, formulation and manipulation" (Bergmann & Niemann, 2015). Whilst facilitation can be perceived as an instrument with the least amount of intervention, meaning that the mediator's function is mainly that of dialogue and knowledge conduit between sides rather than making practical suggestions for a resolution, formulation refers to a more proactive approach according to which the mediator has a more significant influence on negotiations through formulating resolution alternatives, offering significant consensus-based proposals. The "most interventionist" strategy is deemed to be "manipulation", which refers to a situation when the mediator has greater power over negotiations and formally controls negotiations through using punitive measures and/or using positive incentives, similar to a formulation approach (Bergmann & Niemann, 2015).

In this particular case over the March 8 Agreement, as can be ascertained from the interviewee's perceptions who was directly attending all the negotiations, the EU's facilitation process clearly had a pattern of the following mediation strategy, namely, "formulation". As the facilitators have not merely created a platform for political parties to reach a consensus, but they helped the parties to find a middle ground during the negotiations through respective reform's formulation.

As already noted, four ambassadors moderated this mediation process. Interestingly, one of the interviewees directly involved in the negotiations perceived that the ambassadors of the EU and the U.S had the leading roles in the moderation process of these negotiations. Also, as ascertained from the interviews with respective respondents, all the moderators of facilitation had coordinated and integrated approaches during the process. As a result of this joint effort of Georgia's Western partners, including the EU, the western diplomatic pressure at the domestic

level was perceived stronger than it would have been without coordination and integration of facilitators' stances.

“There were four ambassadors involved in the process. Obviously, the EU and US had the leading roles. Although, the German ambassador and head of the Council of Europe delegation have been very active in this process, and all four of them were on the same page for the time. I have basically participated in all the meetings they have facilitated, and they have organized. There were five meetings in total, and in all these five meetings, they were on the same page. No disagreements, no different opinions that I have observed” (Representative of the Parliament of Georgia, online interview, April 16 2021)

“Well, I think that the European Union played an important role, but I think that we have to keep in mind that this was a joint effort of the EU and the United States, and I think that in the end, what we see is that it is a coordinated and integrated effort which has an impact (Representative of United National Movement, online interview, May 3 2021)

Most interestingly, as the interviewees' answers revealed, this facilitation process had a pattern of network governance. The facilitation process was perceived as attempts from moderators to encourage all involved parties to compromise to reach the agreement. The facilitation process was not perceived as hierarchical. As already highlighted in the theoretical chapter of the thesis, this term of network governance implies collaboration where involved sides are formally on an equal level. Still, it does not exclude the power imbalances, but it refers to a situation where involved parties enjoy almost equal institutional rights, and neither side may bind the other to a specific measure without the latter's approval (Lavenex & Schimmelfennig, 2009). This mode of governance includes instruments that mainly offers and recommends procedural forms of interaction and mainly emphasises the importance of reciprocal consensus. Networks are frequently referred to as negotiation platforms in which many possible conflicts of interest are

sorted by mediation and voluntary compromise as a result of negotiations rather than through legislative and authoritative measures (Lavenex & Schimmelfennig, 2009).

“First of all, they(ambassadors of the EU and the US) have never taken sides, so their role was not to dictate what to do or to impose their opinions on others. Their role was to encourage everyone around the table to give up something and get closer to each other in terms of reaching an agreement[...] Their role has been really advocating for reaching some common grounds both with the opposition and with the ruling party” (Representative of the Parliament of Georgia, online interview, April 16 2021)

Besides, as it seems, in this particular case, the moderators, including the ambassador of the EU, were attempting to make Georgian political parties compromise merely based on using political dialogue and mediation as a tool. There were no specific offers or threats regarding the possible use of the so-called negative/positive conditionality principle by the facilitators during the negotiations in order to reach the agreement (Representative of the Parliament of Georgia, online interview, April 16 2021; Representative of UNM, online interview, May 3 2021).

