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CITIZENSHIP REGIMES IN GEORGIA

ABSTRACT. It is widely recognized that there is a considerable gap between liberal legislation and the actual practice of the enforcement of citizenship rights in Georgia. The Article presents relative outlook of current Georgian legislation, relevant to citizenship and its actual practice. The Content of this text is based on the most legal document – the Constitution of Georgia adopted in August 1995. Mainly on it's Chapter 2 - dedicated to the rights and freedoms of its citizens. Another official document taken in account is Law on Citizenship of Georgia adopted on April, 1993. (Both used documents are written and published in Georgian). Challenges that exist between legislation and practice are based on author's observation done during the different (private and official) visits to Georgia and also from internet mass media.

There are five parts of the article and they all are only small part of complex study of South Caucasus Region done for the needs of the Polish-Georgian international project financed by MSZ RP. First part of this issue – a background – presents a short historical review about South Caucasus; second – citizenship as a status – is about the current Georgian legislation, relevant to citizenship; third one is called citizenship in practice and touch the gap between legislation and practice. The forth part – citizenship as a contested issue – about debate in Georgia. And the fifth one concluding remarks.

KEY WORDS: Citizenship, Georgia, constitution, social rights, citizenship.

BACKGROUND

Georgia is one of those countries whose roots extend long into ancient history, and the idea of an ancient people with rich historical heritage is central to

the self-perception of Georgians today. While on the one hand this heritage is a source of pride, there is also considerable soul-searching underway in Georgia whether and how much this historical heritage contributes to the current attempts to build the institutions of modern statehood.

First of all, it is noteworthy that nothing like western European city-states or communities have developed in Georgia in ancient eastern, antique-Hellenistic or feudal times. Therefore, no urban-type interest groups, which are characteristic of western societies, developed in Georgia, such as an aristocracy. Invasions of eastern despotic powers or Asian nomadic tribes that intensified since the 13th century also impeded development of institutions such as absolute monarchy or parliamentary representation that paved the way to modernity in the West.

Georgia's modernization process started in the early 19th century, when the Russian Empire annexed Georgian kingdoms, which consisted of several weak and poorly institutionalized feudal political entities. The Russian domination, however, came in the shape of a bureaucratic militaristic autocracy, characteristic for Russia. Participation of the native population in state governance was insignificant. Semi-liberal reforms that Russia carried out in the 1860s till 1870s, that contributed to the development of institutions of self-governance in some of its provinces, had little, if any, effect in the Caucasus.

The abolishment of traditional legal institutions together with the lack of participation in state governance contributed to the separation of society from the state and nihilism towards the law. The response was the creation of patronage networks that emerged in Georgia in the late 19th century, flourished in the Soviet period and continued until now.

The brief intermission of independence in 1918-21 that followed the 1917 Bolshevik revolution in Russia allowed Georgians to first be acquainted with more democratic institutions, than was known before. The country adopted a rather democratic constitution and elected a western-style legislation. During its two-year history the national assembly passed 126 laws, including laws on citizenship, local elections, judiciary, political-administrative arrangement of ethnic enclaves, national policy in public educational system, etc. Conversely, the country also went through a round of ethnic-territorial conflicts reminiscent of what would take place later, in the course of the break-up of the Soviet Union. However, this attempt was short-lived due to the Russian-Communist invasion and establishment of Soviet totalitarianism.

This system, naturally, only exacerbated the sense of alienation from the state that existed before. While mass repressions and purges of the emergent elites were characteristic of the period of the 1920s and 1930s, relative liberalization of the system in the post-Stalin period contributed to the strengthening of local patronage networks. The communist *nomenklatura* rejected the method of periodic purges in its own ranks and tried to achieve prosperity by way of corruption.

On the other hand, the system also produced alternative ideologies that expressed themselves in the small dissident movement or, more broadly, dissident attitudes that developed within networks of intellectuals. This cautious and hidden resistance to the system expressed itself in an eclectic mixture of western democratic values and romantic nationalism of the 19th century. It tended not to distinguish between the notions of (nation-) state, nationality and ethnicity.

