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# Georgian Political Democratization through European Perspectives

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## რეზიუმე

წინამდებარე კვლევის მიზანია საქართველო-ევროკავშირის ურთიერთობების სპეციფიკურ კონტექსტში შესწავლა. კერძოდ, სტატიაში ყურადღება გამახვილებულია საქართველოში დემოკრატიული ინსტიტუტების ჩამოყალიბების პროცესზე ევროპის სამეზობლო პოლიტიკის ჭრილში. სტატია მიზნად ისახავს ევროკავშირის, როგორც საგარეო აქტორის როლის წარმოჩენას საქართველოში მიმდინარე რეფორმების პროცესში. კვლევა ეხება საქართველოში ინსტიტუციურ იზომორფიზმს ევროკავშირის მიერ ევროპეიზაციის პროცესში. გამოყენებული ორი ინსტრუმენტის -- სოციალიზაციის და პირობითობის ამოქმედების შედეგად. სტატიაში ნაჩვენებია, რომ ევროკავშირის პირობითობის პრინციპი ხელს უწყობს ქვეყანაში შიდა ინსტიტუციური ცვლილებების დაჩქარებას, ხოლო სოციალიზაციის პრინციპი - ევროპული ნორმების და ღირებულებების გავრცელებას.

ქართული პოლიტიკის მიერ ევროკავშირთან აღებული ინტეგრაციის კურსი გულისხმობს ევროპული სტრანდარტების შესაფერისი სისტემის ჩამოყალიბებას და ყველა იმ მექანიზმის სრულად ამოქმედებას, რაც ქვეყანას გამოწვევების დაძლევაში შეუწყობს ხელს. როდესაც ევროკავშირის და პარტნიორი ქვეყნების ურთიერთობების ჩარჩო ეფუძნება პირობითობას, პარტნიორი ქვეყნები იწყებენ ამ ახალი რეალობისადმი შეგუებას სხვადასხვა რეფორმის გზით. რეფორმები, როგორც წესი, ითვალისწინებს ინსტიტუტების დემოკრატიულ მოდერნიზაციას. ევროპის სამეზობლო პოლიტიკის ფარგლებში საქართველო-ევროკავშირის თანამშრომლობა საერთო ღირებულებებს ემყარება, როგორიცაა დემოკრატიული მმართველობა, კანონის უზენაესობა, ადამიანის უფლებათა და ძირითად

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თავისუფლებათა პრინციპების პატივისცემა. ევროკავშირთან თანამშრომლობის ხარისხი დამოკიდებულია საერთო ღირებულებების ერთგულებაზე საქართველოს მხრიდან და ქვეყნის უნარზე განახორციელოს ევროკავშირთან ერთად დასახული პრიორიტეტები ევროპული ნორმების და პრინციპების შესაბამისად.

საკვანძო სიტყვები: ინსტიტუტები, დემოკრატია, პოლიტიკა, პარტნიორობა

#### Abstract

The following research attempts to undertake an in-depth study of EU-Georgia relations in a specific context. In particular, the aim of the research is to show democratic institutional developments in Georgia in the context of the European Neighborhood Policy. The role of the European Union as an external actor is shown in the article. Institutional isomorphism in Georgia is presented in the context of EU's mechanisms of impact such as socialization and conditionality. According to the research hypotheses European Union's principle of conditionality helps accelerate institutional changes in Georgia and the socialization principle helps spread European norms and values in the country. Georgian politics of European integration implies development of a system relevant to European standards. When relations with the European Union are based on the principle of conditionality partner states start to implement reforms with the aim to modernize and democratize institutions. Within the European Neighborhood Policy partnership between the EU and Georgia are based on common values such as democracy, rule of law and respect for human rights. Level of partnership with the European Union depends on Georgia's progress in reforms.

Keywords: Institutions, democracy, Policy, Partnership

Development of democratic institutions is listed as one of the main priorities in the EU-Georgia Association Agenda. Political relations between the European Union and Georgia builds on common interests and values such as democracy, the rule of law, respect for human rights and social cohesion.

The research aim is to show EU-Georgia relations in the context of the European Neighborhood Policy as well as to describe impact of this policy on development of democratic institutions in Georgia. More specifically it is an attempt to further explore the consistency of EU policy in Georgia, follow its development and a number of its characteristics along with the democratic performance of Georgia since its involvement in the European Neighborhood Policy.