The EU's role in the March 8 Agreement's implementation

Two days after reaching the agreement, several members from European Parliament published a joint announcement that positively assessed the agreement. The European Parliament praised all involved political parties of this *“arduous political dialogue”* for overcoming their narrow party-agenda interests aiming at protecting the broader interest of Georgia (European Parliament, 2020b). Still, it was highlighted in the official statement that assuring full implementation of the agreement was crucially significant. The country should have ensured swift adoption of respective constitutional electoral amendments and addressed perceived politicised justice-related cases to guarantee a free and fair environment for parliamentary elections and decrease the political polarization within the country (European Parliament, 2020). Correspondingly, the main question that arose after reaching the agreement was related to its

implementation, specifically, the extent to which the agreement would be translated into substantial institutional changes.

Three days after the conclusion of the negotiations, the ruling party proposed a bill on electoral reform in full compliance with the agreement (Civil.ge, 2020). Also, a special constitutional commission was formed to discuss and monitor the bill proposing constitutional revisions over the new electoral system (Civil.ge, 2020). However, the implementation of the March 8 Agreement was at stake when all Georgian opposition parties addressed the mediators accusing Georgian Dream of not adhering to the “spirit” of the agreement by maintaining alleged political prisoners in the country (Civil.ge, 2020). More specifically, opposition parties claimed that the agreement envisaged the release of perceived political prisoners (Irakli Okruashvili, Giorgi Rurua, Gigi Ugulava), whilst Georgian Dream refused these accusations and highlighted that these cases were not part of the deal (Civil.ge, 2020). As it seems, due to the vagueness of the second provision of the agreement, political elites both from the ruling and opposition parties had enough room for different interpretations. Disagreements over alleged political prisoners threatened the adoption of respective constitutional amendments of the electoral system.

Even though these two provisions of the agreement had utterly different content, they were intertwined, and the successful implementation of the agreement was highly dependent on each consisting parts. The opposition parties started to trade accusations regarding the potential failure of constitutional reform on the new proportional electoral system for the country (Civil.ge, 2020e). As it turned out, these different interpretations, perceptions and disagreements between ruling and opposition parties made it clear for the EU that the agreement's implementation would be pretty challenging.

When these disagreements reached the peak, and the implementation of the agreement was at stake, one of the members of the European Parliament, the chair of the delegation to the Euronest Parliamentary Assembly, namely, Andrius Kubilius, published an official statement explicitly encompassing “threats” over the possible use of the so-called negative conditionality mechanism. More specifically, he stated that significant support from the EU and other international partners

amounting to approximately 500 million euros for Georgia would be conditional on Georgia's commitments to implementing the March 8 Agreement and several reforms in the areas of the electoral system, economic governance, elimination of corruption and the rule of law (Civil.ge, 2020g). One day after publishing this statement, the President of Georgia, Salome Zurbashvili, pardoned two out of three perceived "political prisoners", namely, Irakli Okruashvili and Gigi Ugulava, aiming at depolarizing the political climate in Georgia and ensuring successful implementation of the March 8 Agreement with its stipulated reforms (Civil.ge, 2020h).

Since the President of Georgia did not pardon the third alleged political prisoner, Giorgi Rurua, opposition parties considered this a severe breach of the deal. They published a joint letter specifying the release of Giorgi Rurua as a precondition for them to vote for electoral amendments in the second and third parliamentary hearings (Civil.ge, 2020i; Representative of UNM, online interview, May 3 2021). As it is known, the adoption of constitutional amendments in Georgia requires a high quorum. More specifically, 3/5 of the parliamentarians have to support constitutional amendments. Once some of the opposition parties refused to participate in the parliamentary hearings, the amendments were on the verge of being approved or rejected (Representative of the Parliament of Georgia, online interview, April 16 2021). It was followed by additional joint statements by the facilitators of the political dialogue urging all sides to avoid any "inappropriate politicisation of Georgia's judiciary and electoral processes" and support the pending constitutional amendments. Also, it was highlighted that facilitators would closely monitor the ongoing processes (U.S Embassy in Georgia, 2020b). Despite these confrontations among political parties within the country, on June 29, the Georgian Parliament adopted respective constitutional amendments introducing a new electoral system in full compliance with the March 8 Agreement. Even though two opposition parties, namely the United National Movement (UNM) and European Georgia (EG), refused to partake in the third hearing of these amendments, the parliamentary quorum was enough to pass stipulated constitutional amendments (Civil.ge, 2020j).

