

4 Weak membership and personal networks in Georgia

Nanuli Silagadze

Introduction

Georgia as a modern state counts for only about a quarter-century. It is a country in the Caucasus with outstanding strategic importance; thus, “at different times, Georgia was an object of struggle for Persia, Byzantium, the Arab Caliphate, Mongolia, Ottoman Turkey, Russia” (Putkaradze 2009, p. 173). It can be described “as very young and very old at the same time Georgia held relations with ancient Greece and Rome and was among the first in the world to adopt Christianity as its state religion” (Nodia & Scholtbach 2006, p. 7). The country experienced a short period of independence from 1918–1921 before forming part of the Soviet Union until its dissolution. It gained independence twice – 1918 and 1991 – “under similar circumstances of imperial collapse, economic crisis, and major shifts in the balance and norms of international relations” (Jones 2014, p. 2).

The referendum on 31 March 1991 marked the “restoration” of Georgian independence with over 90% votes in favor (Waters 2004, p. 49). The first multiparty elections were organized already in 1990 resulting in the victory of the nationalist and anti-Communist Round Table coalition led by the charismatic Zviad Gamsakhurdia, who later was elected as a president. However, being “a strong ethnic nationalist who openly called most ethnic minorities in Georgia active or potential traitors to the nation,” he greatly contributed to the escalation of tensions in the autonomous regions of Abkhazia and South Ossetia that ended in bloody wars (Nodia & Scholtbach 2006, p. 10). This led to the rise to power of the former Soviet Union’s minister of foreign affairs, Eduard Shevardnadze, who dominated the political system of Georgia from 1992 until the Rose Revolution in 2003.

The first constitution of the country after the collapse of the Soviet regime was introduced in 1995, providing for three distinct branches of government and the system of “checks and balances.” Still, the power remained centralized in the hands of the president (Freizer 2004). It was also the year when the Citizens’ Union of Georgia (SMK) was founded by Shevardnadze, experiencing a sweeping victory in the elections in the same year and dominating the politics of the country for almost one decade. SMK was

initially widely popular and was perceived as a vehicle of reforms, attracting a number of young and talented politicians, . . . however, it gradually lost

its appeal because of the widespread corruption of government officials and electoral manipulation to which it resorted in subsequent years.

(Mikaberidze 2015, p. 541)

In the words of Wheatley (2016, p. 217) “the political regime of Georgia after the passage of the Constitution in 1995 could be identified as semi-democratic or ‘hybrid’ where there is some political space but one political grouping dominates the system.” The same pattern is observed for the entire period from 1995 to today: the SMK dominated the political scene from 1995–2003, the United National Movement (ENM) enjoyed a lion’s share of political power from 2004–2012. Currently the Georgian Dream, which is a broad coalition of parties, established itself as the main political force in the country.

Georgia under Shevardnadze was often referred to as a “failing state,” with one of the highest corruption rates, zones of “frozen conflicts” in Abkhazia and South Ossetia that comprised about 15% of the country’s territory, and widespread poverty among the population (Nodia & Scholtbach 2006). Lastly, in the course of the Rose Revolution, Shevardnadze was forced to resign and Saakshvili won virtually uncontested the presidential elections in 2004. His party the United National Movement (ENM), which was created as a result of the merger of two parties, secured victory in the parliamentary elections. That same year the constitution was amended to grant the president the unrestricted power to dissolve the Parliament, thus transforming Georgia into a super-presidential republic, as some experts see it (Nodia & Scholtbach 2006, p. 25).

Georgia has a mixed electoral system that is quite typical for post-Soviet regimes. Thus, out of 150 mandates, 77 are distributed via proportional representation, while 73 members are elected in single-seat constituencies (Lortkipanidze 2016). Nonetheless, its political landscape is particularly fragmented with a high number of political parties united under various fractions. Furthermore, it is oriented towards a strong leader: “it would be fair to say that, in Georgia, we encounter political groupings that are based more on charismatic leadership and clientelistic approaches than on concrete ideologies and programmatic plans” (Lortkipanidze 2016). The highest number of parties represented in the Parliament – 24 – was in the legislative period 1992–1995 due to the lowest electoral threshold ever, a mere 2%. In contrast, in the previous period 2012–2016, only two parties made it to the Parliament. The legal threshold for parties to enter the legislative body varied throughout the years: from 2% in 1990 to 7% in 1999 and 2003/2004; since 2008 it has been set at 5%. For this chapter I selected for analysis those political parties that have been either part of the government or part of active opposition in the period 1991–2016. Consequently, the following parties were selected: ENM, Industry Will Save Georgia (MGS), Georgian Labour Party (SLP), and SMK. The reasons behind analyzing the SMK and the NUM having been mentioned earlier; a brief description of the SLP and the MGS follows.

The SLP, founded in 1995, is the most successful left-wing political party in Georgia’s history; though not always represented in the Parliament, it has been a relatively consistent opposition force (Nodia & Scholtbach 2006). Further, it is

the only party in the Georgian political scene that does not claim to be “center-right” and propagates for programs for the poorest voters such as free health care, education, subsidies for agriculture, etc. (Mitchell 2009, p. 38). Some researchers see it as a clearly populist party, known for being ruled at the almost exclusive discretion of its leader Natelashvili since the beginning of the decade (Nilsson & Cornell 2008; Bader 2010; de Waal 2012). The SLP is one of the very few parties that never allied with other blocs (Machaidze 2012). In contrast, the MGS, founded in 1999, gives clear priority to promoting business interests (Nodia & Scholtbach 2006) and has been in various political coalitions throughout its history, being represented in the Parliament four times out of five legislative periods.