There are two hypotheses in the research: 1) European Union's principle of conditionality helps accelerate institutional changes in Georgia; 2) The EU's principle of socialization helps spread European norms and values in the country.

F. Schimmelfennig describes mechanisms of EU's impact beyond the member states (Schimmelfennig, 2007). He divided these instruments according to the logic of consequences and logic of appropriateness. As Schimmelfennig (2007) says conditionality and socialization are the main mechanisms of EU's impact beyond the member states. In case of conditionality the European Union offers something to a partner country, for example, financial aid, access to the EU market and therefore, demands something in return.

Geopolitical events and partnership with the European Union play an important role in the transition process in Georgia.

## 2. Theoretical Framework and Methodology

Theoretical framework of the research is P. DiMaggio's and W. Powell's theory of institutional isomorphism. P. DiMaggio and W. Powell identify three mechanisms through which institutional isomorphic change occurs, each with its own antecedents: 1) coercive isomorphism that stems from political influence and the problem of legitimacy; 2) mimetic isomorphism resulting from standard responses to uncertainty; 3) normative isomorphism associated with professionalization. While the three types intermingle in empirical setting, they tend to derive from different conditions and may lead to different outcomes (DiMaggio & Powell, 1983, p.150). For our research theoretical framework of coercive isomorphism seems more relevant. According to P. DiMaggio and W. Powell coercive isomorphism results from both formal and informal pressures exerted on organizations by other organizations upon which they are dependent and by cultural expectations in the society within which organizations function. Such pressures may be felt as force, as persuasion or as invitations to join in collusions (DiMaggio & Powell, 1983, p.150).

Methods of content-analysis and comparative-analysis are used in the article. The empirical research is based on method of in-depth interview with experts who have relevant qualification and publications concerning the research topic. The interviews were carried out face to face and in total 10 in-depth interviews have been conducted. Based on content-analysis scientific publications, official statements and reports are examined. The method of comparative-analysis includes a comparative study of Georgia's previous and current political system.

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#### 3. Literature

There are many different scientific publications, documents, official statements and reports concerning the process of Europeanization and development of democratic institutions in Georgia.

Different publications, documents and official reports are examined in the article based on contentanalysis method. The European Union's mechanisms of influence such as conditionality and socialization are analyzed according to F. Schimmelfennig's work "Europeanization beyond Europe". According to Schimmelfennig (2007), conditionality and socialization are the main mechanisms of EU's impact beyond the member states. He stated, "Before the 1990s, EU external relations had been notable for their apolitical content and for the principle not to interfere with the domestic systems of third countries. Since the beginning of the 1990s, however, democracy, human rights and the rule of law have become "essential elements" in almost all EU agreements with third countries, as both an objective and a condition of the institutionalized relationship" (Schimmelfennig, 2007, p. 11).

The dynamics of EU-Georgia relations are discussed in the article and important documents such as the Association Agreement and the Association Agenda between the European Union and Georgia are analyzed. A comparative analysis of institutional changes in Georgia is shown in the article as well.

There are different publications relating to the European Neighborhood policy and the EU as an external actor. T. Yakobashvili and K. Gogolashvili (2006) describe the European Neighborhood Policy and Georgia's perspectives in the article "The South Caucasus: Back and Forward to Europe". T. Gylfason (2009) describes development of private and public sector in Georgia in comparison with Estonia and researches the EU's role in the transformation process. M. Smith and K. Weber (2006) analyze the European Union's mechanisms of influencing neighbor countries. T. Borzel (2009) describes the European Neighborhood Policy and European Union's role in democracy promotion. In sum, different publications, documents and reports are examined in the article.

#### 4. The European Union's principle of conditionality and socialization

Conditionality and socialization are European Union's mechanisms of impacting partner states. F. Schimmelfennig divided EU's mechanisms of impact according to the logic of consequences and logic of appropriateness. As Schimmelfennig (2007) says conditionality and socialization are the main mechanisms of EU's impact beyond the member states. In case of conditionality the European Union offers something to partner states, for example, financial aid, access to the EU market and therefore, demands something in return.