As the interviewees and official comments from the EU revealed, there are different perceptions about the importance and effectiveness of the March 8 Agreement. On the one hand, respective authorities from Georgia and the EU assessed the agreement as a successful step towards democratic consolidation within Georgia and labelled it as one of the most important political developments during the last few years. Considering that stipulated constitutional amendments have been adopted in full compliance with the agreement, one may argue that the agreement resulted in respective democratic institutional change and may be defined as successful in this matter. On the other hand, representatives of the largest opposition party in Georgia, namely the UNM, perceived the agreement as less successful and impactful due to its partial implementation over perceived politicized justice-related cases, which in itself challenged the effective implementation of the first provision over electoral reform. Based on the perceptions of the biggest opposition party representative, Georgia's Western partners who have brokered the agreement have not pushed the Georgian incumbents to implement it fully, limiting the scope of its impact (Representative of UNM, online interview, May 3 2021). The paper assumes that these different perceptions about the actual importance and effectiveness of the agreement significantly deteriorated the "spirit" of the concurrence.

As it seems, reaching the agreement became possible through the EU's joint and coordinated efforts with the U.S. More precisely, the EU's mediation strategies, namely, facilitation (with patterns of formulation), helped Georgian political elites compromise on essential topics to maintain the country's political stabilisation and advance democracy through respective electoral reform. Although, as it turned out, the implementation phase of the agreement needed "stricter" language and several members of the European Parliament started to threaten Georgian political elites on the possible use of the so-called negative conditionality in terms of not adhering to the "letter and spirit" of the agreement.

Mediation as the EU's foreign policy tool for inducing democratic reforms in the third countries

Interestingly, on December 7 2020, the European Union Council published a conclusion on “EU Peace Mediation”. This conclusion introduced an updated concept of mediation, and the main emphasis was put on the importance of using mediation more proactively. This conclusion positioned mediation as an essential instrument for the EU's external involvements, pledging mediation as a fundamental aspect of the EU's foreign policy (Council of the European Union, 2020b; Youngs & Panchulidze, 2021). This concept of mediation depicts the EU as a value-based entity prioritizing the protection of human rights, fundamental freedoms, equality and democracy in its external engagement. It highlights that mediation can be used as an essential tool for democracy promotion and suggests that it may be applied to internal crises and not merely for overcoming conflicts between different states. The conclusions of the Council of European Union regarding the “EU Action Plan on Human Rights and Democracy for 2020-2024” also underlines mediation as an essential tool that EU Delegations can use in order to establish discussions with local governments and civil society representatives (Council of the European Union, 2020a; Youngs & Panchulidze, 2021). Even though this conclusion over mediation as the EU's foreign policy tool to overcome political crisis and induce democratic reforms in third countries was published after the examined case over the March 8 Agreement, as it turned out, the EU had already used mediation as one of its foreign policy instruments in Georgia to promote particular democratic reforms' adoption and implementation. However, it should be noted here that the EU as a mediator has a long and effective track record in solving foreign conflicts, ensuring peace talks and managing local crises in the Western Balkans (Bergmann & Niemann, 2015). There is a general perception that the EU is successful in its political mediation and facilitation in nations seeking to be close to the EU politically (Kakachia & Lebanidze, 2021). Those are the countries from the Western Balkans that have an EU membership perspective. In these states, the EU frequently serves as a mediator (Kakachia & Lebanidze, 2021). Although Georgia lacks the EU membership perspective formally, as it is perceived, there are significant parallels with the Western Balkan states and Eastern European associated states, among them

Georgia (Emerson, 2021; Kakachia & Lebanidze, 2021). As it seems, the EU's foreign policy instruments that are perceived to be successful in the Western Balkans are also used by the EU in Georgia to ensure political stabilisation and respective democratic reforms' adoption and implementation.

