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MEMO

GEORGIA'S BUMPY TRANSITION: HOW THE EU CAN HELP

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SUMMARY

Georgia's political transition following last October's parliamentary election is proving bumpier than many had hoped. The new coalition government led by Bidzina Ivanishvili is under enormous pressure but does not seem to have a clear strategy for how to improve the socio-economic situation, and political tensions with President Mikheil Saakashvili's UNM party will continue. The new administration has used bellicose rhetoric, failed to prevent the resignations of local executives linked to the UNM, and launched investigations of former officials. But so far it has mostly maintained the course set by its predecessor. For now, Georgia is not turning into a Caucasian Ukraine.

Since the October election, the EU has found itself in a tricky position. Its support for Georgia has become indistinguishable from its support for Saakashvili and his party. Instead of backing personalities or political factions, the EU should take at face value the new government's statements about its determination to follow a European path and use them to build trust with Tbilisi. The EU should align its assistance more closely with Georgia's needs, support more shorter-term growth-oriented initiatives, and extend its reach to Georgian society. Europe should not shy away from criticising the government if there are grounds for it. But if Georgia is to succeed in completing its democratisation, it will need the EU's helping hand now more than ever.

Georgia is once again at a crossroads. Last October, President Mikheil Saakashvili's United National Movement (UNM), which had been in power for almost a decade, lost the parliamentary election to the opposition Georgian Dream coalition (GD) led by Bidzina Ivanishvili. But the transition is proving bumpier than many had hoped three or four months ago. The election marks the end of the so-called Rose Revolution that Saakashvili and his allies led almost a decade ago – but also the beginning of a new, potentially difficult, period for the country.¹

Old and new problems

Ivanishvili won the October election not only because of what he stood for but chiefly because of whom he stood against: the president and his party. Before his entry into politics in late 2011, most Georgians had heard of Ivanishvili's philanthropic activities but few knew what he looked like: the country's richest man had made his fortunes in Russia in the 1990s and preferred to stay out of the public eye. The six-member opposition coalition was formed only one year before the election, and a number of individuals in it, including the leader, had never held a seat in parliament. UNM and GD fought a bitter election campaign: Saakashvili's party was able to make use of the pro-government mass media and control of the state apparatus, and at times blurred

¹ This memo is based on interviews carried out in February and March 2013 in Georgia and the EU with senior government and opposition figures, analysts, civil society activists, business people, and EU officials and diplomats. Unless stated otherwise, all quotations come from those interviews with the author.

the distinction between state activities and the campaign.² But Ivanishvili was able to match these resources and establish separate communication channels with his voters through an extensive network of activists in the regions and television stations that were not controlled by the UNM-linked businesses. This proved decisive in spreading the opposition's message and mobilising voters.

The election result is a reflection of the growing disillusionment of Georgian society following eight years of UNM rule. While solving the country's problems – at the time of the Rose Revolution, Georgia was beset by criminality and potentially on course for state failure – Saakashvili's UNM has also created new ones. In the absence of effective checks and balances, there were almost no constraints on the power of the president and the ruling party, and effectiveness often took precedence over deliberation and inclusiveness.³ The government has come to be seen as too willing to cut corners too often in the sphere of economics or justice. While friendly to foreign investors, the business environment has, thanks to government interference, often benefitted companies linked to the UNM.⁴

Thus there was an increasing sense in Georgia that, as a former official put it, "while under (former President Eduard) Shevardnadze, corruption was the result of the state's dysfunctionality, under Saakashvili, the elite's rent-seeking became one of the main effects of a functioning state". There remains a large gap between the UNM's reformist rhetoric and the living standards of many Georgians, despite the fact that Saakashvili's reforms have helped kick-start economic growth. In fact, many Georgians continue to depend on remittances from abroad, which the National Bank of Georgia estimates to be approximately \$1 billion per year. Abuses of the justice and penitentiary systems have been regularly reported by domestic and international organisations, and have gradually fuelled resentment among the population.⁵ Scandalous videos of prison inmates being humiliated and tortured, released only few days before the election took place, led to mass demonstrations and may have had a decisive impact on the outcome.