This chapter focuses on the Georgian political parties in an attempt to analyze the following aspects: the evolution of their membership, understanding of the members’ status according to national legislation and internal party regulations, and influence of legal framework provisions on the parties’ finances. This chapter fills a gap in the literature, as the topic of party membership in Georgia remains understudied. In so doing, it also aims to stimulate dialogue on the need to document and accurately report party membership for all parties in Georgia.

Evolution of membership organizations

The topic of party membership is under-researched in the Georgian context, as neither studies nor surveys have analyzed thus far the numerical development of party members. This can be explained by the fact that the numbers are not publicly available since parties are not obligated to publish them. According to the national legislation there are only two cases where a certain number of signatures is required: i. for a party registration, at least 1,000 (Organic Law, Article 22) and ii. in order to participate in the Parliamentary elections, 25,000¹ signatures for parties without representatives in the outgoing parliament and not qualified to receive state funding and 1,000 signatures for qualified parties (Election Code, Article 113.9, *არჩევნები საქართველოში – რეგისტრაცია 32-მა პარტიამ გაიარა*, 2016). Otherwise, there are no legal requirements for tracking party members, neither are there institutionalized mechanisms for the public authorities to verify the numbers. No national database including all party members exists. Therefore, it is not surprising that parties did not keep records of their members. Besides, parties’ officials usually tend to refer to high figures of membership to demonstrate the popularity of their party. According to Giorgi Gugava,² political secretary of the Labour Party: “Imagine there are around 230 parties registered that claim to have a certain number of members, but if you add the figures up it will be more than the entire electorate of the country. Thus, the numbers are not reliable.”

The number of party members was only possible to find out from the parties³ themselves since authorities and other institutions did not have them. Even the Ministry of Justice, has been responsible for party registration and all the archives of the country, does not possess the information on membership numbers. Due to these circumstances, it was not feasible to get any numbers for non-existing SMK; party officials of MGS and SLP were able to give only actual approximate

numbers (for 2016); they also emphasized the lack of rigorous mechanisms for measurement in the past as well as in the present. As Gugava noted:

There is no solid information about the party membership. We count our members according to the American system where who votes for a party is considered as its member. Furthermore, in such a difficult social-economic situation that we have in Georgia where people struggle with existence problems, we cannot afford to demand membership fees.⁴

This goes in line with the scholarship stating that “widespread poverty and socio-economic problems significantly hinder institutionalisation of such contributions. Apart from this, trust in parties is also rather low, causing citizens to abstain from membership in political parties” (Bolkvadze 2013, p. 6). As one survey of 2007 demonstrated 58% of respondents held an unfavorable view of all political parties (Bader 2010, p. 84). Moreover, according to Devdariani (2004, p. 80) parties in general pay little attention to their membership. As for methods of proactive recruiting new members, political parties usually rely on their personal networks – friends, family members, relatives, and neighbors whom they trust (Nodia & Scholtbach 2006, p. 144).

Following the party representative of the SLP, the number of members for 2016 was assessed at around 50,000. From the secondary sources it was identified that the party had 90,000 members in 1999 and 15,000 of them were active members (საქართველოს პოლიტიკური პარტიები, 1999). In the course of the Rose Revolution the party lost around 15% to 17% of its members due to its taken position (Nodia & Scholtbach 2006, p. 242). In the case of MGS, the information from their party official was that the number of party members in 2016 was estimated at around 15,000, activists⁵ at 2,300 (Table 4.1). Furthermore, it was stressed that since no exact numbers exist and no membership fee is paid, the party merely relies on the donations.

The only party that provided the numbers for all legislative periods was the ENM, though suspiciously stable/unchanged no matter whether the party was in power (2004–2012) or in opposition since 2012. According to their party official, the number of officially registered party members in the period from 2004 to 2016 stayed constant at around 40,000; this number did not include the data on activists and supporters⁶ since it is highly volatile. Furthermore, it was reported that the membership fee is voluntary and each member can pay as much as they wish. One should peruse this information with caution, taking into consideration that numbers of party members usually change depending on whether the party is in government or opposition (Gherghina 2014). The genuinely different electoral performance of the ENM (e.g., 2008: 59.18% versus 2016: 27.11%) is not echoed in these invariable numbers either. Apart from this, to become a member was easy in the beginning of the party history as almost every applicant was accepted, but the rules were tightened afterwards (Nodia & Scholtbach 2006, p. 259). This development is also not reflected in the steady numbers reported. In addition, according to the claims of a party representative in the media, in 2014

Table 4.1 Party membership in Georgia (1999–2016)

Party	Year	1999	2004	2008	2012	2016
ENM	Membership		40,000	40,000	40,000	40,000
	Electorate		3,502,163	3,579,324	3,660,403	3,884,557
	M/E		1.14	1.12	1.09	1.03
MGS	Membership					15,000
	Electorate					3,884,557
	M/E					0.39
SLP	Membership	90,000	75,000			50,000
	Electorate	3,631,394	3,502,163			3,884,557
	M/E	2.48	2.14			1.29

Notes: This table starts with the year 1999 because membership numbers for the years 1990, 1992, 1995 were not available.