Summary and the main findings

This case study demonstrated that the EU had been actively involved in overcoming the political crisis in Georgia. The unstable political situation made it painfully apparent for the EU that Georgian political parties could not have a constructive dialogue to achieve a compromise-based agreement. Thus, the EU attempted to help Georgia by creating a special venue where ruling and opposition parties could communicate and reach a consensus over the adoption and implementation of respective electoral reform. The EU managed to utilize one of the mediation strategies, namely facilitation (with patterns of "formulation") to assure effective adoption and implementation of essential electoral reform in Georgia. This political crisis created a "window of opportunity" for the EU to ensure democratic consolidation in the country through inducing respective electoral changes. As it turned out, the EU attempted to induce the adoption of respective electoral reform within the country through linking its political dialogue and mediation to domestic public demands. Here, it should be noted that this facilitation process was a joint effort of the EU, U.S, Germany and Council of Europe. The moderators of this mediation had a coordinated and integrated approach to increase their diplomatic pressure and ensure respective democratic institutional change within the country. As it turned out, whilst internal factor (domestic public pressure) was coupled with external factor (Western diplomatic pressure), Georgian political elites realized that they could not challenge the situation anymore and decided to compromise and reach the agreement. As it appeared, the mediation process was not enough to ensure the agreement's successful implementation. Correspondingly, this mediation process was coupled with "threats" from several MEPs of European Parliament regarding the possible use of negative political conditionality, alarming Georgian political elites regarding linking EU's financial assistance to Georgia on the March 8 Agreements' effective implementation. A precise instance in this respect was a statement released by Andrius Kubilius

indicating that special financial assistance from the EU to Georgia would be linked to particular reforms' implementation (European Parliament, 2020).

As it seems, the mediation process itself helped Georgia overcome the political impasse and provided Georgian political elites with a robust platform to ensure consensus-based politics in the country. Also, this process demonstrated that the EU's tools at its disposal and its coordinated approach with the U.S had an effective influence on political processes in one of the frontrunners of EaP states. As Georgia is politically and economically profoundly connected to the EU, and the country's foreign policy towards Euro-Atlantic structures is the only alternative that Georgian incumbents can pursue, the EU's joint efforts with the U.S represents a significant factor that can push the adoption and implementation of crucial democratic reforms within the country (Kakachia & Lebanidze, 2021).

All the above-mentioned things demonstrate that the EU plays a significant role in Georgia and has the capability to influence the country's democratic advancement without conditionality as such in place through using its mediation strategy tools among major political actors. As already highlighted, the EU's role as a mediator and domestic crisis manager is not entirely a new phenomenon, and the EU had already used this mechanism in different EU candidate countries from Western Balkans (Kakachia & Lebanidze, 2021). In contrast to Western Balkan states, Georgia lacks the membership perspective, at least for the foreseeable future. However, similar patterns can be identified between this Black Sea region country and Western Balkan states when it comes to the EU's strategies and tools at its disposal to assure political stabilisation and induce respective democratic reforms. As already highlighted in the previous chapters, Georgia attempts to pursue its strategy of "*accession-by stealth*", which refers to a situation when a state acts as a country with a clear EU membership offer despite the absence of such perspective in place (Börzel & Lebanidze, 2015, p. 19). However, the immensely polarised political climate and parties' inability to communicate effectively make Georgia's European aspirations quite challenging (Kakachia & Lebanidze, 2021).

Nevertheless, the EU is widely supported by the Georgian populace and by civil society. Therefore, respective political elites realise that domestic support towards Georgia's European integration is so high that they are hesitant to oppose the EU's and US-led joint foreign pressure (Kakachia & Lebanidze, 2021). Thus, as it seems, the EU opted for using the same toolbox in Georgia as previously frequently used in Western Balkan states, namely, one of the mediation strategies. It should be highlighted here that even during the political deadlock that emerged after the 2020 parliamentary elections in Georgia, the EU again brokered a new agreement with the same toolbox at its disposal (European Council, 2021b). Also, the EU has tried to use this crisis to push additional democratic reforms in Georgia. Although this mediation process over the April 19 Agreement is not part of the analysis, the author considers that the EU has used the same toolbox during the March 8 Agreement. However, with a more interventionist mediation strategy, that is called "manipulation" in line with the provided definitions by Bergmann and Niemann (Bergmann & Niemann, 2015)

