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THE OSCE AND HUMAN DIMENSION IN THE REPUBLIC OF GEORGIA

REFLECTIONS ON CURRENT DEVELOPMENTS

ABSTRACT The article focuses on the OSCE's actions in the human dimension, using Georgia as a case study of a country facing constant challenges. The research aligns with the functionalist school, highlighting the essential role of international organizations in tasks beyond state capabilities. Research methods include archival research, interviews during a study visit to Georgia, election observation missions, and analysis of OSCE documents, focusing on the 2023-2024 political crisis. The OSCE's presence and support have been crucial for progress in areas like rule of law, institution building, and electoral transparency. However, although the OSCE has been present and active in that region, its recommendations are not fully implemented by the Georgian government. Georgian authorities have often contradicted OSCE recommendations, particularly in upholding civil rights and ensuring transparent elections.

Key words: OSCE, Republic of Georgia, human dimension, democratic institutions, rule of law, elections

The Organization for Security and Co-operation in Europe (OSCE) with 57 participating states is the biggest world international security organization. Its main goal is to prevent conflicts in the area from Vladivostok to Vancouver. Unfortunately, because of a war in Ukraine as well as a conflict between Armenia and Azerbaijan, criticism toward the OSCE is constantly present. Also, within the organization the discussion about its future is ongoing.¹ However, those opinions should not prevent reasonable and rational estimation of the Organization's actions and valuable mission. The main purpose of the article is to present and assess actions dedicated to one of the core areas of the OSCE responsibilities – the human dimension.

The human dimension is crucial especially for states in the transition process. The Republic of Georgia can be a good example of a country which constantly copes with challenges. From a post-Soviet republic on the edge of disaster, very often described as a fallen state, to a country with a dilemma concerning its direction for the future. Despite the challenges faced by the OSCE and the evolution of its role in the South Caucasus region,² it is worth attempting to assess its relations with Georgia. Due to internal conflicts, the political and military dimensions have played a key role. Nonetheless, the actions taken in the human dimension can be interpreted as an important element of the transformation process.³

GEORGIA'S CHANGING POLITICAL LANDSCAPE

Evaluation of the current situation in Georgia is very difficult. In May 2024 the Georgian government decided to adopt a controversial law – the 'On Transparency of Foreign Influence' Law – which does not fulfill democratic standards. This decision made by Georgian politicians against European values and regulations resulted in strong reactions from European institutions and the US administration. The EU Ambassador to Georgia Pawel Herczynski said: *The Law on Transparency of Foreign Influence is a clear backslide on nine steps, and the anti-Western, anti-European rhetoric is fully incompatible with the stated aim of joining the European Union*, underlining that: *Georgia's EU accession has been put on hold*.⁴ The decision was taken by EU leaders at the European

¹ W.H. Hill, "The OSCE Approaching Fifty: Does the Organization Have a Future?," in C. Friesendorf, A. Kartsonaki (eds), *OSCE Insights 2022: War in Europe*, Baden-Baden 2023, pp. 13-22; T. Greminger, "Czas kryzysu dla OBWE," *Polski Przegląd Dyplomatyczny*, vol. 2 (2022), pp. 42-51; W. Zellner, *Using the OSCE More Effectively – Ideas and Recommendations: Unpublished Paper for the Federal Foreign Office*, Hamburg 2020, at https://ifsh.de/file/publication/2021_OSZE-Studie/20210301_USING_THE_OSCE_MORE_EFFECTIVELY.pdf, 6 December 2024.

² W. Górecki, "OBWE na Kaukazie Południowym. Czas przeszły niedokonany?," *Polski Przegląd Dyplomatyczny*, vol. 2 (2022), pp. 61-69.

³ S. Kolarz, "Underestimated, Yet Irreplaceable: The OSCE Maintains Focus on the Human Dimension," *PISM Bulletin*, vol. 169, no. 2086 (2022), at <https://pism.pl/publications/underestimated-yet-irreplaceable-the-osce-maintains-focus-on-the-human-dimension>, 10 July 2024.