On the level of the general public, the major legacy of the Communist past may be formulated as overall lack of trust or cynicism towards public institutions. In Georgia, this attitude is often described as “anti-state thinking” or “anti-state mentality”. As the state was considered a purely repressive apparatus, cheating it and breaking the law for the benefit of family or private networks was widely considered as acceptable behavior.

The result is that today Georgia carries the major traits of a (neo-) patrimonial society: nepotism, regionalism (tribalism), clannish attitudes and, regional and national-level clientelism. Analysis of the roots of corruption in the Georgian (of Shevardnadze) state apparatus reveals that respective values and methods, which fall short of the requirements of modern bureaucracy, still persist.

CITIZENSHIP AS A STATUS

Current Georgian legislation, relevant to citizenship, represents a symbiosis of the Soviet system and western-style legislation. A whole range of laws in the field of civil rights have been adopted since 1993. While the new legal framework is not free of internal contradictions and shortcomings, it does provide an extensive range of civil (property rights, freedom of expression etc.), political (the right to create political associations, universal suffrage, etc.) and social (social security, education, health care, etc.) rights.

The most important legal document is, of course, the Constitution of Georgia, adopted in August 1995. Chapter 2 of the document is specifically dedicated to the rights and freedoms of its citizens.

In accordance with Article 14 of the Constitution, all citizens are free and equal by law, regardless of race, ethnicity, gender, religion, political and other beliefs, national, ethnic and social group, origin, property, position, and residence. The state recognizes and protects universally declared human rights and freedoms as supreme human values. In the governing process people and the state are restricted by these rights and freedoms, as well as by the existing law (Article 7).

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

At the same time, the Constitution defines citizens' responsibilities: every resident of Georgia is obliged to observe the country's constitution and legisla-

tion. Implementation of human rights and freedoms must not interfere with rights and freedoms of other citizens (Article 44) and every citizen is subject to general military conscription (Article 101).

The Constitution ensures civil freedoms. It declares freedom of religion (Article 9), right for life (Article 15) (1), human respect and dignity (Article 17), inviolability of personal freedom (Article 18) (2), freedom of expression, conscience and thought (Article 19), privacy (Article 20), private property (Article 21) (3), freedom of movement and free choice of residence (Article 22), freedom of work (Article 23), free information distribution without censorship (Article 24), freedom of rallies (Article 25) and labour (Article 30) (4) responsibilities. An arrested or otherwise detained citizen must be brought to court within 48.

Article 40 declares presumption of innocence - citizens are considered innocent as long as their guilt is not proved in court according to the law. The accused is not obliged to prove their innocence as the prosecution must take responsibility for proving the charges.

Every citizen of Georgia has the right to receive any files with information about themselves or other official documents from state agencies, provided they do not contain state, professional or commercial secrets (Article 41).

Each resident has a right to defend their rights and freedoms in court. Every citizen must be only by a court with jurisdiction over their case. Right for defence is guaranteed and nobody may be twice for the same charges. No one may be for actions that were not qualified as crimes at the time they were committed and laws have no retroactive effect, provided they do not discharge or ease the indictment. Illegally obtained proof shall not have any legal effect in court and any damages caused by illegal decisions of the governmental or self-governmental bodies must be compensated by court ruling from state funds (Article 42).

The Constitution clearly defines the political rights of citizens. It guarantees self-government (Article 2) and representative or direct democracy - by ways of referenda or other forms of direct democracy (Article 5).

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

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

The Constitution provides for universal suffrage: Georgian citizens have the passive right to vote from 18 years of age and the active right to run for state offices from 25 years of age (Articles 28 and 49).

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

The Constitution acknowledges the right to strike (Article 33) and education (Article 35). Primary education is obligatory and citizens have the right to secondary, professional and high education in state educational institutions in accordance with legal procedures, free of charge.

These general constitutional principles are elaborated in a number of more specific legislation. Here will be only dwelled shortly on the law on citizenship of Georgia, which was adopted on April 25, 1993.

In accordance with article 1 of the law, Georgia only allows single citizenship (dual citizenship is not permitted). Georgian citizens have no right to have another country's citizenship simultaneously.