A new government under pressure

In opposition, GD was harassed at home and ignored abroad.⁶ In government, it finds itself between a rock and a hard place. On the one hand, it is under pressure to improve the

socio-economic situation, create employment opportunities, and correct the missteps of the previous government, just as it promised in the election campaign. On the other hand, the coalition seems unprepared to govern: most GD activists planned for the expected post-election crackdown rather than for what they would do in power. Forming the new government took some time and exposed differences among various coalition members whose ideologies range from pro-Western liberalism to outright nationalism. As a diverse coalition, the government's decision-making will be inevitably lengthier and more incoherent than that of the previous, single-party administration. The process is also going to be slowed by the way that the prime minister seems to prefer to micro-manage rather than delegate. For now, it seems that the coalition parties are held together by what they dislike (Saakashvili and the UNM) and by what they need (Ivanishvili as the leader who can adjudicate among the various factions). But this might prove too little to allow the cabinet to function normally and carry out the reforms the country needs.

Today, Georgia faces two interlinked challenges: to strengthen state and democratic institutions and to fix the country's economy. The previous government did a lot to build up the institutions of a modern state, but, as mentioned above, these often functioned on behalf of the ruling party rather than the state. This can be fixed not only by hiring new people – which the government has already started doing – but, more importantly, by strengthening these institutions' organisational capacity and introducing democratic political culture. This means departing from the current zero-sum view of politics and winner-takes-all mentality when it comes to political opponents – a position still common among all of Georgia's major parties.

The economy is the immediate challenge. Thanks to the de facto bailout by the West and cheap credit flowing from abroad, it has more or less recovered from the 2008 economic slowdown, which was caused by the war with Russia and compounded by the global economic crisis.⁷ But it nevertheless remains vulnerable. Unemployment, especially in rural areas, is far greater than the official 15 percent figure suggests.⁸ Although volumes of foreign direct investment (FDI) have increased since the 1990s, much of it has been linked to real estate, making homes in Tbilisi unaffordable for ordinary Georgians. Sources of growth remain scarce. Here the pressure on Ivanishvili and his government is particularly great. His philanthropic track record is well known and many Georgians are expecting the billionaire to do miracles with the country's economy too. In fact, in a recent survey, 75 percent of respondents assessed Georgia's economic situation as bad, but 64 percent expected it to improve in the next 12 months.⁹

⁷ At a donor conference in October 2008, 38 countries and 15 international organisations pledged approximately \$4.5 billion in aid to help Georgia recover following the August 2008 war with Russia.

⁸ "A number of sociological surveys [...] show that 70 percent of those questioned consider themselves to be unemployed. The main reason for this is that over 55 percent of the workforce is self-employed and their incomes are so low that they do not view this work as employment." See Vladimir Papava, "Georgia's socio-economic development: Prospects over the medium term", International Alert, 31 January 2013, available at <http://www.international-alert.org/content/socio-economic-development-english-vp>.

⁹ "EU Neighbourhood Barometer, Georgia", 20 March 2013, available at <http://>

² "Georgia Parliamentary Elections 1 October 2012: OSCE/ODIHR Elections Observation Mission Final Report", OSCE/ODIHR, Warsaw, 21 December 2012, available at <http://www.osce.org/odihr/elections/98399> (hereafter, OSCE report, 21 December 2012).

³ For instance, when constitutional amendments strengthening the government and reducing presidential powers were adopted in October 2010, the public debates on these changes took place only in August that year, the country's holiday month. Opposition factions boycotted the proceedings.

⁴ See, for example, Paul Rimple, "Who Owned Georgia 2003–2013", Transparency International Georgia, 18 December 2012, available at <http://transparency.ge/en/post/who-owned-georgia-2003-2012>.

⁵ Between 2004 and 2010, Georgia's prison population almost quadrupled. The country also had high mortality rates among prisoners: in 2010, 142 – or one inmate every 2.5 days – died in prison. See Tea Topuria, "Georgia's Crammed Prisons", Institute for War & Peace Reporting, 1 April 2011, available at <http://iwpr.net/report-news/georgias-crammed-prisons>.

⁶ See OSCE report, 21 December 2012.