⁴ "EU Accession Process Halted, Aid to MoD Frozen, Relations at a Low Point, Ambassador Herczyński Regrets," *Civil Georgia*, 9 July 2024, at <https://civil.ge/archives/615670>, 10 July 2024.

Council on June 27 2024 and Herczynski also noted that *EU leaders are unclear about the true intentions of the current Georgian authorities*.⁵ Similar steps were made by the US administration. The U.S. Department of Defence announced the indefinite postponement of the Noble Partner military exercises in Georgia explaining that the *US government began a full review of all aspects of bilateral cooperation with Georgia*.⁶ The difficult situation in Euro-Atlantic dialogue reflects a lack of statement on the future integration of Georgia with NATO after the NATO Summit in Washington. Observers underlined that for the first time since the 2008 Bucharest Summit Decision, the NATO Washington Summit Declaration, adopted by the heads of state of the allied countries on July 11 2024, fails to reiterate the formula that *Georgia will become a member of the Alliance with the Membership Action Plan as an integral part of the process*.⁷ For the very first time since the beginning of the 21st century the Western perspective of Georgia was visibly endangered. It was just a prelude to the deepest political crisis in the country and on the international arena. The Georgian government opened the path to a nondemocratic political system and situation where principles and social freedoms are under threat. Parliamentary elections which took place in Georgia on October 26 2024 were negatively evaluated.⁸ The elections opened the path for the Georgian Dream party to have a fourth consecutive term in power. Shadowed by constitutional crises the Prime Minister Irakli Kobakhidze on November 28 2024 announced that the government postponed the EU accession process until 2028. The day after the PM's statement was announced, Ambassador Herczynski said: *I think that all of us have woken up in a completely new reality*.⁹ In such a situation, the importance of the human dimension increases.

The role of the OSCE and support in human dimension is needed but the main challenge concerns the interaction between the Georgian government and Georgian society as well as the international community's position towards the new government and the intentions of the Georgian ruling party.

THEORETICAL APPROACH AND METHODOLOGY

The research approach presented in the article is close to the functionalist school which entrusts the role to the international organizations in performing those tasks that the state is unable to perform on its own.¹⁰ At the same time, it is assumed that international

⁵ Ibid.

⁶ "U.S. 'Indefinitely' Postpones Noble Partner Exercise in Georgia," *Civil Georgia*, 5 July 2024, at <https://civil.ge/archives/615571>, 10 July 2024.

⁷ "NATO Washington Declaration Omits Reference to Georgia's Membership Path," *Civil Georgia*, 11 July 2024, at <https://civil.ge/archives/615873>, 11 July 2024.

⁸ "Georgia, Parliamentary Elections, 26 October 2024: Final Report," *Organization for Security and Co-operation in Europe*, at <https://www.osce.org/odihr/elections/georgia/584029>, 21 January 2025.

⁹ "Amb. Herczyński: A Completely New, 'Heartbreaking' Reality," *Civil Georgia*, 29 November 2024, at <https://civil.ge/archives/639126>, 6 December 2024.

¹⁰ B. Kuźniak, "Międzypaństwowe organizacje międzynarodowe," in E. Haliżak E (ed.), *Encyklopedia stosunków międzynarodowych*, Warszawa 2024, p. 528.

organizations of all types transcend state borders and exert a significant influence on the governmental entities and transnational entities that constitute them.¹¹