Citizenship was automatically granted to all those who had lived in Georgia for five years by the time of the enactment of this law and does not abrogate their citizenship by a written statement (Article 3). In addition, Georgian citizenship is granted from birth, by naturalization, or by other means stipulated in international agreements and laws (Article 10). In particular, Georgian citizenship may be granted to any adult foreign citizen or resident without citizenship, who has permanently resided in Georgia for ten years, or those who have jobs or real estate in Georgia (Article 26) (5).

Georgian citizenship can be terminated if a citizen withdraws their citizenship or if a citizen is deprived of citizenship (Article 30). The latter can happen if: the citizen serves in the military, police, judiciary or other government bodies of another state without authorization by the competent agencies of Georgia; resides permanently in a foreign state and fails to notify relevant consular authorities without a justifiable reason; obtains Georgian citizenship through forged documents; or becomes a citizen of another country. The head of state is authorized to take decisions on these matters.

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

The law stipulates anti-discrimination principles as defined by the Georgian Constitution.

CITIZENSHIP IN PRACTICE

It is widely recognized that there is a considerable gap between generally liberal legislation and the actual practice of the enforcement of citizenship rights in Georgia. Challenges that exist in this area may be divided into several

headings: Violations of civil and political rights by the state – or the failure of the state to protect citizens from infringements upon their rights from the third parties.

In this area, the record of the independence period is mixed. There is considerable progress with regards to freedom of expression and association. No censorship is exercised in the media, and it can be as critical of the authorities as it chooses. Freedom of association may be illustrated by a development of NGOs (6), who became a vibrant sector of the civil society. Political parties are free to express their opinion and campaign (though they failed to develop into viable political organizations that express opinions and interests of large sectors of society).

However, there are a number of issues with regards to relations between the state and citizen, most notably with law-enforcement authorities. It would not be an exaggeration to say that breaches of citizens' rights such as torture in the police stations and prisons or unfair lawsuits (especially in political cases) have become common in Georgia.

Citizens' political rights have been regularly violated against the backdrop of civil conflicts following the 1991-92 coup. While in the period of semi-anarchy of first half of the 1990s political competition often took violent form. The authorities often took arbitrary action to suppress the radical opposition, namely the supporters of the deposed president Gamsakhurdia, and later also towards members of paramilitary groups (like *Mkhedrioni*) who played a decisive role in deposing him. In particular, the peaceful rallies of the ex-president Gamsakhurdia's supporters were dispersed by force, and Gamsakhurdia's supporters and other political opponents (*Mkhedrioni* and its leader Jaba Ioseliani) did not get fair treatment in court. As a result of these trials, the number of political prisoners increased considerably.

With regards to the state's failure to protect citizens' rights from third parties, the most notorious example is that of widespread religious violence, where radical Orthodox groups attack members of minority religious denominations, e.g. Jehovah's Witnesses, Baptists, Evangelicals and others. Law enforcement bodies not only fail to prevent such violence, but they often demonstrate moral support for its perpetrators and at times even join in the violence themselves. There are other groups who openly espouse violence and go unpunished. This naturally leads to allegations that the government manipulates these groups in order to use them against its opponents (like democratic opposition).

COLLAPSE OF THE SOCIAL SECURITY NET

The main reasons of the collapse of the social security system are the economic collapse of the early 90s (when the GDP (7) fell to about a quarter of what it had been in the late Soviet period) and the failure to reform the old social security system that became unsustainable under the new circumstances.

The most vivid expression of this are pensions and salaries (in budget organizations) that are well below the living wage – and often unpaid for the reason of chronic budget deficits. Education and healthcare are in decline, and power supplies are frequently interrupted: the government failed to solve the problem even in the capital where most of its efforts are focused, while many regions of Georgia have been literally in the dark for years.

ISSUES RELATED TO MINORITY RIGHTS AND MINORITY PARTICIPATION

Here, one should distinguish between issues related to ethnic conflicts of the early 90s in Abkhazia and South Ossetia, and issue of integration and rights of other minorities.