Conclusion

To conclude, scholarly publications on the EU's democracy promotion strategies outline that the EU primarily uses the following instruments to promote democracy: "democratic conditionality, political dialogue, and capacity building" (Börzel, 2010; Börzel et al., 2008; Börzel & Risse, 2004; Lebanidze, 2020b, p. 20; Schimmelfennig & Scholtz, 2008). These strategies were frequently used during the EU enlargement process and the EU incorporated its enlargement toolkit for the ENP countries' democratization process (Lebanidze, 2020b, p. 20). However, it is deemed that the lack of the membership perspective hindered utilizing democratic conditionality in ENP states, and Sasse labelled it as a "*conditionality-lite*" (Sasse, 2008). Simultaneously, new threads in the academic literature started to look at the EU's indirect means of democracy promotion in the ENP countries and "governance" based democracy promotion conception emerged (Freyburg et al., 2011; Lavenex & Schimmelfennig, 2011, 2012; Lebanidze, 2020b, p. 22). Although, after intensifying relations between the EU and its EaP associated member states primarily with signing AA, DCFTA and launching Visa-free regime, it has been acknowledged that the EU has equipped itself with additional opportunities to utilize its key foreign policy

instrument, namely, democratic conditionality (Börzel & Lebanidze, 2015, p. 26). There is no agreement in the academic literature whether the EU's democratic conditionality has been effective and flourishing in EaP countries democratization process as outcomes sharply vary (Börzel & Lebanidze, 2017). However, some scholars have claimed that the EU's democratic conditionality appears to be effective in Georgia, whilst certain domestic conditions exist (Börzel & Lebanidze, 2015, 2017; Lebanidze, 2018).

In recent years, the EU has induced numerous substantial democratic institutional changes in Georgia by tying them to big "*carrots*" such as signing AA, DCFTA and Visa Liberalization. Considering that the EU membership perspective has never been an official offer for the country when the EU and Georgia reached these critical milestones, it attracted researchers' attention to how the EU's conditionality-based democracy promotion would evolve and if the EU could still promote transformational democratic changes in this Black Sea area country (Lebanidze, 2018, 2020a, 2020b, p. 271) More specifically, the approaches, methods, or instruments that the EU might employ to push additional democratic reforms forward and/or encourage the successful implementation of those that have already been adopted became a venue of further research. Thus, the thesis addresses this discussion in the academic literature and attempted to answer the research question of-how does the EU attempt to induce democratic reforms in Georgia without conditionality in place? To answer the outlined research question, the focus has been directed to two democratic breakthrough reforms that occurred in Georgia as a result of the EU's active involvement.

The first case study was related to the adoption and implementation of the "anti-discrimination law" in Georgia. It attempted to analyse the perceived role of the EU in anti-discrimination law's adoption and implementation from 2014 onwards. For the second case study, the author examined another transformational democratic reform that occurred in Georgia in 2020 due to the EU-brokered March 8 Agreement. It covered the period when the EU provided Georgia with the most coveted, "golden carrots" AA, DCFTA and Visa Liberalization process. The second

case study aimed to reveal the strategies and mechanisms that the EU attempted to use in Georgia.

The first case study illustrated that adopting the anti-discrimination law under VLAP in Georgia negatively impacted local public attitudes towards the EU as a value promoter. The author argued that these unfavourable domestic attitudes have also influenced and determined the EU's cautious stance in the years after to assist reform's implementation. The EU initially sought to induce this democratic reform in Georgia by building a legal framework. Then, using an incremental strategy, attempting to improve the credibility of this significant institutional change by engaging in anti-discrimination policy awareness-raising efforts at both the social and governmental levels. The EU invested in capacity building of the Public Defender's institution, which is directly accountable for the reform's supervision. As the first case study showed, the EU's Visa suspension mechanism turns out to be another constant factor, "a negative reinforcement-lite" tool, guaranteeing the sustaining current democratic progress with regards to anti-discrimination without significant reversion. The first case study demonstrated that the EU's efforts to induce this specific democratic reform in Georgia follow tendencies of network governance. The EU attempts to facilitate the effective implementation of this specific institutional change by utilizing the following tools: permanent monitoring and auditing, assisting, consulting, and yearly examination with respective Georgian authorities regarding the ongoing situation over anti-discrimination law in Georgia. Most importantly, this case revealed that in the absence of public support for this democratic reform in Georgia that is consistent with EU values, the EU attempts to increase this institutional change's domestic credibility in order to generate domestic demand for its successful implementation via "attitudinal change." Thus, the author of this thesis labelled this strategy of the EU as inducing democratic reform's implementation incrementally, particularly by ensuring respective state authorities' capacity building and raising awareness about the need for this democratic change on a local and central level both socially and politically.