Saakashvili's government had bet on Georgia's open economy and unique geographic position in a region that is seen as a bridge between Central Asia's energy riches and Europe, and had hoped that it could be a buoy that could keep the country's economy afloat. Georgia was seen as relatively stable compared to the neighbouring North Caucasus region of Russia or Armenia and Azerbaijan (due to the Nagorno-Karabakh conflict). But the downside of this strategy was that it has made Georgia's open economy more vulnerable to shocks of the global environment, and very sensitive to the perception abroad of the country's political situation. Moreover, deteriorating relations between Tbilisi and Moscow had cost Georgia access to the Russian market – previously one of the country's top trade destinations.

In 2012, FDI fell to \$865.2 million, a 22.5 percent year-on-year decline.¹⁰ Economic activity has significantly weakened and growth slowed to 2.5 percent in the final quarter of 2012: many see it as a signal that the polarised political situation was creating uncertainty among businesses and consumers alike. The outlook is mixed: although the government and the International Monetary Fund expect 6 percent GDP growth in 2013, this assumes that the country's foreign trade will grow thanks to an increase in demand from its trading partners and that political uncertainty will be low. Reducing Georgia's high current account deficit, which is currently at 11.8 percent of GDP, remains the key macroeconomic challenge.¹¹

After taking over last October, the new government adopted a budget in a relatively short period of time. But the development of a number of crucial policies is taking time and the steps taken so far do not amount to a full-fledged strategy. The government has announced several initiatives designed to stimulate the economy, but it is not clear whether they will be enough to create the economic growth Georgia needs. Parliament will soon vote on changes to Georgia's liberal labour code that are meant to strengthen employee protection and social dialogue but which some fear might discourage foreign investors. The government also plans to invest more in healthcare, improve the educational system, and move the country to a more "socially-oriented economic model".¹² A special envoy for relations with Russia was appointed shortly after the government's inauguration in the hope that economic relations might be restored. Russia gave a green light to almost 40 Georgian winemakers it had banned in 2006 to return to its market. But although this move was welcomed by number of people in Georgia and abroad, it is unlikely to have a decisive and quick impact on the country's economic growth.

The government also does not seem to have a clear strategy

euneighbourhood.eu/wp-content/uploads/2013/03/FactsheetENPI_wave2-GE-EN1.pdf (hereafter, EU Neighbourhood Barometer).

¹⁰ "Foreign direct investments 2012 (preliminary)", National Statistics Office of Georgia, 11 March 2013, available at <http://geostat.ge/index.php?action=news&lang=eng&npid=585>.

¹¹ "Statement by IMF Mission to Georgia", International Monetary Fund, 18 December 2012, available at <http://www.imf.org/external/np/sec/pr/2012/pr12493.htm>.

¹² "Prime Minister Bidzina Ivanishvili says 2013 budget is socially oriented in line with pre-election promises", Reuters, 24 December 2012, available at <http://www.itnsources.com/en/shotlist/RTV/2012/12/24/RTV241212066/>.

on how to attract investment from abroad. It has announced the creation of at least three new investment funds to support agriculture and youth and to attract foreign investors, but has not explained how this will be done. At the World Economic Forum in Davos in January, Ivanishvili lambasted the World Bank's report, which included Georgia among the world's top 10 economies for ease of doing business, arguing that it was based on facts that were "artificially created" by the previous government.¹³ Such quotes have alarmed investors. As one of them recently said: "We have put all decisions about increasing our exposure to Georgia on hold. We were used to getting phone calls from the previous government each week just to tell us how great it is to invest in their country, but we haven't heard from anyone since the elections. When we tried to call them, no one answered. We are used to such an attitude from Russia or Qatar, but Georgia can ill afford it."

Parliament has also quickly moved to adopt a wide-ranging amnesty for almost 8,400 pre-trial or convicted inmates, including 190 "political prisoners". Many citizens welcomed this, but the criteria for establishing whether a person was imprisoned on political grounds were not publicly disclosed. The number of "political prisoners" is surprisingly high – after all, there are "only" about 80 political prisoners in Azerbaijan, which is more authoritarian, and fewer than 15 in Belarus, which is often called "Europe's last dictatorship". The move was criticised by the Council of Europe's Venice Commission and the EU.¹⁴

Politics versus policies

Soon after the October election it became clear that, besides Georgia's economic challenges, political tensions would also continue. Initially, the hope was that cohabitation between President Saakashvili – whose term expires in October 2013 – and the new government under Ivanishvili could be possible. Saakashvili repeatedly stated that he had no intention of dismissing the sitting government despite the fact that, at the time, the constitution allowed him to do so. At the same time, UNM continued to voice its concerns that the new coalition was too willing to restore relations with Russia at the expense of Georgia's Euro-Atlantic integration. The government reciprocated by calling the previous administration "criminals".¹⁵ Relations quickly sunk back to the point where they were in the run-up to the election.