For ENM in 2016, several party representatives provided different numbers. I used the most detailed data received from the party official.

Sources: საქართველოს პოლიტიკური პარტიები (1999), Nodia and Scholtbach (2006), party officials.

the movement welcomed 20,000 new members (“ნაციონალურ მოძრაობას” 20 ათასი ახალი წევრი ჰყავს,” 2014). Another official stated in the press that the party had about 33,000 members in 2016 (“როცა პარტიას 33 ათასი წევრი ჰყავს, ასი ან ხუთასი კაციც რომ წავიდეს, ეს არ არის გაყოფა” - ვის გაუშვებენ 20 იანვარს ‘ნაცმოძრაობიდან’?!,” 2016). Following the information received from a former MP, the ENM in 2016 counted around 35,000 party members and 14,000 activists. The example from this party illustrates that different officials tell different stories in regard to member numbers.

The ratio between the number of voters and that of the members in 2016 (the only year where the data for the three parties was available) is as follows: MGS (0.39), Labour (1.29), ENM (1.03). It is evident that the ENM, which won over 27% of the votes in the 2016 elections, has fewer party members than the SLP, which received only roughly 3% of votes. Furthermore, the SLP demonstrates the highest ratio between the number of voters and party members throughout the years, with the highest ratio of 2.48 observed in 1999. This number is quite impressive if one considers that in other post-communist countries the overall membership rate is around 3% (Van Biezen et al. 2012, p. 29). Furthermore, it is noteworthy that in the case of the SLP, there is a certain correlation between the number of members and share of votes received – a declining trend: 1999: 90,000 members and 7.0% votes; 2004: 75,000 members and 6.14% votes; 2016: 50,000 members and 3.14% votes. As stated earlier, no similar correlation is measured in regard to the ENM; no data for the consequent years was available for the MGS.

To conclude, a historical overview of the development of Georgia’s party system in terms of membership is not possible due to the lack of available and reliable data. However, as numbers show, the political parties do not have a “mass” character – 40,000 members for a party (ENM) that won almost 60% of votes in 2008 – is a quite modest number.

Definition of party membership

In the constitution and national legislation

The Georgian constitution⁷ stipulates that citizens shall have the right to form a political party/association and participate in their activities according to the Organic Law (Article 26.2). Citizens who attained the age of 18 have the right to participate in elections (Article 28) and citizens of age 21 and older have the right to be elected as a member of Parliament (Article 49). The constitution further specifies that the president of Georgia may not hold a position in a political party (Article 72). Similarly, a judge or a prosecutor may not be a member of a political party or participate in a political activity (Articles 86.3 and 26.5). The same rule is applied to persons enrolled in the military forces or the bodies of internal affairs (Article 26.5). These provisions can be explained by the legacy of both communist rule and the first period of independence (Nodia & Scholtbach 2006, p. 45).

The Organic Law of Georgia on Political Associations of Citizens is the most extensive piece of legislation on political parties. It was adopted in 1997 and has undergone several changes throughout the years. This law *per se* does not specify the rights and obligations of members within political entities, but rather states that they shall be spelled out in the statute of a party (Article 13).

Party membership is conceptualized individually in Georgian law. Every citizen can join a political party, whereas foreigners can't (Article 5). The age regulation in regard to party members is linked to the period of obtaining the right of vote. Since in Georgia the right to vote is obtained at age of 18, correspondingly, the right to become a party member can be exercised starting with this age as well. There is no upper age limit. Apart from this, a Georgian citizen may belong to only one party (Article 9). The registration of a political party is conditional upon the number of its members. The law requires that the request for the registration be signed by at least 1,000 individuals (Article 22). Furthermore, parties are allowed to establish youth or women's organizations or other ancillary units – branches, and representative offices (Article 21). In contrast to other post-communist countries, the rules for party registration have not been made stricter over the years (Casal Bértoa & van Biezen 2014). In this regard the legislation remained very liberal resulting in a large number (almost 200) of registered parties in such a small country. Some party representatives argue that the registration procedure is too simple in Georgia demanding a higher number of signatures – at least 10,000 (Nodia & Scholtbach 2006, p. 58). It is noteworthy that out of around 190 registered parties only a dozen are actively involved in political life (“National Integrity System. Transparency International Country Study” 2011, p. 138), whereas only two of them were represented in the Parliament in the previous legislative period (2012–2016): Georgian Dream and ENM (“1990 წლიდან 2016 წლამდე პოლიტიკური ძალების წარმომადგენლობა საქართველოს საკანონმდებლო ორგანოში,” 2016, p. 16). Finally, the Organic Law guarantees that membership in a party may not be restricted on the basis of race, color, language, gender, religion, national, ethnic or social belonging, origin, property

status, rank, or place of residence (Article 11). Furthermore, the membership shall be of the voluntary nature, meaning that members may join and leave party at any time (Article 3).