The idea of the traditionally tolerant nature of the Georgian nation was an important part of the self-perception of Georgians. However, the recent experience of ethnic strife has, to some extent, undermined this self-image. Conflicts in Abkhazia and South Ossetia occurred in the period of the break-up of the Soviet Union and the first years of Georgian independence, when the Moscow-supported political leadership of ethnic autonomous republics demanded to expand their autonomous status. Tbilisi showed insufficient flexibility and an unwillingness to compromise. To be fair, one should note that there were some episodes when the Georgian government showed such a will: a consociation list system of de facto ethnic quotas were introduced for the 1991 elections in Abkhazia under the government of President Gamsakhurdia that eased the tensions for some time but could not prevent the conflict after the change of the government. Especially in the early period of national independence, discourse prevailed with strong motives of Georgians' ethnic superiority and hostility towards minorities, and gained strong support from the majority of society. Later, such open statements of hostility became rare; however, the damage to ethnic relations in the country was done.

Unsettled or “frozen” conflicts in Abkhazia and South Ossetia continue to be one of the gravest, if not the most important challenges to the consolidation of the Georgian statehood. However, there is also a necessity to build trust between the Georgian majority and ethnic minorities. One set of issues comes from the compact settlements of respectively Armenian and Azeri ethnic minorities in the regions of Samtskhe-Javakheti and Kvemo Kartli; there people do not speak Georgian, are poorly integrated into society, and have very weak sense of Georgian citizenship. The minorities, however, believe they are discriminated against in appointments to government positions, and in the sense that minority regions get less attention from the government. Recent statements of pro-government politicians that try to discredit certain opposition groups by calling them “Armenian” certainly does not contribute to better relations with minorities.

WIDESPREAD CORRUPTION

Corruption is often considered the major impediment towards the development of Georgia, and it has become probably the most politically conspicuous problem of recent years. This problem is directly relevant to the problem of citizenship: deep mistrust of the public towards state institutions may be at the root reason of the current scale of corruption, and it may also be its result. As people's hopes diminish for the state's ability to protect their rights by legal means, they try to solve their problems through clannish crony networks. Parallel to ineffective state regulation, there exists something like an institutionalised system of informal regulations which is sometimes described as a "shadow state", and is much more effective in its daily functioning.

SOURCES OF STATUS OTHER THAN CITIZENSHIP

As people feel alienated from formal institutions of the state, the sense of belonging to the body of the citizenry is weak and insignificant. This void has to be filled. What are the major group identities other than citizenship that define people's status and are usually more conspicuous and powerful in exercising social control than that of citizenship? The following may be listed:

- social groups (refugees/IDPs⁸, beggars, NGOs, unemployed, etc.)
- ethnic or sub-ethnic groups (Armenians, Azerbaijani, Russians, Megrelians, Ajarians, Svans, etc.)
- "clans" (implying patronage networks like leaderships of political parties or business groups united for the purpose of getting illegal economic or social benefits)
- corporate associations (police, civil servants, members of the ruling party or the opposition).

CITIZENSHIP AS A CONTESTED ISSUE

There is no adequate debate in Georgia regarding citizenship-related issues. One of the reasons for this may be that since life is largely regulated by a system of informal relations based on patronage networks, there are few incentives to discuss private problems in public. Understanding of privacy might be singular or specific.

There is also a considerable gap between the reactions of the general public to citizenship-related issues and elite debates. Most people are preoccupied with economic and social issues. However, despite a sharp decline in living standards, Georgia has not experienced any large-scale social turmoil thus far. This

does not mean that people did not take to the streets: citizens spontaneously rallied in protest against blackouts, low wages and pensions; several organisations went on strike and organised pickets in Tbilisi and in the regions. In some cases, NGOs, political parties and trade unions also took part in organizing protest actions. However, the common feature of these actions is weak organisation, a small number of participants and few sustainable results.

Political debates in parliament or in the media, however, are rather focused on protection and implementation of civil and political rights. The last two years, have been filled with elections on different levels, some politicians paid greater attention to social issues, but this did not mean that there is any mature policy debate on how these issues should actually be solved.