The OSCE was one of the first international organizations supporting Georgia's democratic path. The Organization has been actively present in Georgia since 1990. The OSCE was not the only organization supporting the transformation and promoting democratic standards at that time, as the Council of Europe as well as the United Nations were among those that should be mentioned. The OSCE, though it covers many areas, has mostly focused on conflict settlement as well as delivering direct support in the human dimension (including human rights, democratization, rule of law, media freedom). A wide range of actions was prepared and implemented directly on the ground by the OSCE Mission to Georgia between 1992 and 2008. The events of 2008 can be seen as milestones for modern Georgia in many aspects. A lack of visible progress in NATO membership perspective (the expectations of the Georgian government were higher compared to the statement included in the summit's declaration in Bucharest), the five-day war with Russia in August, and social and economic destabilization can be seen as the most important ones. Also in 2008, the OSCE Mission in Georgia ended, fulfilling its mandate. As a result of a lack of agreement from the side of the Russian Federation, after many years of successful work, the OSCE ended its activities.¹² Within the next few years, the OSCE was forced to withdraw also from Azerbaijan (2015) and Armenia (2017).¹³ It does not mean the end of cooperation but it is much more difficult now.

In the case of Georgia, the legacy of those first years of cooperation still matters. In the human dimension it can be seen in different aspects. The first one is the legal grounds for the country's democratic transition and development. The constitution presented in 1995 in Georgia could not be prepared at that time without the support of the OSCE.¹⁴ This engagement was important and the impact on the general perspective can be visible. The second area of cooperation is the institutional one. After the state rebirth in 1991, Georgia was keen to create institutions in the areas unknown during Soviet times. For example, the Ombudsman office, where cooperation with the OSCE is an important part of its legacy and day-to-day work as a trustworthy administrative body¹⁵. Finally, a transparent and democratic procedure of election process must be underlined. For all those years that the OSCE was advising, observing and evaluat-

¹¹ J. Baylis, S. Smith (eds), *The Globalization of the World Politics: An Introduction to International Relations*, Oxford 2005, p. 440.

¹² S. Stöber, "The Failure of the OSCE Mission to Georgia – What Remains?," in Institut für Friedensforschung und Sicherheitspolitik (ed.), *OSCE Yearbook 2010*, Baden-Baden 2011, pp. 203-220; P. Kościński, "Misja OBWE musi opuścić Gruzję," *Rzeczpospolita*, 23 December 2008, at <https://www.rp.pl/swiat/art15872871-misja-obwe-musi-opuscic-gruzje>, 21 June 2024.

¹³ A. Jarosiewicz, "Azerbaijan Expels the OSCE," *Centre for Eastern Studies Analyses*, 17 June 2015, at <https://www.osw.waw.pl/en/publikacje/analyses/2015-06-17/azerbaijan-expels-osce>, 11 July 2024.

¹⁴ Conclusion made on the base of the author research in OSCE Documentation Centre in Prague.

¹⁵ Interview with deputy Ombudsman of Georgia – March 2023 (full interview in author's research collection).

ing the election standards in Georgia trying to convince authorities in Tbilisi to fulfil all necessary democratic criteria.

The author's crucial observation based on research and personal involvement in the OSCE's actions is that without the OSCE's presence, engagement and constant support provided by this organization, any progress in the above-mentioned areas could not have been developed. Because of the wide range of already indicated areas within the human dimension the article focuses only on some examples of the OSCE's engagement.

The main hypothesis is that the OSCE is present and active but recommendations and suggestions prepared by the Organization are not taken into account by the Georgian government in their full aspect. Research methods used in this study include: 1) preliminary archival research performed in the frame of the Researcher-in-residence programme in the OSCE Documentation Centre in Prague (in 2022); 2) interviews held with different groups of interlocutors during the study visit in Georgia (in 2023); 3) the author's observations during previous election observation missions to Georgia; 4) and last but not least, the analysis of official documents of the OSCE and statements of the OSCE representatives which focus on current developments. The main analysis covers the events of 2023-2024, the period of growing political crisis. However, the author also refers to key moments in the relations between Georgia and the OSCE to provide the context and to outline the complexity of these relations.