In the party statutes and in practice

The Georgian parties tend to declare higher numbers of their membership as well as vast territorial coverage. Parties are required to have branches in no less than one-third of the administrative districts (Nodia & Scholtbach 2006, p. 58). There are approximately 3,000 electoral districts currently in Georgia and no party has established primary organizations⁸ in all of them. All parties, however, are aiming at reaching this goal in their development plan. The ENM seems closest to this objective, claiming to have primary organizations in around 2,884 poll stations (Nodia & Scholtbach 2006, p. 135). In contrast, according to the report of Bertelsmann Stiftung “even the ruling party [ENM], which clearly dominates the political arena, does not have a full-fledged structure covering all districts of the country” (BTI 2008; Georgia Country Report 2007, p. 19).

In accordance with the national legislation the main document that regulates the relationship between the parties and its members is the statute. Though, “statutes are considered to be very general documents that are adopted in order not to violate the Law on Political Associations of Citizens which states that all political organizations are obliged to adopt statutes at their first conference” (Nodia & Scholtbach 2006, p. 145). Having said this, it is remarkable that no other additional regulatory documents exist in the parties’ arsenal. Since statutes usually do not specify ways of handling internal conflicts that may arise between party members, parties rely to a great extent on informal methods of resolving them – for instance via discussions in primary units with conflict parties involved and other members, sometimes even with the involvement of party leaders (Nodia & Scholtbach 2006, p. 145). One of the best examples in avoiding conflicts is the ENM, where there is a strict hierarchy and clear division between members’ rights and responsibilities. Here as well conflicts are resolved through informal dialogue. In case the confrontation becomes irreconcilable, the member who has the fewest supporters usually leaves the party (Nodia & Scholtbach 2006, p. 259).

The statutes of the parties under scrutiny – SMK, MGS, SLP,⁹ and ENM – look very similar, having a standardized form and content. This is explained by the adherence to the provisions prescribed by the Organic Law. All party statutes have sections on goals, membership, structure, and finances. Often even the same wording is applied in the statutes and the Organic Law. Content analysis of the statutes of the four selected parties allows deducing that in order to become a party member one has to be a citizen of Georgia with the right to vote (i.e., at least 18 years old) who shares the goals, principles, and program of the party (Table 4.2). It is noteworthy that the only party that did not stress the principle of exclusivity – that their member may not belong to any other party – was the SMK. This can be explained by the fact that the party was founded in 1995 whereas the Organic Law that stipulates this provision was passed in 1997 (neither version of

Table 4.2 Criteria and conditions for party membership in Georgia (1995–2016)

<i>Party</i>	<i>Age</i>	<i>Citizenship</i>	<i>Probationary period</i>	<i>Annual fee</i>	<i>Exclusivity</i>	<i>Adherence to principles</i>	<i>Past history</i>	<i>Understanding of membership</i>
ENM	18	Georgian	NS	NS	Yes	Yes	Yes	Traditional/informal
MGS	18	Georgian	NS	Voluntary	Yes	Yes	Yes	Traditional/informal
SLP	18	Georgian	NS	Compulsory	Yes	Yes	Yes	Traditional/informal
SMK	18	Georgian	NS	Compulsory	NS	Yes	Yes	Traditional/formal

Notes

The ENM, SLP, and SMK require recommendation(s) from party members. In the case of MGS the information about the applicant's past is gathered during the interview. The SLP annual fee is in theory compulsory, but in practice it is not.

the constitution accentuated this rule). Furthermore, the SMK is the only party that conditions the membership by payment of the membership fees. This point is articulated in the very first article on membership (Article 3.1) and repeated in Article 3.6 as one of the obligations.

The membership procedure within these parties begins with the written application at (usually) district organization. All four parties under review stress the motivation, political past, and loyalty of the potential new member. Thus, SMK required two recommendations from the SMK members (Article 3.2). In the case of ENM, three recommendations from the ENM members are necessary (Article 3.4) and the reference persons are held responsible for the activities of their nominees. In the beginning, though, it was easy to join the party and almost every applicant was granted membership (Nodia & Scholtbach 2006, p. 259). Similarly, the SLP has tightened the admission criteria and changed the orientation from expanding its membership base to emphasizing the quality of its members. A letter of recommendation from a party member is required for an applicant, “if the candidate does not have a reference person, local party activists will gather information about him or her” (Nodia & Scholtbach 2006, p. 241). MGS does not formally require recommendations; however, “the party pays great attention to the new members’ political past, reputation and motives for joining the party. This information is collected during the interview with the candidate, an interview that is decisive for taking the decision on admission” (Nodia & Scholtbach 2006, p. 236). The decisions on accepting or expelling members are taken by: SMK – district organization (Article 3.2 & 3.4), MGS – regional office (Article 3.2), SLP – central office (Nodia & Scholtbach 2006, p. 240), ENM – Political Committee (Nodia & Scholtbach 2006, pp. 241–242).

Among the parties under scrutiny, the most extensive provisions on expelling members are observed in the statute of the MGS. A ground for expulsion includes “violation of the interests, aims and/or programs of the movement, violation of the Georgian legislation, or the act which damages the reputation of the movement, any other material or moral damage” (Article 3.5). Furthermore, the decision on expulsion may be appealed to a higher body of the movement, except when the decision is made by the Congress (Article 3.7). Apart from this, the statute emphasizes (in compliance with the Organic Law) that the membership is terminated if the member is “enrolled in the personnel of the Georgian military forces, law enforcement agencies or financial police or appointed as a judge or prosecutor, as well as in other cases envisaged by law” (Article 3.3). In sharp contrast the only provision in the SMK’s statute on expulsion is: “The decision about excluding a member from the party is taken by the district organization” (Article 3.4), thus, not specifying possible reasons for expulsion. The statute of ENM states that “as a ground for the expulsion is seen systematic violation of the movement’s interests, aims set by the Statute or not implementing the decisions of the executive or the executive organs, violation of the Georgian legislation” (Article 3.6). Similarly, in the case of the SLP, members can be expelled if their actions contravene the party Statute, program, or goals and if they refuse to participate in party events, do not carry out the instructions and tasks assigned by the supervisors, or fail

to pay membership fees for four months (unless otherwise decided) (Nodia & Scholtbach 2006, p. 242).