The situation worsened when investigations of officials linked to the previous administration were launched shortly after the election. More than 70 people, including

¹³ "Bidzina Ivanishvili: Georgia's Ninth Place in terms of Simplicity of Doing Business was Artificial", *Commersant*.ge, 25 January 2013, available at <http://www.commersant.ge/eng/?id=4354>.

¹⁴ "Opinion on the provisions relating to political prisoners in the amnesty law of Georgia", European Commission for Democracy and Law (Venice Commission), 11 March 2013, available at <http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282013%29009-e>.

¹⁵ Josh Rogin, "Georgian foreign minister: Saakashvili officials are 'criminals and guilty'", *Foreign Policy*, 30 November 2012, available at http://thecable.foreignpolicy.com/posts/2012/11/30/georgian_foreign_minister_saakashvili_officials_are_criminals_and_guilty (hereafter, "Saakashvili officials are 'criminals and guilty'")

Tbilisi's first popularly elected mayor and a leading figure in the UNM, are now being investigated for abuse of power, illegal income or embezzlement, and misappropriation of budget funds. Most of them have been released on bail as they await trial (under the previous government, pre-trial detention was the norm).¹⁶ The speed with which the new government moved to investigate these cases has sparked fears of political retribution among UNM ranks and raised questions abroad. For now, most of these investigations have been in line with due process, according to domestic and international observers.¹⁷ But the government needs to ensure that these prosecutions are impartial and free of political motivation.

While much media attention has focused on high-profile investigations of former officials, other worrying developments are also taking place in Georgia's regions. The UNM had previously controlled the local administrations in all of the regions. But in less than half a year – and without a single local election taking place – it has lost power in almost half of the city councils and local government after numerous UNM regional officials submitted a letter of resignation. Many of them said they did so after pressure from local GD activists on the councils, which included instances of storming of municipality buildings. The unusually high number of voluntary resignations has added to the concerns of those who accuse the new government of a political witch-hunt or an inability to control its own regional structures.

The president's constitutional right to dismiss the sitting government and appoint a new one without parliament's approval has also become a bone of contention. Although parliament unanimously adopted a constitutional amendment to strip the president of this right on 25 March, it was preceded by more than three months of political wrangling between the coalition and the UNM. This included an open letter from the prime minister to the president in which he warned that anyone who voted for the amendment "will continue serving the country [...] and will be given a chance to have a better political future" while those who reject it "will assume full political responsibility".¹⁸ Numerous UNM MPs saw the letter as an ultimatum that would be decisive for their own political future.

The investigations are a relatively popular response of the government to the expectations of numerous voters who came to suspect the previous administration of corruption and hoped that the coalition would "restore justice". But they also seem to be a handy distraction for the government, which is struggling to come up with quick fixes to the country's economic problems. When asked about the investigations, a person close to the prime minister quipped: "People always expect bread and circuses from the government. We can't

give them the bread as quickly as they want it. But in the meantime, the opposition is helping us to provide circuses without realising it."

Whether the focus on politics rather than policies is the result of the new government's deliberate choice or the unintended consequence of their actions, it will not make Georgia's economic and social problems disappear. If the coalition is to retain its current popularity, playing politics won't suffice. Since the president can no longer sack the government without parliament's approval, the coalition no longer has the excuse that painful reforms cannot be launched because Saakashvili would dismiss the government and call a new election.

The EU: re-entry or exit?

Since the October election, the EU has found itself in a tricky position. On the one hand, the EU institutions and a number of EU member states have been supportive of Georgia's ambition to get as close to Europe as possible and they have committed substantial political, financial, and technical resources to help it do so. The country has been included in the European Neighbourhood Policy (ENP) since the initiative's outset and in 2009 it joined the EU's Eastern Partnership programme. In 2012, Georgia and Moldova overtook Ukraine as the front-runners in establishing closer cooperation with the EU. Talks on a new Association Agreement (AA) and a Deep and Comprehensive Free Trade Area (DCFTA) between the EU and Georgia could be concluded before summer, meaning that the agreements might come into force as early as next year.