BACKGROUND: THE OSCE IN THE REPUBLIC OF GEORGIA

The CSCE's¹⁶ involvement in the Republic of Georgia started in 1992 and was a result of internal conflicts in that country.¹⁷ According to the conclusions of the 17th CSO Meeting the *objective of the Mission was to promote negotiations between the conflicting parties in Georgia which are aimed at reaching a peaceful political settlement*.¹⁸ The goal of the Mission was to assist not only in all issues directly connected with ongoing conflicts developments but also with human rights, democratization and rule of law. That decision was made at the 14th Meeting of the Permanent Committee on March 29 1994. The strengthening of the Mission referred to the promotion of respect for human rights and assistance in democratic institution building throughout the country as well as the monitoring and promotion of free media principles among others.¹⁹ At that time Georgia was not a stable country in many aspects and the engagement of the OSCE was crucial for the stabilization process as well as the implementation

¹⁶ The OSCE was established by the Budapest Memorandum of 1994, a political act of the international conference (CSCE).

¹⁷ "OSCE Mission to Georgia: Overview," *Organization for Security and Co-operation in Europe*, at <https://www.osce.org/georgia-closed/43383>, 30 June 2024.

¹⁸ Organization for Security and Co-operation in Europe, *Survey of OSCE Field Operations*, Vienna 2021, p. 49, at https://www.osce.org/files/f/documents/6/5/74783_3.pdf, 30 June 2024.

¹⁹ Ibid.

of necessary reforms. In retrospect, it is clear how important this period was for the OSCE's activity in Georgia and its assessment should be considered positive. However, the enormity of the challenges did not allow for sustainable actions. Nevertheless, the initiatives undertaken were particularly important for the further development of the country. Actions were made in many areas. One of the most important targets for the independent Republic of Georgia was a new constitution. The OSCE documents reflect the will and strong support of the Organization in that issue. Recommendations were clear – *promote respect for human rights and fundamental freedoms and assist in the development of legal and democratic institutions and processes, including providing advice on the elaboration of a new constitution, the implementation of a legislation on citizenship and the establishment of an independent judiciary as well as monitoring elections*.²⁰ Since then the Organization has been assisting in establishing a new constitution and creating a legal system based on the rule of law and working governmental institutions. Unfortunately, despite the OSCE's support and recommendations the Georgian constitution was and still is treated as a tool which is used for particular political interests.²¹ That tendency was visible before the Rose revolution under Eduard Shevardnadze and after the political breakthrough in 2003. Both Michael Saakashvili with the United Movement Party and Bidzina Ivanishvili who created the Georgian Dream Party treated the constitution in the same manner; changing the constitution through many amendments and fitting it to their political needs. In almost every case the OSCE was commenting and advising but very often there was no reaction from politicians in Georgia. The impact of the Organization was stronger when the Mission in Georgia was working on a permanent basis on the ground. In 2008 the mandate of the Mission ended, which had significant repercussions. Since 2008 the actions concerning Georgia were covered by the Secretariat of the OSCE in Vienna as well as the Office for Democratic Institutions and Human Rights in Warsaw (ODIHR). The conflict and security issues connected with the post-war reality were mostly covered by the European Union Observation Mission which partially replaced the OSCE Mission's actions. But human dimension was and still is on the agenda of the OSCE, mostly fulfilled by ODIHR. The changes of legal framework in Georgia have been monitored. Also, every election since 1990 has been observed by the OSCE Observation Mission. Final reports issued after each election showed how closely the OSCE was following developments in Georgia and what kind of recommendations were passed to the Georgian authorities.

²⁰ Ibid.; Author research in the OSCE Documentation Centre in Prague.

²¹ J. Brodowski, B. Krzysztan, J. Piechowiak, "Instrumentalization of the Constitutional Order as a Tool of Political Control in the Post-Soviet Space: The Case of the Republic of Georgia," *Przegląd Prawa Konstytucyjnego*, vol. 64, no. 6 (2021), pp. 281-290.