Membership rights across analyzed parties include the right to take part in party activities and the decision-making process, as well as the right to elect and be elected in the party's elected bodies. The MGS stresses the right "to receive information about any structural unit of the movement" (Article 3.8.5) and "to discuss in the relevant organs of the movement all the issues related to movement activities" (Article 3.8.1). Both the SMK (Article 3.5) and the ENM (Article 3.7.6) emphasize the right of a member to "benefit from the property of the party according to the set rules." The only party that explicitly guarantees its members the right to contact the executives is the ENM (Article 3.7.5).

As illustrated in Table 4.3, members across parties have the following obligations: to comply with rules and statutory provisions, contribute to the realization of the party program's objectives and implement the decisions taken by the party's organs. Further, the SMK, the ENM, and the SLP stress the obligation of taking part in the party's activities. For the SLP and the SMK paying membership fees belongs to members' duties. The ENM has two further interesting provisions that are not spelled in other parties' statutes: "to take care of the name and reputation of the movement and propagate broadly its activities" (Article 3.8.4) and "to take care of the movement's property and make effort to enhance/stabilize it" (Article 3.8.5).

Alongside the status of party member, two parties also provide those of activists (NMU) or supporters (SLP). The NMU defines an activist as "a person who supports the movement and participates actively in the implementation of its objectives but is not its member" (Article 4.1). Comparing rights of members and activists, it becomes evident that activists do not have the right to elect or be elected in movement organs or take part in the decision-making process. Activists also have less obligations. Similarly to members, activists are obliged to implement the decisions taken by executives. However, there are also additional obligations that are not applied to members: "to take active part in any events organized either by the movement's central or regional structures" (Article 4.3.2) and "to use to maximum their own knowledge, experience and human resources (social networks) to promote the movement's name and authority" (Article 4.3.3). The SLP developed the system of supporters. Supporters are defined as people who intend to vote for the Labour Party in the next elections or those who lost their member status due to their passivity but still identify themselves with the party. The lists of supporters are drawn in the local organizations of the party. This system allows the party to know almost exactly the share of votes (minimum amount) for the next elections (Nodia & Scholtbach 2006, p. 242).

All in all, the party statutes are very general and are designed in order to comply with the national legislation. This leaves a lot of room for informal actions and the decision-making process is not transparent. As Nodia and Scholtbach (2006, p. 169) summarize it: "There is a gap between the formal rules within the party, which are by and large democratic, and the actual practice of non-competitive, elite-controlled formation of cliques." Moreover, not every statutory provision is

Table 4.3 Internal party arrangements in Georgia (1995–2016)

<i>Party</i>	<i>Right to information</i>	<i>Freedom of expression within the party</i>	<i>Candidate selection for local and legislative elections</i>	<i>Party leader selection</i>	<i>Right to be elected in the governing bodies of the party</i>	<i>Participation to Congress</i>	<i>Election manifesto</i>	<i>Right to contact representatives</i>
ENM	Yes	Yes	NS	Delegation	Yes	Delegation	NS	Yes
MGS	Yes	Yes	NS	Delegation	Yes	Delegation	NS	NS
SLP	Yes	NS	NS	Delegation	Yes	Delegation	NS	NS
SMK	NS	NS	NS	Delegation	Yes	Delegation	NS	NS

Notes

For the ENM, the freedom of expression is covered by the right to take part in the decision-making process (Article 3.7.4 of the statute).

For the MGS, freedom of expression is covered by the right to discuss in the relevant organs of the movement all the issues related to movement activities (Article 3.8.1 of the statute).

strictly followed – for instance, paying a membership fee might be an obligation on paper; in practice, however, it does not take place.

Membership as an outcome of party constitutionalization and regulations

The legal framework on political parties (i.e., registration, participation in parliamentary elections, eligibility for state funding) is primarily spelled out in the constitution (adopted in 1995, amended in 2004, 2010, 2017), the Election Code (adopted in 2001, amended in 2015), and the Organic Law of Georgia on Political Associations of Citizens (adopted in 1997, amended in 2015).¹⁰

The right to form a political party or association is anchored in the Georgian constitution (Article 26.2). The only limitation is applied if a party's goal is to change/overthrow the constitutional order, violate the territorial integrity of the country, or advocate war and violence (Article 26.3). However, once a party is registered its activities can be prohibited only by the decision of the Constitutional Court (Organic Law, Article 35). According to the Organic Law of Georgia on Political Associations of Citizens (OL), “political party” is defined as an “independent and voluntary association of citizens established on a common ideological and organizational basis and registered in accordance with the procedure established by this Law to conduct its activities within the scope of the Constitution and the legislation of Georgia” (Article 1) and is seen as an “essential constitutional and legal component of a free and democratic society” (Article 2).