The second case study revealed that from 2020 onwards, the EU had been actively involved in resolving Georgia's political impasse. Interestingly, this case study showed how the EU managed to use one of the mediation tools, namely facilitation with patterns of “formulation”, to ensure the adoption and implementation of vital electoral reform in Georgia. Furthermore, this case study revealed that the EU sought to induce this electoral reform in Georgia by tying its political dialogue and facilitation process to domestic public demands to use this “window of opportunity” that emerged by the political crisis within the country. As it turned out, to increase the perceived impact for Georgian political elites, the EU worked closely with other Georgia’s Western partners and had a coordinated and integrated approach.

This facilitation process had a pattern of network governance. According to the theory on external governance, this network mode concept denotes collaboration in which all parties are formally on an equal footing (Lavenex & Schimmelfennig, 2009). This kind of governance comprises tools that primarily give and promote procedural ways of engagement while emphasizing the necessity of reciprocal consensus (Lavenex & Schimmelfennig, 2009).

The EU-brokered mediation process did not appear to be sufficient to ensure the agreement's successful implementation. Correspondingly, this facilitation process was accompanied by threats from some MEPs over the potential use of the negative democratic conditionality. As this case study showed, the EU plays an important role in Georgia and has the capacity to affect the country's democratic growth via utilizing its mediation strategy instruments combined with threats from the European Parliament regarding the possible use of the negative democratic conditionality. However, the EU's position as a mediator and domestic crisis manager is not a new occurrence, the EU has frequently employed this mechanism in other EU candidate states from the Western Balkans. Georgia, unlike the Western Balkan states, lacks the EU membership perspective. Although, when it comes to the EU's methods for ensuring political stability and inducing specific democratic reforms, similar trends may be seen between this Black Sea region country and Western Balkan states (Kakachia & Lebanidze, 2021).

Per the limitations of this study, it should be mentioned that this thesis merely looked at two transformative democratic reforms' adoption and implementation. And, the thesis attempted to reveal the EU's influence in this matter. However, for the better understanding and broader analysis, other studies may look at the EU's role in another essential democratic reforms' adoption and implementation in Georgia.

As it seems the academic literature outlined that the EU uses capacity building as a tool to induce certain democratic reforms' adoption and implementation in the third-countries and it has been confirmed in the first examined case. However, the EU's role as a mediator and simultaneously democratic reforms promoter needs more elaboration, conceptualization and operationalization. Thus, the further academic research should look at this phenomenon more in depth. Also, further research may look at the evolution of the EU's mediation strategies towards Georgia and analyze the perceived role of the EU's mediation in Georgia's struggle for democracy. Moreover, the recently emerged crisis after the 2020 parliamentary elections in Georgia and the EU's unprecedented political will to solve political crisis and push democratic reforms simultaneously (Charles Michel's mediated April 19 Agreement in Georgia) represents another good venue for further research in this matter. Furthermore, students who are interested in this topic should observe how the EU will attempt to induce Charles Michel's mediated April 19 Agreement to be translated into concrete democratic and institutional changes in Georgia, whether "threats" regarding the possible use of negative conditionality will be enough or actual activation of this mechanism will be needed remains to be seen.

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Appendices

Appendix 1- List of conducted interviews

Institutional Affiliation	Format of the Interview	Date	Duration	Language
Transparency International Georgia(TIG)	Online In-depth semi-structured interview via Zoom	16 April at 10:00 a.m.(Tbilisi Time)	33 minutes	Georgia
The Parliament of Georgia	Online In-depth semi-structured interview via Zoom	16 April 14:00 p.m. (Tbilisi time)	35 minutes	English
Sapari& Partnership for Human Rights (PHR)	Online In-depth semi-structured interview via Zoom	29 April 17:00 p.m. (Tbilisi Time)	34 minutes	Georgian

The EU Delegation to Georgia	Online In-depth semi-structured interview via Zoom	26 April 12:00 a.m. (Tbilisi time)	33 minutes	English
United National Movement	Online In-depth semi-structured interview via Zoom	3 May 19:00 p.m. (Tbilisi time)	28 minutes	English