However, EU policy towards Georgia has been on autopilot. The EU applied the template it used elsewhere in the region and aimed at promoting convergence with the EU's own *acquis* without paying much regard to the impact this would have on Georgia's economy.¹⁹ The EU's support for Georgia has also become indistinguishable from its support for Saakashvili and the UNM. Although the EU has periodically criticised the Georgian judiciary's lack of independence and the excessive use of force by law enforcement agencies, and urged the government to strengthen freedom of expression and opinion, these appeals were often buried in the EU's annual progress reports or voiced privately during meetings with Georgian officials rather than in public. In the run-up to the October election, diplomats based in Tbilisi and those coming to Georgia often enjoyed easy access to the president and the government whereas the opposition was usually met with a mix of curiosity, ignorance, or suspicion. All of this had made the EU seem too close to the president and the UNM.

This perception has been strengthened by the warnings by

¹⁶ For instance, in 2009, out of 8,713 cases in which the attorney general requested pre-trial detention, courts granted 8,198 such requests. See Anna Dolidze, "Justice or Injustice in Georgia? The First 100 Days after the Power Transfer", Transatlantic Academy, Analysis, March 2013, available at http://www.gmfus.org/wp-content/blogs.dir/1/files_mf/1362604458Dolidze_JusticeInGeorgia_Mar13.pdf.

¹⁷ See, for example, "NATO Chief 'Extremely Concerned' over Arrests of Political Opponents", Civil.ge, 12 November 2012, available at <http://www.civil.ge/eng/article.php?id=25443>.

¹⁸ "MPs to Vote on Constitutional Changes in end-March", Civil.ge, 26 February 2013, available at <http://www.civil.ge/eng/article.php?id=25789>.

¹⁹ The most well-known example was the long list of pre-conditions the European Commission sent to the Georgian government to fulfil even before the formal talks on DCFTA had started. These included regulatory measures that would have an immediate negative impact on Georgia's growth.

Western observers and officials of a looming “Ukrainisation” of Georgia and appeals to Tbilisi to avoid “selective justice”.²⁰ This kind of criticism is well intentioned: many in the West feel that the EU was slow to react to political prosecution of opposition figures in Ukraine and that an earlier intervention might have discouraged Kyiv from taking such steps. But some in the new government see the EU’s concerns about investigations as being driven by Saakashvili’s public-relations machine and aimed at undermining the ruling coalition rather than as a genuine attempt by the West to help steer Georgia closer to the EU.

The new government bears some responsibility for fuelling tensions through bellicose rhetoric or by failing to take steps to prevent the resignations of executives in the regions. But, so far, it has maintained the course set by the previous administration. It has not reversed key structural reforms (amendments of the labour code were required by the EU), continues to prepare to join NATO, and remains committed to conclude the AA and the DCFTA as soon as possible. Investigations are following due process, although some comments by cabinet members have raised concerns that the government was trying to pressure the judiciary.²¹ In short, for now, Georgia is not turning into a Caucasian Ukraine. However, if the government fails to quickly improve living standards, the coalition’s popularity will sink. If this happens, it might be tempted to tighten the screws and undermine the country’s fragile democratic institutions.

Therefore, rather than continuing on autopilot, the EU should step up its engagement with Tbilisi not only to promote closer cooperation with Georgia, but also to support more shorter-term initiatives aimed at boosting economic growth. The government has been struggling to find well-trained people to work on structural reforms in sectors such as regional development, agriculture, or small and medium-sized enterprises, which are crucial for the country’s sustainable growth. Georgia will also need help in implementing the ambitious AA and the DCFTA, not to mention socio-economic development and building democratic institutions. Instead of backing personalities or political factions, the EU should take at face value the new government’s statements about its determination to take a European path and use it to build trust with the new administration, extend its reach to Georgian society, and improve its image as an impartial facilitator.