The rules for party registration are spelled out in the Organic Law. The decision on the registration of a political party is taken by the National Agency of Public Registry¹¹ (Article 22.1). In order to establish a party at least 300 persons shall convene the founding convention and adopt the statute of the party (Article 12). Furthermore, “a list of at least 1,000 party members, including their names, surnames, dates of birth, identification card numbers, residential and work addresses and telephone numbers and their signatures”¹² shall be submitted within one week after the founding convention (Article 22.2). The most important limitation on establishing political parties is stipulated in Article 6, which does not allow registration of parties created on the regional or territorial basis. This restriction is aimed at constraining separatist movements in the country. Though the “regional or territorial” principle might seem quite vague, there have been in total only two parties to whom the registration has been denied in the recent history of Georgia. These were the case of Virk, which aimed at creating an autonomous status for regions in Georgia with an ethnic Armenian population; and the case of Mkhedrioni – successor of a paramilitary group and whose leaders were accused of committing crimes in the past (Nodia & Scholtbach 2006, p. 46).

In order to participate in the Parliamentary elections a party without representatives in the outgoing parliament and not qualified to receive state funding is required to collect 25,000 signatures (the number may not exceed 1% of the total number of voters); qualified parties are required to collect 1,000 signatures (2001 Election Code_Article 113.9).

Article 25 of the Organic Law identifies four financial sources of a political party:

- a) membership fees;
- b) donations;
- c) sums allocated by the State in cases established by law;
- d) the annual income generated from designing and distributing symbols, organizing lectures, exhibitions and other public activities, as well as from publishing and other activities pursued according to statutory objectives; such income may not exceed twice the amount of the basic minimum funding.

The same article states the right of a party to take a loan from commercial banks, which shall not exceed GEL 1 million¹³ in a calendar year. As illustrated in the previous section membership fees play a truly marginal role in the party finances. Furthermore, it can be guessed that the revenue from distributing symbols or organizing lectures (taking into consideration the difficult economic situation in the country) may not serve as a significant source. Besides, the amount of donations received from public activities (lectures, workshops, etc.) is capped at GEL 30,000 per year (Organic Law, Article 26.4). Thus, depending on the party performance in the previous elections the main pillar of funding is either donations or state subsidies (if eligible for it). It must be noted that Georgia is marked by “extremely uneven distribution of resources between the ruling party and opposition” (“National Integrity System. Transparency International Country Study” 2011, p. 137). This is true in regard to both state funding (since electoral system favors the ruling party) and donations. Although the state funding of political parties is quite limited due to the fact that Georgia is a relatively poor country. Nonetheless, the parties in power enjoy a privileged position and often have access to additional, administrative resources due to lax regulations over its use (Bolkvadze 2013, p. 3; Falguera et al. 2014, p. 185). In addition, “businesses are likely discouraged from donating to opposition political parties since they do not carry influence in the parliament or any other governing body.” This situation was clearly reflected, for instance, in the 2008 elections where the governing ENM was able to spend GEL 12 million on its campaign – 25 times more than the sum spent by the largest coalition of opposition parties – the United Block (“National Integrity System. Transparency International Country Study” 2011, p. 140).

In compliance with the Organic Law (Article 26) donations may not be accepted from foreign, stateless, or anonymous donors. Additionally, the information on the donations received by a party shall be publicly available. This data shall be published on a monthly basis by the State Audit Office on their website. Parties are obligated to submit the information on receiving donations or membership fees to the State Audit Office within five days (Article 27). In practice financial reporting from the political parties remains a “major challenge.” The Transparency International report states: “The overwhelming majority of the declarations provided by the political parties are incomplete and inconsistent. In many reports, the parties did not provide information that is required by the law” (*Ruling Party had ‘Unprecedented’ Election Donations – TI Georgia 2017*). Apart from this, despite

the fact that the Audit Service is in charge of verifying legality and completeness of the submitted reports, it has no obligations to publish its conclusions (*Georgia, Parliamentary Elections, 1 October 2012: Final Report*, 2012, p. 15), not to mention that proper legal mechanisms for the verification of submitted information are absent (“National Integrity System. Transparency International Country Study” 2011, p. 143). This makes “unravelling corrupt and unlawful schemes” difficult (Chikhladze & Kakhidze 2017, p. 5).

The amount of donations is also regulated, but there is no cap on the total amount of money a party can receive within a given period (“National Integrity System. Transparency International Country Study” 2011, p. 139). However, compared with the 1997 OL, the current legislation (Organic Law 2015) allows higher sums. Article 27 foresees that the maximum amount of donations received by a party from each citizen may not exceed GEL 60,000 per year, from each legal person – GEL 120,000 per year.¹⁴ Donations, as well as membership fees shall be received only by bank transfer.¹⁵ Furthermore, the 2015 OL introduced the maximum amount of membership fee that can be paid by each member – GEL 1,200 per year. This ceiling was a step to ensure that the regulations for private donations cannot be bypassed. However, the membership fees make only a small portion of the parties’ annual income – ranging from 5% to 10% (Bolkvadze 2013, p. 20).