The Eastern Partnership declaration was an important step forward for the countries involved in the European Neighborhood Policy. The aim of the Eastern Partnership is to make relevant conditions for partner states for political association and economic integration. It is based on the principles of differentiation and conditionality. For effectiveness of the conditionality principle evaluation of a partner country's progress is important. The European Commission annually publishes progress reports concerning partner countries.

As V. Chkhikvadze says the European Union's principle of conditionality supports strengthening of institutions in Georgia and issues like visa liberalization, creation of the office of the personal data protection and antidiscrimination law are connected with the EU's conditionality principle (interview with V. Chkhikvadze).

In S. Kapanadze's opinion the European Union's conditionality principle had influence on re-

forms concerning human rights and minority issues in Georgia. As he says conditionality principle was most effective in visa liberalization process (interview with S. Kapanadze).

Principles of cooperation between the European Union and Georgia are given in the Association Agreement. According to article 2: "Respect for the democratic principles, human rights and fundamental freedoms, as proclaimed in the United Nations Universal Declaration of Human Rights of 1948 and as defined in the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the Helsinki Final Act of 1975 of the Conference on Security and Cooperation in Europe and the Charter of Paris for a New Europe of 1990 shall form the basis of the domestic and external policies of the Parties and constitutes an essential element of this Agreement" (Association agreement between the European Union and Georgia, p. 7).

According to Schimmelfennig (2007), conditionality is often contrasted with socialization. Such processes can also be directed at societal actors or driven by external governments. Broadly conceived, "communication" as a mode of governance, the EU's "constructive impact", and "social learning" cover the entire range of mechanisms based on the logic of appropriateness. The enabling impact more specifically describes the use of EU's policies and solutions by governmental and societal actors to add external legitimacy to their own political agenda. The EU promotes its constitutional norms such as human rights, the rule of law and democracy in its external relations (Schimmelfennig, 2007, p. 9).

In sum, for the EU as a regionally integrated system of liberal democracies, regionalism, regulated transnational markets and democratic constitutionalism define the essence of being "European". "Europeanization" then consists in promoting regionally integrated liberal democracies beyond its borders (Schimmelfennig, 2007).

Since the beginning of the 1990s democracy, human rights and the rule of law have become "essential elements" in almost all EU agreements with third countries as both an objective and a condition of the institutionalized relationship (Schimmelfennig, 2007). The wave of democratization increased the need to support new and fledgling democracies (Schimmelfennig, 2007). The EU's strategy was characterized by an aim to develop deeply institutionalized patterns of dialogue and cooperation as means of socializing political elites into a positive and consensual adherence to democratic norms. According to Youngs (2001), the socialization approach is designed to create opportunities for "imitation and the demonstration effects" and starts with very modest expectations of introducing the vocabulary of democracy into domestic discourse (p. 359).

## 5. EU-Georgia Relations

The European Neighborhood Policy is an important framework for EU-Georgian relations. Within the European Neighborhood Policy the European Union offers Georgia the closest possible political association and greater degree of economic integration. This goal builds on common interests and values such as democracy, the rule of law, respect for human rights and social cohesion. The ENP is a key part of the European Union's foreign policy.

Relations between the European Union and Georgia started in 1992 when Georgia regained its sovereignty in the wake of the break-up of the Soviet Union. The EU was one of the first to assist Georgia in the difficult early years of transition. The European Commission opened its Delegation to Georgia in 1995. By signing the Association Agreement (AA) in June 2014, relations between the EU and Georgia have been brought to a qualitatively new stage. The Association Agreement foresees far reaching political and economic integration with the EU by significantly deepening political and economic ties, bringing Georgia closer to Europe. The EU and Georgia have also agreed concerning an Association Agenda which defines a set of priorities for the period of 2014-2016. The Association Agreement was initialled at the Eastern Partnership Vilnius Summit of November 2013.

The EU-Georgia Association Agreement is the outcome of the European Neighborhood Policy (ENP) launched in 2004 with the objective to bring closer the enlarged EU and its neighbours and to enhance prosperity, stability and security of all concerned. It helped to build ties in new areas of cooperation and encouraged Georgia's further approximation with European economic and social structures.

The European Union has appointed since July 2003 an EU Special Representative for the South Caucasus (EUSR). This underpins the EU's commitment to actively contribute to the peaceful resolution of conflicts and confidence-building efforts in the South Caucasus while reaffirming Georgia's territorial integrity and sovereignty.