The participants of policy debates for the most part are politicians and intellectuals/civil society activists from Tbilisi. There are few representatives of the regions, except those from the Ajarian autonomous republic, who are rather active in opposing the Tbilisi government. At the same time, the vast majority of the participants in the debates belong to ethnic and religious majority. The role of ethnic or religious minorities is insignificant and their rights are advocated by the liberal wing of the ruling titular majority. Public debates are generally open, frequent, heated and usually extremely confrontational. These includes parliamentary debates (broadcast live on Channel 2 of the state television), numerous talk-shows on different channels, and far less – by discussions in the press. Many debates are prompted by dramatic events such as violence or public protests. In many cases, participants are preoccupied with accusing each other of hidden agendas and name-calling rather than focusing on certain approaches and policies. Talk-show hosts are often accused of provoking participants to use a more confrontational style in order to push ratings: however, MPs often resort to fist fights during sittings as well, and this cannot be blamed on the media.

Even though the confrontation lines change from one issue to another, one can still define two major groups shaping the public discourse on citizenship: the “ethnic nationalists” (who also tend to defend radical positions on religious issues), and the pro-Western liberals and representatives of the government, (who in many cases try to defend the middle ground on ethnic and religious issues but may be rather aggressive towards the opposition). When issues such as religious violence or ethnic nationality in identity documents are debated, ethnic nationalists usually blame liberals for undermining Georgia’s national interests and accuse them of being manipulated by western secret services, while the latter accuse their opponents of favoring Fascist agendas, or being agents of Russian security services.

This is true of debates that take place in the capital. In the regions, the forum for public debate is much less developed as the civil society infrastructure (like the media and civil society organizations) is weaker. However, when

there are debates, they mostly follow the topics popular in the centre, though with somewhat greater emphasis on social issues. There are exceptions, however. For instance, the southern region of Javakheti is dominated by ethnic Armenians. There, apart from the general social issues, problems related to ethnic minority rights are also important.

THE PROBLEM OF RELIGIOUS FREEDOM

Article 9 of the Georgian Constitution declares religious freedom but, at the same time, it acknowledges the special historical role of the Georgian Orthodox Church. How to combine these two principles, however, became a highly controversial issue. The Church has been steadily increasing its influence in society since the late 1980s, a process that has been accompanied by a strengthening of its conservative wing. Considerable part of the political elite and society (mainly those who supported ethnic nationalist slogans before) called for expanding the recognition of the special role of the Georgian Orthodox Church and for adopting legislation restricting activities of ethnic minorities (especially smaller religious groups like Jehovah's Witnesses). By the late 1990s and early 2000s these demands became extremely popular and only a small part of society (mainly represented by civil rights NGOs) openly opposed this trend. Being aware of the international reactions that the restriction of religious freedom would trigger, the government did not publicly oppose these demands, but dragged its feet in their application. Despite frequent demands, no law on religion, which – according to most of its advocates – would discriminate religious minorities, has been adopted so far.

A need for a Concordat-style agreement between the Orthodox Church and the state was widely discussed during this period. In October 2002, a Constitutional Agreement between the state and the Georgian Orthodox Church was indeed adopted by Parliament. As it was noted above, an extremist Orthodox movement has been increasingly active in Georgia in recent years, using violence and targeting various religious minorities. In this debate, the influence of the pro-Western liberals on public opinion is probably the weakest. While most people probably disapprove of the use of violence, the majority opinion is that the state should do more to curb the activities of “sects” or non-traditional religious minorities. At the same time, few politicians or public figures openly call for renouncing the constitutional principle of the freedom of worship: therefore, they find it difficult to propose a specific formula that would effectively restrict freedom of religious minorities. Recently, pro-Western liberals increasingly use the argument that religious violence is an anti-Georgian activity encouraged by Russia through its conservative church: this way Russia allegedly tries to undermine Georgia's good relations with the West.