As claimed by scholars, “the Georgian legislation is considered liberal when it comes to the creation and functioning of political parties, and the parties themselves do not envisage serious problems in this area” (Nodia & Scholtbach 2006, p. 47). However, as it comes to funding (Table 4.4), opposition parties are clearly disadvantaged. Especially in regard to donations, the disproportion is prominent. For instance, during the last electoral campaign in 2016, the overwhelming share of donations – 86% went to the ruling GDDG (*Ruling Party had ‘Unprecedented’ Election Donations – TI Georgia 2017*).

The state funding of political parties in Georgia depends on the parties’ performance in the last elections. Comparing the legislation – OL 1997 and 2015 – it is evident that the regulations have been liberalized, sums available for political parties increased, thresholds for obtaining them decreased. (Although, the system clearly favors the parties in power.) In general, funds are allocated for parties that “participated in elections independently or as part of an electoral bloc, provided that the party or the relevant electoral bloc has obtained 3%, or more than 3%, of the votes in recent parliamentary or local self-government elections (2015 OL, Article 30.2).¹⁶ A minimum amount of annual basic funding is set at GEL 300,000 (2015 OL, Article 30.5).¹⁷ In addition, if a party or electoral bloc has received 6% or more of the votes in the recent parliamentary or local elections, its basic funding shall be doubled (2015 OL, Article 30.6).¹⁸ Besides the basic funding, eligible parties receive additional funding that is calculated in proportion to their mandates and received votes. However, here again, the formula strongly favors the “party of power” (Bolkvadze 2013, pp. 20–21). Furthermore, a party is eligible to receive a bonus of 30% of the basic funding if the election list (in the case of local self-government elections, all party lists) include at least 30% of female candidates in each 10 candidates on their

Table 4.4 Legal framework of financing of political parties in Georgia (1997–2015)

<i>Main components</i>	<i>Organic Law (1997)</i>	<i>Organic Law (2015)</i>
Private funds		
Membership fees	Allowed	Allowed: no more than GEL 1,200 a year
Assets	Non-specified	Allowed
Donations from physical persons	Allowed: no more than GEL 30,000 ¹	Allowed: no more than GEL 60,000
Donations from juridical persons	Allowed: no more than GEL 100,000	Allowed: no more than GEL 120,000
1.5 Donations from public institutions	Forbidden	Forbidden
1.6 Anonymous donations	Non-specified	Forbidden
1.7 Foreign donations	Forbidden	Forbidden
2. Public funds		
2.1 Total sum	State budget	State budget
2.2 Allocation method	<ul style="list-style-type: none"> – Funds from the state budget that are to be directly distributed among political parties, shall go to the political parties, which during the last parliamentary elections overcame the 4% threshold, or parties that during the last local elections overcame the 3% threshold. – The amount of the basic funding is GEL 150,000 annually. If an election subject (party/election bloc) overcomes the 8% threshold in the last parliamentary elections, or 6% threshold in the last local elections, the basic funding shall equal to GEL 300,000. 	<ul style="list-style-type: none"> – Funds from the state budget allocated for parties that participated in elections independently or as part of an electoral bloc, provided that the party or the relevant electoral bloc has obtained 3%, or more than 3%, of the votes in recent parliamentary or local self-government elections. – The amount of the annual basic funding is GEL 300,000. If a party or electoral bloc has received 6% or more of the votes in the recent parliamentary or local elections, its basic funding shall be doubled. – A party is eligible to receive a bonus of 30% of the basic funding if the election list (in the case of local self-government elections, in all party lists) include at least 30% of female candidates.

(Continued)

Table 4.4 (Continued)

<i>Main components</i>	<i>Organic Law (1997)</i>	<i>Organic Law (2015)</i>
3. Indirect financing		
3.1 Free airtime to public media	Non-specified	Guaranteed (for parties that participated in the recent general elections)
3.2 Method of allocation	Non-specified	– Additional funding during the year of general parliamentary and local self-government elections to cover TV advertising costs. The amount of funding allocated to a political party is calculated by multiplying the number of votes obtained in the recent general elections by three and dividing it by the number of political parties within the electoral subject. The funding may not exceed GEL 600,000.
3.3 Premises	Non-specified	Non-specified

Note: Approximately 3 Georgian Lari (GEL) = 1 €.

respective list (2015 OL, Article 30.7). Though, neither the governing Georgian Dream (GD) nor the opposition United National Movement (ENM) have yet taken advantage of this stimulus (Mierzejewski-Voznyak 2016).

Moreover, according to 2015 OL political parties receive additional funding during the year of general parliamentary and local self-government elections to cover TV advertising costs. The amount of funding allocated to a party is calculated by multiplying the number of votes obtained in the recent general elections by three and dividing it by the number of political parties within the electoral subject. The funding may not exceed GEL 600,000 (2015 OL, Article 30.12). Additionally, the law stipulates that “a certain sum shall be transferred from the state budget annually to a fund which is intended to support the development of parties and the nongovernmental sector.” The sum is distributed in proportion to 50% for political parties and 50% for NGOs. The fund is to be used exclusively for research, educational programs, conferences, business trips, regional projects (2015 OL, Article 30).¹⁹

Conclusions

This chapter aimed at revealing general characteristics of party membership in Georgia. It can be concluded that, despite their reporting, parties do not actually have mass character in terms of membership. Deep territorial penetration is

also absent. Furthermore, most parties shifted the focus from attracting as many members as possible towards selecting them on the basis of their previous history, motivation, and qualifications.