The EU-Georgia Association Agreement is part of a new generation of Association Agreements with Eastern Partnership countries and provides a long-term foundation for future EU-Georgia relations without excluding any possible future developments in line with the Treaty on European Union. This ambitious and pioneering Agreement represents a concrete way to exploit the dynamics in EU-Georgia relations focusing on support to core reforms and sector cooperation (Association agreement between the European Union and Georgia).

The association Agenda between the EU and Georgia provides for a list of priorities for joint work for the period 2014-2016.

The following common principles guide implementation of the Association Agenda:

- Actions undertaken through the Association Agenda should be implemented in the spirit of the overall objective of political association and economic integration;
- Priorities of the Association Agenda complement responsibilities of the EU and Georgia to implement the provisions of the EU-Georgia Association Agreement once it enters into force;
- The Association Agenda should be implemented in full respect of the principles of transparency, accountability and inclusiveness;
- The Association Agenda involves an engagement from both sides in its implementation;
- The Association Agenda aims to achieve tangible and defined results through the progressive implementation of practical measures;
- The Parties recognise the importance of supporting agreed priorities through appropriate and sufficient political, technical and financial means;

•Implementation of the Association Agenda will be subject to annual reporting, monitoring and assessment. Progress will be reviewed under the relevant agreements (The Association Agenda between the European Union and Georgia, p.1-2).

The EU's support is provided in the context of the overall priorities for assistance in favour of Georgia, as outlined in the ENI Single Support Framework (SSF) and in the multi-country programming under the European Neighbourhood Instrument (ENI) as part of the overall funding available for Georgia and in full respect of the relevant implementation rules and procedures of EU's external assistance.

As O. Reisner says the European Union contributes to strengthening the civil society as an actor and partnership with the EU could be used as an opportunity to overcome Soviet legacy and make the country more competitive in a globalized world (interview with O. Reisner).

In F. Feyerabend's opinion since the constitutional changes the parliament of Georgia plays a more

independent role and the system of checks and balances has improved. As he says social change in terms of value system is necessary for democratic developments (interview with F. Feyerabend).

As D. Dlouchy-Suliga says the EU has contributed a lot to Georgia's democratic development. In her opinion after the constitutional changes the role of the Georgian parliament has increased (interview with D. Dlouchy-Suliga).

The Association Agenda is applied for an initial period of three years which may be extended by mutual agreement. From the start of its application it replaced the ENP Action Plan as the principal vehicle for monitoring Georgia's progress within the European Neighbourhood Policy. Civil society is also encouraged to focus its monitoring activities on the Association Agenda (The Association Agenda between the European Union and Georgia, p.2).

As K. Gogolashvili says the European Neighborhood Policy is a systematic and complex policy of partnership which plays an important role in the transformation process. In his opinion the EU uses conditionality principle rather often, for example, in sector cooperation policies (interview with K. Gogolashvili).

In N. Samkharadze's opinion the European Union's role in democracy promotion in Georgia is very important and the EU's principle of conditionality helps accelerate institutional reforms (interview with N. Samkharadze).

Political dialogue and cooperation towards reforms in the framework of the Association Agenda seek to strengthen respect for democratic principles, the rule of law, good governance, human rights including the rights of persons belonging to minorities as enshrined in the core UN and Council of Europe Conventions and related protocols. It aims to contribute to consolidating domestic political reforms, in particular through approximating with the EU's acquis communautaire.

The dialogue and cooperation between the EU and Georgia aims to strengthen stability, independence and effectiveness of institutions guaranteeing democracy, the rule of law and respect for human rights in particular by:

- Ensuring that constitutional amendments, if contemplated, are subject to comprehensive consultation domestically and with the Council of Europe's Venice Commission;
- improving the balance between flexibility and stability of the constitution and strengthening the budgetary powers of the Parliament in line with the opinion of the Venice Commission;
- Ensuring respect for the roles of the Prime Minister and President under the constitution;
- Ensuring adequate checks and balances in the political system as Georgia undergoes transition from semi-presidential to parliamentary system.

