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The Case of Rustavi-2 TV: Escalation of the Conflict between Government and Opposition in Georgia

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A series of court judgments relating to the ownership of private television station Rustavi-2 has led to an escalation of the conflict between the government and opposition in Georgia. For the opposition United National Movement (UNM), the rulings may mean restrictions on its freedom to present its views in media before parliamentary elections scheduled for the second half of 2016. On the other hand, by influencing the courts and media, the governing Georgian Dream is making the same mistakes that led to UNM's loss of power. Without interfering in the dispute between the government and opposition, the EU should exert pressure on the authorities in Tbilisi to accelerate the reform of judiciary.

War for the Media in the Pre-Election Period. In view of the forthcoming parliamentary election campaign, there is a debate in Georgia on the influence of the government and opposition on the media. Political conflict escalated when, on 2 November, Tbilisi city court awarded 100% of the shares in Rustavi-2, Georgia's largest television station, to Kibar Khalvashi. A sympathiser of the ruling party Georgian Dream, Khalvashi asserts that he had been unlawfully deprived of his shares in 2006. Then, on 5 November, the court appointed temporary management for the station until a judgment by a higher court. It should be emphasised that the judicial appointment of administrators is unprecedented in Georgia. The fact that the persons nominated as administrators remain in conflict with the current management and owners suggests that the judge acted according to political motivation. Privately, the management also supported Khalvashi's efforts to regain the shares. Finally, on 12 November, after a wave of criticism from the EU, the United States, and Georgian NGOs, the court changed its decision and reinstated Nika Gvaramia, who had been dismissed from his post as director of the TV channel. A day later, the Constitutional Court suspended a clause enabling the court to establish an interim board. However, the withdrawal of the controversial court decision does not end the row over Rustavi-2.

The Rustavi-2 case is not just a dispute associated with ownership of the television channel, but part of a growing conflict between major Georgian political parties, among others, for the media market. The most popular TV stations are Rustavi-2, for years dominated by the UNM, and TV Imedi, linked to the ruling coalition. Conservative and Eurosceptic parties are represented by the channel Obieqtivi. Public television remains neutral.

Rustavi-2 changed ownership several times in unclear circumstances during the rule of UNM, most likely due to pressure exerted by the then government. However, November's judicial decisions concerning the ownership of this channel do not explain the controversy surrounding the actions of the previous government, and they raise new doubts about the independence of the judiciary.

Rustavi-2: Part of a Deep Political Dispute. Despite the relatively high level of media pluralism in Georgia, UNM politicians believe that their loss of influence in the popular Rustavi-2 channel will contribute to the political dominance of Georgian Dream and move Georgia towards an authoritarian model of governance. Moreover, UNM criticises Georgian Dream for using the prosecutor's office and courts as a tool of political struggle. As a striking precedent they cite the arrest of the former mayor of Tbilisi, the UNM activist Gigi Ugulava, at a crucial moment just

before the local elections in June 2014. The politician was tried only in September this year, after spending more than 12 months in custody.

Georgia's former president Mikheil Saakashvili remains the UNM's mentor despite his emigration, adoption of Ukrainian citizenship (which means he is no longer a Georgian national), and the fact that there is a warrant for his arrest in Georgia in connection with alleged abuses of power during his time as head of state. Saakashvili has become involved in the defence of Rustavi-2's headquarters, and in secretly recorded conversations published on the internet, advised Giga Bokeria, UNM and Rustavi-2 Gvaramia boss, to build barricades around the building and, if necessary, start a confrontation with the police. The supporters of the United National Movement and Saakashvili himself say that the wiretaps were carried out by the Russian secret service cooperating with Georgian Dream.

In turn, Prime Minister Irakli Gharibashvili assessed Saakashvili's words as a threat to Georgia's security and stability. For the politicians of the Georgian Dream, the scandal surrounding the former president speech proves that the UNM is committed to the revolutionary overthrow of the government. Gharibashvili considers the court judgments on Rustavi-2 a result of the normal work of the courts in a democratic country.

Although the prime minister tried to create the impression that the dispute over the ownership of Rustavi-2 has no connection with the government, it is obvious that this channel's media coverage is a key political tool in the hands of his opponents. Given its flagging public support less than a year before parliamentary elections, the ruling party has reason to worry about its image in the media.

A Fragile Political Balance. According to a survey of the U.S. National Democratic Institute in September, only 14% of the electorate are inclined to vote for the ruling coalition. Yet they have not switched their support to the United National Movement, which remains the main opposition force despite having the backing of only 13% of voters. The popularity of Eurosceptic and populist parties is slowly growing, although it is still not high. The Patriotic Alliance, the strongest among these parties, enjoys the support of only 4% of the electorate. A large group of voters remain undecided. In this situation their decisions will be affected by television, including the most popular channel, Rustavi-2.

Thus, the politicians' emotional statements on this issue are understandable. However, the threat of authoritarianism painted by the opposition is greatly exaggerated. On the other hand, Gharibashvili's attempts to show Saakashvili's speech as a plan for a coup d'état are also an interpretation that is too far-reaching. A planned blockade of the television channel building could not be considered a coup. Besides, apart from the followers of UNM, hardly anyone would be willing to support a new revolution.

Since the parliamentary elections in 2012, when the coalition government led by Georgian Dream took power from the UNM, there has been an increase in political pluralism and freedom of political debate. Shifting most of prerogatives of the executive power of the presidency to the prime minister also strengthened democracy. Currently, the president serves as guardian of democratic rules. Giorgi Margvelashvili, who is performing this function, although himself coming from Georgian Dream, actually criticises the government's mistakes and has thus come into conflict with former colleagues from the party, both Gharibashvili and Bidzina Ivanishvili, former prime minister and founder of Georgian Dream. The president expressed, among others, concern that the conflict between the government and the opposition regarding Rustavi-2 has a negative impact on Georgia's international image.

However, the current balance of political forces and media pluralism may be short-lived. Georgian Dream, despite promises, has abandoned or halted a series of important reforms, especially in the fields of justice, public administration and local government. In this context, the basic problem is the lack of a well-functioning judiciary free from political pressure. The current political crisis surrounding the dispute over ownership of Rustavi-2 shows that the courts too easily make decisions convenient for the ruling elite, while striking at the interests of the opposition.

Conclusions and Recommendations. The coming months, especially the period before the parliamentary elections, will be a particularly important test for Georgia's democracy. One can expect that the main political competitors, Georgian Dream and the United National Movement, will use all possible methods of political struggle, including publication of materials discrediting their opponents, including information acquired illegally. There is also the risk of pressure from the executive on the prosecution and the courts, to speed up or start new investigations into cases involving UNM politicians.

The continuation of reforms is therefore essential in order to assert that democratic and legal principles will be no longer broken or bent by the authorities, and will be guaranteed by efficient institutions. The EU should strongly criticise the use of courts as a political tool and push the government in Tbilisi to make further reform of the courts and the prosecutor's office its priority.

In addition to the continuation of financial and technical support for the transformation of the justice sector, the EU and the Member States should develop instruments to support local NGOs and the media in monitoring the government's policies and the actions of the Georgian prosecutor's office and the courts, especially in cases that have a political context. The EU should develop grant support for Georgian NGOs and independent media through foundations and agencies such as the European Endowment for Democracy. The involvement of the Member States in the framework of its aid programmes and democratisation will also be very important.