THE OSCE INVOLVEMENT AND HUMAN DIMENSION

According to the OSCE Human Dimension Commitments this article focuses on Commitments Related to Structural Components of a Democratic Society which are: democratic institutions, the rule of law and elections²².

Democratic institutions and the rule of law

Properly working institutions are crucial for state stability. Citizens' trust in the state is built through the rule of law and institutions. The Ombudsman Office is one of those institutions where the citizens can apply for support in almost every aspect of social interaction with a government. The Public Defender office was unknown during the Soviet time in Georgia and regaining of their independence opened a path to establish this office. Today the Ombudsman plays an important role standing independently as a defender of the rule of law. Cooperation with the OSCE was always a part of the development process of the Ombudsman Office. As one of the employees of the office said: *the engagement and interactions were based usually on personal ideas of every Ombudsman and were dependent on his or her readiness for taking advice and support.*²³ An excellent example of the Georgian Ombudsman seeking support in relations with the OSCE was the action taken in October 2023 when Levan Ioseliani sent a letter to the ODIHR requesting a legal opinion on the amendments to the Georgian 'Law on Assemblies and Demonstrations'. The document stated that the Public Defender of Georgia *pointed out that the submitted draft constitutes an intensive interference with the freedom of expression/assembly, which limits the expression of opinion and such an intensive restriction of freedom of expression in a democratic society can only be justified by the need to protect an important, weighty interest, which is not the case with the presented draft law.*²⁴ That letter was an important reaction to the government's attempts to tighten legislation restricting civil rights. In response, ODIHR issued an urgent statement stating that: *the Draft Amendments would not fulfil the strict requirements under international law when restricting the right to freedom of peaceful assembly adding that consequently, their adoption should not be pursued.*²⁵ OSCE/ODIHR argues that restrictions on assemblies may be regulated when they are necessary for the state's legitimate interests, but the regulation should not be related to the message of the assembly, and it should comply with the requirements of legality, legitimacy, necessity, proportionality

²² OSCE/ODIHR, *OSCE Human Dimension Commitments*, vol. 1: *Thematic Compilation*, Warsaw 2022, at https://www.osce.org/files/f/documents/8/4/542154_0.pdf, 30 June 2024.

²³ Interview, study visit in Georgia, March, 2023. Interview in the author's research collection.

²⁴ "Ombudsman Asks OSCE/ODIHR for Legal Assessment on Amendments to Law on Assemblies and Demonstrations," *Civil Georgia*, 18 October 2023, at <https://civil.ge/archives/564260>, 30 June 2024.

²⁵ "OSCE/ODIHR Urges Government to Reject Controversial 'Tents Law,'" *Civil Georgia*, 10 November 2023, at <https://civil.ge/archives/568841>, 30 June 2024.

and nondiscrimination.²⁶ The cited case very well illustrates the mechanism of cooperation between the Ombudsman Office and the OSCE and its importance for the legislative process in Georgia.

Elections

Election law in Georgia is constantly changing. From 1990 until the most recent election there were no elections conducted on the basis of the same regulations. The process of election law amendments is fully and regularly monitored by the ODIHR. Parliamentary elections in Georgia were planned for October 2024 and the ODIHR Needs Assessment Mission (NAM) visited Tbilisi in May 2024. In the report published shortly after the visit the description of the changing legal bases was also included. The NAM underlined *concerns that the legislation is frequently amended with most changes introduced through expedited processes in a close proximity to the elections, often in a rushed and non-inclusive manner and to the benefit of the ruling party*.²⁷ ODIHR has previously observed 17 elections in Georgia based on a consistent pattern of operations and methodology to fully assess the electoral process not only on voting day but also during the whole election campaign period. A few months after the elections, ODIHR publishes a full final report giving a complete picture of the political and social situation in the country in which the elections took place and containing recommendations.²⁸