DEBATES ON THE PROBLEM OF MUSLIM MESKHETIANS DEPORTED FROM GEORGIA IN 1944

Muslim Meskhetians were deported in 1944 from a southern region of Georgia that neighbours Turkey for allegation that they clandestinely supported Turkey. Most Meskhetians identify themselves as ethnic Turks, while some as Muslim Georgians. Some of them have requested repatriation to Georgia. When Georgia joined the Council of Europe in 1999, the country was obliged to solve the problem of repatriation within a 12 years' period.

This obligation, however, caused a considerable backlash. The campaign is led by ultra-nationalist forces, who are unconditionally opposed to the project of repatriation. However, the majority of the population either rejects the project of repatriation outright, or accepts only the return of those who consider themselves ethnic Georgians, and not loyal to, or wish to be one part of a separate Samtskhe-Javakheti. The opponents argue that the repatriation of the whole deported population (estimated at about 300,000) would change the ethnic balance in the region dramatically, lead to new ethnic conflicts (large parts of the current population in Samtskhe-Javakheti is Armenian, and their anti-Turkish sentiments are especially intense), and eventually may lead to the secession of the region from Georgia. In Samtskhe-Javakheti itself, the opposition is even more heated. While in the first half of the 1990s some politicians supported repatriation, today few politicians would risk their careers to support such an unpopular issue. Therefore, only small groups of civic activists support unconditional repatriation, and base their arguments on general human rights values and the necessity for Georgia to honor its international obligations.

FOREIGN POLICY ORIENTATION

This is an ongoing debate between pro-Russian and pro-western forces. The majority of the Georgian political elite declare a "pro-western orientation". For instance, the September 2002 vote in Parliament for a resolution obliging the government to apply for a membership in NATO was almost unanimous. On the other hand, in recent years of Shevardnadze period, the attitude of the residents has shifted towards a somewhat greater support of closer relations with Russia (probably, as a result of Russian pressures to introduce a visa regime, or frustration with regards to exaggerated expectations of western assistance and its results).

There are some political groups (mainly – Communists, part of the former Soviet *nomenklatura*, etc.), that demand more concessions to Russia (Russian military bases should remain in Georgia, pro-western policy be dropped, etc). It is notable that these groups also try to take advantage of the rise of anti-western feelings (in connection with allegations of the West trying to undermine positions

of the Georgian Orthodox Church, etc.). But still, this debate is not as important today as it was in 1993-94 when president Shevardnadze himself defended the necessity of the strategic alliance with Russia. Today, openly pro-Russian political groups form an extreme minority. (The Russian military bases will be definitively evacuated from Georgia in 2008, the agreements are yet signed).

TERRITORIAL ARRANGEMENT OF GEORGIA

This is one of the most sensitive political issues in Georgia, and there is still a gap in the Georgian Constitution, which (in Article 2) explicitly postpones definition of the territorial arrangement of the country until conflicts in Abkhazia and South Ossetia are solved. There is an increasing understanding though, that maintaining such a gap is unjustifiable.

However, it has proved extremely difficult to create any consensus among the political elite on what kind of territorial arrangement is preferable for Georgia, and the debates did not lead to positions of different parties coming close to each other. Different approaches are largely motivated by political interests of the day: while the government supports a strongly centralized system (which is currently practiced), the opposition calls for decentralization of the government. The same politicians who were "centralists" while they were supporting the government, started to support devolution of power as soon as they moved to the opposition. One of the main arguments of the "centralist" position is that as a result of devolution of power to the local level, the central government may lose its control over ethnic minority regions.

GENDER PROBLEMS

There are a number of active women's organizations in Georgia. Several feminist organisations have brought forward the issue of increasing women's participation in political life, for instance through introducing quotas for women membership in electoral lists of political parties. However, so far the debate on this problem involves a rather limited number of participants and there are no signs that it is going to attract the attention of the broad public in the near future. In all likelihood, other problems are considered more urgent.

CONCLUDING REMARKS

The growing trend of public life in Georgia has been disenchantment with public institutions. So far, this disenchantment did not translate into large-scale political protest because people still seem to remember the results of 1991-92 and they fear destabilization more than dislike the government. Involvement of the inhabitants in patronage networks also has a stabilizing effect provisionally.