• Pursuing implementation of the decentralization strategy in compliance with the European Charter of Local Self Government (The Association Agenda between the European Union and Georgia, p. 2-3) Political dialogue between the EU and Georgia further intensified in 2014. An unprecedented meeting between the Georgian Government and the College of Commissioners took place in May 2014. In November 2014 the first meeting of the EU-Georgia Association Council took place and Georgia was the

host of the Eastern Partnership Civil Society Forum in Batumi (European Commission, 2015).

According to European Commission's report Georgia made some progress towards deep and sustainable democracy. local elections in June and July 2014 are considered to have generally complied with international standards. Constitutional reform was initiated with the creation of a State Constitutional Commission. The role of parliament was strengthened. The National Human Rights Strategy and Action Plan were adopted (European Commission, 2015). Overall Georgia made some progress in implementing the ENP Action Plan and the Association Agenda with achievements notably in the areas of human rights and fundamental freedoms and substantial progress in the visa liberalisation process (European Commission, 2015).

The EU-Georgia Association Agreement and related Association Agenda contain provisions to advance governance and human rights. In 2014, the Georgian Parliament unanimously adopted a national human rights strategy largely based on recommendations made by EU's Special Adviser, Thomas Hammarberg.

# 6. Comparative Analysis of Institutional Changes in Georgia

Constitutional changes in Georgia have strengthened the role of parliament in the political system. In October 2010, president Saakashvili decided to accept long-standing international recommendations to reduce the president's tremendous powers. By the president's order State Constitutional Commission was established on June 8, 2009. Basic actors in Georgian political and legal field agreed that constitutional changes were necessary. On October 15, 2010 the parliament finally approved the amendments to the Constitution on third reading. A new constitution was adopted which stripped the president of the right to initiate legislative proposals. The government would answer to the parliament which was tasked with electing the prime minister. The latter was empowered to appoint and dismiss government ministers, including the ministers of interior and defense which previously had been the president's domain (Demetrashvili, 2013).

Qualified experts as well as a group from the Venice Commission noted that the implemented amendments were definitely a step forward on the irreversible path of Georgia's democratic transformation (Nodia & Aprasidze, 2013). Most experts agree that parliamentary system of governance together with proportional electoral system can develop stable and inclusive democracy in post communist countries.

For assessing democratic standards not only the content of a constitution is important but also its role in real political process. Constitutionalism is one of the main elements of liberal democracies. Governments may change but the general principles, values and procedures in a political system should be stable.

Constitutional changes in Georgia which were adopted on October 15, 2010 were caused by internal and external challenges and transition process as well as critical positions from international organizations. In the resolution of the state constitutional commission it was indicated that constitutional amendments were adopted in order to develop a balanced political system which could ensure effective state functioning (Nodia & Aprasidze, 2013).

According to the constitutional amendments president remains head of state and Supreme Commander of the Armed Forces. President is the guarantor of national independence and unity of the country (Constitution of Georgia, Article 69). President is not leading internal relations any more. He represents Georgia in foreign relations (Constitution of Georgia, Article 69).

President has the power of veto over parliamentary decisions although it can be overrun by the parliament (Demetrashvili, 2013). Since 2013 president does not have the right to initiate referendums: this right will either be the prerogative of the parliament, citizens (on the strength of 200 thousand signatures of voters collected across the country) or the government. Thus the president's powers are considerably trimmed and the prime minister's extended.

Under the 2010 amendments the government became the supreme body of executive power account-

able to the parliament. In 2013 the prime minister acquired the right to appoint and dismiss members of the government (before he needed the president's consent) and is the head of government (Demetrashvili, 2013).

Since 2013 the parliament retained its right to declare a vote of no confidence in the government with a two-fifth majority (instead of the previous one-third). In view of constitutional amendments of 2010, the riddle who will rule the country is solved by the parliamentary rather than presidential elections. In 2012 the newly elected parliament appointed the prime minister which means that each and every one of the 150 parliamentary deputies acquired special functions.

According to the constitutional amendments a large part of legal documents require the co-signature of the prime minister. The supreme law specifies all legal acts which require countersignature. According to the reform the Constitutional Court of Georgia has become the only body to judge the legal procedure of impeachment. The Supreme Court has been totally excluded from this sphere (Demetrashvili, 2013).

After the October 2012 elections, the new government drafted amendments to the Law on Common Courts. These amendments were adopted on May 21, 2013. The Law entails many progressive statements on the transparency of the courts increasing role of judges. It aims to enhance independence of the judiciary system and is based on recommendations from international organizations as well as local non-governmental organizations.