For the purposes of the undertaken analysis, it is necessary to refer to the recommendations from the final report summarizing the previous parliamentary elections (2020). The recommendations contained therein should be compared with the Statement of Preliminary Findings and Conclusions announced in October 27 2024²⁹ as well as with the “Georgia, Parliamentary Elections, 26 October 2024: Final Report” published in December 2024.³⁰ In its 2020 final report, ODIHR made 30 recommendations, 7 of which it considered to be of priority.³¹ From the point of view of analysis, two should be considered as the most important: 1) *to ensure a coherent and stable electoral framework, the legislation should be reviewed to bring it further in line with OSCE*

²⁶ Ibid.

²⁷ OSCE/ODIHR, *Georgia, Parliamentary Elections, 26 October 2024: ODIHR Needs Assessment Mission Report 20-24 May 2024*, Warsaw 2024, p. 1, at https://www.osce.org/files/f/documents/6/4/571810_0.pdf, 30 June 2024.

²⁸ “ODIHR Experts Discuss Electoral Recommendations and Reform in Georgia,” *Organization for Security and Co-operation in Europe*, 3 November 2022, at <https://www.osce.org/odihr/elections/georgia/530419>, 6 December 2024.

²⁹ “Georgia – Parliamentary Elections, 26 October 2024: Statement of Preliminary Findings and Conclusions,” *Organization for Security and Co-operation in Europe*, at <https://www.osce.org/files/f/documents/3/0/579346.pdf>, 6 December 2024.

³⁰ “Georgia, Parliamentary Elections, 26 October 2024: Final Report,”...

³¹ “Georgia, Parliamentary Elections, 31 October 2020: Final Report,” *Organization for Security and Co-operation in Europe*, pp. 34-37, at <https://www.osce.org/odihr/elections/georgia/480500>, 6 December 2024.

*commitments, international standards and good practices, well in advance of the next election period and within an inclusive consultation process and 2) to ensure public confidence in the electoral process and the protection of fundamental rights, the relevant authorities should take prompt and effective steps to properly investigate allegations of voter and campaign staff intimidation.*³² In the Statement of Preliminary Findings and Conclusions of the October 26 elections, ODIHR noted in the first sentences that: *parliamentary elections offered voters a wide choice with 18 candidate lists, they unfolded amid entrenched polarization in an environment marred by concerns over recently adopted legislation, its impact on fundamental freedoms and civil society. Contestants could generally campaign freely while campaign rhetoric and imagery was highly divisive. Reports of pressure on voters, particularly on public sector employees, remained widespread in the campaign. This, coupled with extensive tracking of voters on election day, raised concerns about the ability of some voters to cast their vote without fear of retribution.*³³ Statement also underlined *frequent revisions of the legal framework, over 20 times since 2020, including some made shortly before the elections.*³⁴ The final report confirmed the theses of the statement, also emphasizing that: *such frequent and last-minute changes undermined legal stability and raised concerns about potential misuse for political gain, contrary to OSCE commitments and international good practice.*³⁵ Those selected examples cited above indicate a discrepancy between the recommendations and the actual state of affairs observed during the last elections.

FACING DIFFICULT TIMES – THE OSCE POSITION IN THE TIME OF GEORGIAN POLITICAL CRISES

In recent months Georgia has been facing one of the most difficult crises of the past few years. Massive public protests against the “On Transparency of Foreign Influence Law”, adopted on May 28, 2024, affected not only the ordinary citizens who decided to protest but also the government that lost public trust and faced strong criticism from abroad. The issue of the new law reflected a very difficult and sensitive momentum in the modern history of Georgia. The law forced and proceeded by the Georgian Dream ruling party situated the country in a zone which is far away from the European standards and much closer to the Russian political and social environment (the proposed law is very similar to the regulations which came into force in 2012 in the Russian Federation). The European Commission,³⁶ the US administration and many European

³² Ibid., p. 34.

³³ “Georgia – Parliamentary Elections, 26 October 2024: Statement of Preliminary...”