The topic of party members and their role remains understudied in Georgia. The aggregated data is missing since parties are not obliged to track the number of their members. Due to the fact that no authorities or intuitions possess the information about party members, party representatives themselves were the main source for receiving the information for this research, though not all of them were receptive to the requests. Thus, the long-term evaluation of party membership was feasible only to a very limited extent.

Members' financial contribution is extremely low in the Georgian context. Membership fees, though usually described as one of the members' duties, in practice are not demanded due to the difficult economic situation in the country. Members do not play any role in terms of state subsidies either that are distributed according to the electoral performance. The system clearly favors the parties in power. Private funds are the main source for most parties. In all, certain legislation provisions adopted, the financial transparency of parties remain a challenge. Lack of internal party democracy raises another concern. Georgian political parties are weakly institutionalized with ideological orientation playing a minor role. Parties are traditionally built upon strong personalities of their leaders who in the end play a pivotal role in party decision-making process. All in all, the Georgian party system displays the characteristics of post-communist societies: low institutionalization, meager ideologies, and high instability and fragmentation.

Notes

- 1 In 1995 the amount of signatures that a party without representatives had to collect for participating in the elections was double as high – 50,000 (არჩევნების ისტორია, 2016).
- 2 In a telephone conversation on 22 December 2017.
- 3 It was quite difficult to reach the parties. In the case of MGS, several attempts were made to contact them personally, but every time the headquarters office was closed and no one answered the phone. The only party that could be reached via central phone number was the Labour Party. Neither of the parties under scrutiny replied to e-mails.
- 4 In 2006, when around 50% of Georgians lived below the poverty line, the membership fee still existed, although it was fairly small (or micro) – 0.3 lari (0.1 €) per month (Nodia and Scholtbach, 2006, pp. 84, 241). Currently around 30% of the population falls below the poverty line (Lortkipanidze, 2016).
- 5 It is remarkable that there is no notion about the status of activists in the statute of the movement.
- 6 The statute of the movement defines only the status of members and activists. Supporters are not mentioned in this document.
- 7 The constitution was adopted in 1995 and amended in 2004, 2010 and 2017. Besides, several amendments were passed in 1999, 2000, 2001, 2002, 2003, 2005, 2006, 2008, 2009, 2011, 2012, 2013 (*Constitution of Georgia*, 2017). This chapter considers the constitution from 2010.
- 8 Territorial structure of political party organizations includes: head offices, regional, district, zone and primary organizations, whereas the primary organization represents the primary level of the parties' structural pyramid comprised of at least three local activists living in the area (Nodia and Scholtbach, 2006, p. 137).

- 9 During the research period the website of LP was under reconstruction after a series of hacker attacks (სეროული ჰაკერული შეტევების შედეგად, პარალიზებულია საქართველოს ლეიბორისტული პარტიის საიტი, 2017). Thus, the party statute was not available. The information here is based on the detailed analysis of their party statute (version 2002) by Nodia and Scholtbach (2006, pp. 239–243). I was assured by a party official in a phone call that since then only minor changes have been made and that one can rely on the available version (he also stated that the Central Office does not have an offline copy of the actual statute).
- 10 Several amendments were made in the Organic Law throughout the years (in 2005, 2006, 2007, 2008, 2009, 2011, 2012, 2013, 2014, 2015). Due to data-availability reasons, only two versions are scrutinized in this chapter – 1997 and 2015 (Organic Law of Georgia on Political Unions of Citizens, 1997, amended 2015, 2015). However, it is noteworthy that a number of amendments to the party/campaign finance regulations were passed in 2011 – including ban on corporate donations, setting annual upper limit for membership fees, capping the donor sums (Bolkvadze, 2013, p. 20). This was an attempt of the former president Saakashvili to prevent his challenger – billionaire Ivanishvili – from spending his own money on his campaign (Falguera, Jones and Ohman, 2014, p. 188).
- 11 The previous version of Organic Law (1997) stated that a party “shall be registered in the Ministry of Justice of Georgia” (Article 22).
- 12 This formulation is present in the latest version of the Organic Law (2015). The older version (1997) required merely “a list of at least 1,000 members of the party signed by the party leader (leaders).”
- 13 Approximate: 3 Georgian Lari (GEL) = 1 €.
- 14 OL_1997, Article 27.1: An overall value of financial and material donations received by a party in a year shall not exceed: a) 30 000 Lari from a natural person; b) 100 000 Lari from a legal entity.
- 15 OL_1997, Article 27.3: This restriction does not concern the contributions made by a natural person, if the amount does not exceed 300 Lari per year.
- 16 The threshold has been lowered. Article 30 (2)_OL 1997: Funds from the state budget that are to be directly distributed among political parties, shall go to the political parties, which during the last parliamentary elections overcame the 4% threshold, or parties that during the last local elections overcame the 3% threshold.
- 17 Double as high compared to legislation from 1997 (Organic Law, Article 30.5): The amount of the basic funding is GEL 150,000 annually.
- 18 Article 30 (6)_OL 1997: If an election subject (party/election bloc) overcomes the 8% threshold in the last parliamentary elections, or 6% threshold in the last local elections, the basic funding shall equal to GEL 300,000.
- 19 This provision remained unchanged since 1997.

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