Another trend is that support for liberal values such as tolerance to minorities, especially religious ones, seems to be on the decline. This still may be another result of the insecurities resulting from the low level of trust for formal institutions of government.

There exists a general crisis of society's self-identification. Neither the government nor the opposition seems to be able to propose any clear concept of civic integration. In particular, the majority is unable to propose any workable model of co-existence in a single political community to the minorities (ethnic, religious, or other).

On the positive side, there has been a notable intensification of political competition in the last two years. The June 2002 local elections showed increased levels of political activism among the public. Even more happened in November 2003. But, in the absence of traditions and institutions of fair political competition, there are fears that the fight for power may get out of hand.

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

Consolidation of society is usually based on historical experience, common mentality and effective institutions. From this viewpoint, Georgia has some advantages: despite large differences, ethnic, religious and social groups have many things in common - from the legacy of the totalitarian Soviet past, to a certain form of Caucasian mentality. The integration process between the citizens of Georgia and also with the West, must take into account traditional values as well. Their complete neglect may boost ethnic nationalism and social extremism.

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Law on Citizenship of Georgia:

Civil sphere:

The law on emigration (1993-20-07)

The law on immigration (1993-27-07)

The law on ombudsman (1996-16-05)

The law on rallies and demonstrations (1997-12-06)

The law on IDPs (1993-28-06)

The law on adoption (1997-17-10)

The law on non-military alternative service (1997-28-10)

The law on full abolishment of the extraordinary punishment - death penalty (1997-11-11)

The law on acknowledgement of Georgian citizens as victims of political repression and their social protection (1997-11-12)

The law on refugees (1998-18-02)

The law on state support of children and youth unions (1999-22-06)

The law on imprisonment (1999-22-07)

The law on the rights of patients (2000-05-05)

Political sphere:

The law on parliamentary elections (1995-01-09)

The law on presidential elections (1995-01-09)

The law on referendum (1995-15-05)

The law on political associations of citizens (1997-31-10)

The law on elections of local representative bodies - *sakrebulo* (1998-25-06)

Social sphere:

The law on social protection of the invalids (1995-14-06)

The law on protection of consumer rights (1996-20-03)

The law on trade unions (1997-02-04)

The law on the scheme of calculating the subsistence level (1997-17-04)

The law on medical insurance (1997-18-04)

The law on insurance (1997-02-05)

The law on education (1997-27-06)

The law on public health care (1997-10-12)

The law on non-state pension insurance and maintenance (1998-30-10)

The law on the procedure of settling collective conflicts at work (1998-30-10)

The law on primary professional education (1998-09-12)

The law on protection of cultural heritage (1999-25-06)

Legislative acts, which are connected with citizens' legal guarantees:

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

The law on independent arbitration (1997-17-04)

The civil code of Georgia (1997-26-06)

The law on military service and military obligation (1997-17-09)

The general administrative code of Georgia (1999-25-06)

NOTES

- (1) The death penalty was abolished in Georgia by the „Law on Full Abolishment of the Extreme Punishment - Death Penalty”, adopted on November 11, 1997.
- (2) Arrests or any other kind of restriction of personal freedom shall be exercised only with court warrant. A citizen can be arrested only in situations defined by law and by an official with extraordinary hours. If the court does not warrant the citizen's arrest or detention in the following 24 hours, they must be freed immediately. The term of preliminary detention of suspects shall not exceed 72 hours, while preliminary detention of convicts must not go beyond nine months.
- (3) Citizens may be deprived of property for urgent social needs in situations defined by law, by court warrant and only with respective remuneration.
- (4) The state undertakes to promote free entrepreneurship and competition. Monopolistic practices are prohibited, except in situations defined by law. The law defines

mechanisms of consumer protection, fair employment conditions and wages, and conditions for women and underage employment.

- (5) Initial reading of the law required all applicants for citizenship to have knowledge of the state language, Georgian history and legislation. This provision was cancelled on October 15, 1996.
- (6) NGOs – Non Governmental Organizations.
- (7) GDP – Gross Domestic Product.
- (8) IDPs – Internally displaced Persons.

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