³⁴ Ibid.

³⁵ “Georgia, Parliamentary Elections, 26 October 2024: Final Report,”...

³⁶ K. Strachota, “Drifting towards Russia: An Acute Political Crisis in Georgia,” *Centre for Eastern Studies*, 22 April 2024, at <https://www.osw.waw.pl/en/publikacje/analyses/2024-04-22/drifting-towards-russia-acute-political-crisis-georgia>, 30 June 2024.

governments condemned the new law as not reflecting the criteria of democratic regulation. Also, the position of the OSCE reflected criticism on the Georgian government's decision.³⁷ In the statement presented by the OSCE Office for Democratic Institutions and Human Rights on May 30, 2024 we can find the conclusion that: *'Georgia's newly approved law "on transparency of foreign influence" contains serious deficiencies that make it incompatible with international human rights standards and the country's commitments as an OSCE state, and it should be rescinded as well as that the law, which defines civil society and media outlets as "organizations pursuing the interests of a foreign power" only for receiving funding from abroad, falls short of the strict requirements laid down in international human rights law.'*³⁸ The mentioned statement was backed by the legal analysis which included specific recommendations. Both the international criticism and the recommendations were met with a negative reaction from the Georgian authorities. The law, despite the president's veto, was adopted, which significantly contributed to the deterioration of Georgia's relations with the European Union and the United States. The impasse and 'freezing of relations' continued until the parliamentary elections in October 2024. Georgians, as well as the EU and the US, hoped that the elections would allow for a 'new opening' and the restoration of dialogue. The election outcome announced on October 26, 2024, which was favorable to the Georgian Dream party, sparked significant controversy resulting from allegations of numerous irregularities. Georgian President Salome Zourabichvili stated that *our [Georgian] constitutional right to vote was stolen.*³⁹ The OSCE Office for Democratic Institutions and Human Rights' assessment of the electoral process is presented above. However, the political crisis and tension resulting from the elections, including the unconstitutional convening of parliament and the government's position on withdrawing from the EU accession process met with a strong reaction from Georgian society. Protests of thousands of Georgians and the actions of the authorities using force brought further steps within the OSCE. On November 30, 2024 the OSCE Office for Democratic Institutions and Human Rights stated that *The action of law enforcement officials while policing peaceful protests in Georgia is of deep concern and a serious breach of the right to freedom of peaceful assembly underlining disproportionate and indiscriminate use of force impacted a large number of protestors and journalists during protests in which the overwhelming majority of demonstrators were peaceful. The right to peaceful assembly is a freedom that lies at the heart of all democratic societies, and all OSCE states have committed to ensuring that 'everyone will have the right of peaceful assembly and demonstration'. They have also recognized that any limitation on this right must be stipulated by law and fully in*

³⁷ N. Gelashvili, "Georgian 'Foreign Agent' Bill Would Hamper NGOs, OSCE Official Warns," *Radio Free Europe / Radio Liberty*, 30 April 2024, at <https://www.rferl.org/a/georgian-foreign-agent-bill-osce-ngos/32927822.html>, 30 June 2024.

³⁸ "Georgia's 'Transparency of Foreign Influence' Law Incompatible with Democratic Standards and Human Rights Law: International Human Rights Office ODIHR," *Organization for Security and Co-operation in Europe*, at <https://www.osce.org/odihr/569925>, 30 June 2024.

³⁹ "Address by President Zourabichvili on the Non-Recognition of the Election Results," *President of Georgia*, 27 October 2024, at https://president.ge/index.php?m=206&appeals_id=424, 6 December 2024.