One of the aims of the 2009-2010 reform was to increase the role of parliament in the political system. According to the constitution, "The Parliament of Georgia shall be the supreme representative body of the country. It shall exercise legislative power, determine the main directions of domestic and foreign policy, exercise control over Government activity within the realm of the Constitution, and perform other duties." (Constitution of Georgia, Article 48).

The constitutional amendments transformed Georgia into a parliamentary republic, thus putting even more emphasis on parliament and increasing its role within the political system. This has been a significant step towards creating conditions for the development of effective system of checks and balances (Demetrashvili, 2013).

According to the Constitution and the standing order of the Georgian parliament, the number of parliamentarians needed for setting up investigative and other temporary commissions has changed from one fourth to one fifth.

The European Union's Comprehensive Institution Building program aims to build effective institutions in order to assist Georgia in implementing the Association Agreement (AA) and the Deep and Comprehensive Free Trade Area (DCFTA). In the Parliamentary context, this calls for the development and consistent implementation of the multi-annual institutional Reform Plan (IRP). The IRP defines a vision and forms a foundation for enacting substantive institutional reforms to build up parliament's administrative capacities.

The Association Agreement between the EU and Georgia opens new perspectives for the country. It provides a clear political roadmap calling for intensification of the legal harmonization agenda. The parliament's role is crucial in this process.

As G. Badridze says within the Eastern Partnership the European Union supports establishment of stable neighborhood and partnership with the European Union is based on preconditions concerning transparent, democratic and effective institutions (interview with G. Badridze).

In A. Karaulashvili's opinion the European Union supports Georgia in implementation of re-

forms and there is a progress concerning judiciary, the system of checks and balances and human rights (interview with A. Karaulashvili).

According to the constitutional amendments of 2010 new principles of local self-governance were defined and a new VII<sup>1</sup> chapter appeared in the Georgian Constitution. On November 28, 2013 a draft Local Self-Government Code was presented at the Parliament's Procedural Issues and Rules Committee. The draft proposed to decentralize local self-government bodies by further increasing their scope and financial independence. In T. Turmanidze's opinion the reform of local self-governance is very important and the more decisions will be made at the local level the better it will be for the democratic process (interview with T. Turmanidze).

The constitutional changes in Georgia changed political system and play an important role in the transformation process.

#### 7. Conclusions

This research was undertaken to provide a comprehensive research of democratic institutional changes in Georgia in the context of the European Neighborhood Policy. The dynamics of EU-Georgia relations as well as a comparative analysis of institutional changes in Georgia are shown in the article. Within the European Neighborhood Policy the European Union offers Georgia the closest possible political association and greater degree of economic integration. This goal builds on common interests and values such as democracy, the rule of law, respect for human rights and social cohesion. The European Neighborhood Policy is a key part of the EU's foreign policy. By signing the Association Agreement in June 2014 relations between the EU and Georgia have been brought to a qualitatively new stage. The Association Agreement foresees far reaching political and economic integration with the EU by significantly deepening political and economic ties bringing Georgia closer to Europe. This ambitious and pioneering agreement represents a concrete way to exploit the dynamics in EU-Georgia relations focusing on support to core reforms and sector cooperation. In sum, the article gives a comprehensive empirical examination of democratic institutional changes in Georgia in the context of the European Neighborhood Policy.

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Appendices:

**Table 1.** EU funding through European Neighborhood and Partnership Instrument (ENPI) in 2007-2010.Source: Delegation of the European Union to Georgia

Support for democratic development, rule of law and governance	€31.5 million	26%
Support for economic development and ENP AP implementation	€31.5 million	26%
Poverty reduction and social reforms	€38.4 million	32%
Support for peaceful settlement of Georgia's internal conflicts	€19.0 million	16%
Total indicative ENPI allocation 2007-10	120.4	100%

Table 2. EU allocation of funds through the European Neighborhood and Partnership Instrument (ENPI)2011-13. Source: Delegation of the European Union to Georgia

Democratic development, rule of law and gov- ernance	€45-63 million
Trade and Investment, regulatory alignment and reform	€27-45 million
Regional development, sustainable economic and social development, poverty reduction	€63-81 million
Peaceful settlement of conflicts	€9-18 million