*line with international standards.*⁴⁰ A few days later the OSCE Parliamentary Assembly Special Representative on the South Caucasus in his statement called for dialogue and restraint amidst tensions in Georgia.⁴¹ Luis Graça said: *I am deeply concerned about the ongoing developments in Georgia following the October parliamentary elections. Reports of violence during the recent demonstrations are alarming. [...] I also urge all demonstrators to exercise their right to peaceful protest in a manner that respects the rule of law because acts of violence cannot be tolerated. I call for the protests to be peaceful. At the same time, while I emphasize that the police have a duty to exercise restraint in responding to demonstrators, it is important for the authorities to listen to the voices of the protesters and to respect fundamental freedoms.*⁴² The latest events in Georgia show the scale of internal problems. The growing political crisis, the lack of respect for legal norms and the constitution testify to the seriousness of the situation. At the same time, the reactions of the international community, including the OSCE, are met with a lack of reaction from the Georgian authorities or even with violations of accepted norms and obligations. Therefore, the OSCE has a limited field of action and the activities undertaken do not bring the expected results.

CONCLUSIONS

The Human Dimension plays a key role in the OSCE's influence on the transformation process in Georgia. As the analysis shows, the actions taken over the years were not only intended to contribute to the introduction of reforms protecting the well-being of citizens, but also to improve the functioning of the state. The actions considered in the areas of the rule of law, institution building and transparency of the electoral process indicated the OSCE's far-reaching engagement in all areas. Also, from the perspective of the last three decades, the OSCE can be indicated as an important participant in the process of state transformation and an entity contributing to the stabilization of the situation and security. It should be noted, however, that despite the support of the OSCE, the activities of the Georgian authorities in the analyzed period (2023-2024) remained in open contradiction with the recommendations. Although the office of the Ombudsman, cited as an example, enjoys trust⁴³ and a clear distinctiveness in Georgia, attempts, also supported by the OSCE, to ensure respect for civil rights and freedoms often end in failure. The electoral process in Georgia also leaves much to be desired, and the long-observed negative actions during the elections culminated in the fall of 2024. In this

⁴⁰ "OSCE Human Rights Office Condemns Use of Excessive Force by Police during Protests in Georgia," *Organization for Security and Co-operation in Europe*, 30 November 2024, at <https://www.osce.org/odihr/581962>, 6 December 2024.

⁴¹ "OSCE PA Special Representative on the South Caucasus Calls for Dialogue and Restraint Amidst Tensions in Georgia," *OSCE Parliamentary Assembly*, 3 December 2024, at <https://www.oscepa.org/en/news-a-media/press-releases/press-2024/osce-pa-special-representative-on-the-south-caucasus-calls-for-dialogue-and-restraint-amidst-tensions-in-georgia>, 6 December 2024.

⁴² Ibid.

⁴³ "Trust – Ombudsman," *Caucasus Barometer 2024 Georgia*, at <https://www.caucasusbarometer.org/en/cb2024ge/TRUOMB/>, 6 December 2024.

case too, the OSCE recommendations were not taken into account. The Georgian authorities introduced reforms to improve the administrative part of the electoral process but not its nature. Several factors are responsible for this state of affairs. The first of them is the departure of the Georgian Dream government from the standards of a democratic state of law and respect for civil rights. The introduction of the presented legal acts confirms the willingness of the government not only to restrict the rights of citizens but, above all, may indicate authoritarian tendencies. An equally important element is the destabilization of the situation in the post-Soviet area resulting from the war in Ukraine that has been going on since February 2022. The conflict in Ukraine influenced the position of the Georgian authorities, which made controversial decisions and turned towards the Russian Federation. Thus, despite many activities, the OSCE found itself in an extremely difficult situation. The OSCE was unable to prevent Russia from attacking Ukraine (both countries are OSCE members), and it is also unable to exert sufficient pressure on the Georgian government to improve the situation in Georgia. Georgia is not a full democracy (according to the Freedom House index it is called Partly Free⁴⁴) which is why the OSCE's support is so important. However, for this support to bring tangible results, the Georgian government should be open to dialogue and cooperation, and the current situation in Georgia indicates a complete lack of it.

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