Europe is already doing a lot. In February, the EU and Georgia signed a new financing agreement totalling €20 million to support reforms, with a special focus on institution building.²² At the invitation of the Georgian government, the EU has also appointed the former Council of Europe

²⁰ See, for example, “Remarks by High Representative/Vice President Catherine Ashton at the end of her visit to Georgia”, Brussels, 26 November 2012, available at http://europa.eu/rapid/press-release_MEMO-12-903_en.htm.

²¹ See, for example, “Saakashvili officials are ‘criminals and guilty’”.

²² The funding will support key Georgian institutions to undertake the necessary reforms in three main areas: trade, oversight and public accountability, and coordination of EU–Georgia agreements. “EU and Georgia signed financing agreement to support reform process”, European Commission, Tbilisi/Brussels, 12 February 2013, available at http://europa.eu/rapid/press-release_IP-13-110_en.htm.

Commissioner for Human Rights, Thomas Hammarberg, as an advisor to Georgia on issues of judicial, penitentiary, and constitutional reform and protection of human rights. But there is more that the EU can do. In particular, it should:

Send experts

There are several twinning projects to foster greater cooperation between EU specialists and Georgian officials. But the EU’s assistance needs to be more closely aligned with Georgia’s current needs. The EU should therefore respond to the government’s invitation to send experts to ministries that play a crucial role in promoting Georgia’s economic growth, such as those responsible for regional development or agriculture, not just to those that are politically important to watch for Brussels and the member states. Although the EU has been providing substantial financial support for these sectors, it has thus far been reluctant to match these funds with expert advisors embedded at these institutions. Here, various member states could informally share responsibilities and, upon agreement with the government, offer to deploy their own experts to various state agencies.

Improve communication

To be able to effectively influence the government, the EU also needs to improve its communication. As one Georgian official pointed out: “The EU is doing a lot – but its assistance is just invisible.” Public opinion polls consistently show a majority of the population in favour of Georgian membership of the EU, but experts also point out that this support is *not* based on a good understanding of what the practical impact of Georgia’s closer association with the EU would entail for society.²³ The general public and various interest groups have little knowledge of the implications of the potential DCFTA on the country’s economy or employment opportunities. Moreover, as one recent survey showed, a majority thinks that the communication from the EU does not take into account the reality of life in Georgia.²⁴ Although several local NGOs organise public information campaigns in the regions, the EU’s support for these initiatives has been scarce. There is no EU information centre in Georgia; in fact, the government is now considering opening one itself rather than waiting for the EU. Thus the EU looks set to repeat the mistake it made in Ukraine, where brochures on the impact of the AA and DCFTA were prepared and distributed by the EU only after the negotiations were concluded.

Be critical

Europe should not shy away from criticising the government if there are grounds for it: it is in both sides’ interest for Georgia to observe democratic standards. Monitoring of investigations of UNM-linked officials and their future court hearings is important, and the EU should keep a close eye on whether the proceedings and potential sentences follow due process and reflect the sense of proportion and fairness.

²³ Author’s discussion with sociological experts in Tbilisi, 7 February 2013.

²⁴ EU Neighbourhood Barometer.

The government's treatment of its political opponents should also remain in the spotlight: as things stand, political tensions will run high until at least the October presidential election, if not longer. But whatever grievances the current administration has about its predecessor, Georgia's democracy will suffer if the current political fight between the government and the opposition is fought by anything other than political means. Georgia's political forces face a choice: either they learn to coexist and adopt a democratic political culture or they continue their zero-sum approach to politics. The former would bring Georgia closer to Europe; the latter risks alienating not only the country's society but also its Western allies.

By choice or by default, the EU has come to associate Georgia's pro-Western orientation with the country's president and his party: Saakashvili and the UNM. But the October election marked the beginning of a landmark change in Georgia's politics. After presiding over Georgia's transformation from a nearly-failed state to a relatively well-functioning country, Saakashvili will depart from office in October. Whether this change will eventually lead to the completion of Georgia's democratisation or not is now above all the responsibility of the country's new political leadership. If Georgia is to succeed, it will need the EU's helping hand – now more than ever.

Acknowledgements

Working on this memo, I benefited from conversations with numerous officials, activists, experts and diplomats based in Georgia and the EU. Balazs Jarabik, Alina Belskaya, Tomas Valasek and Tornike Sharashenidze helped in particular with advice and suggestions at various stages of writing. At ECFR, Kadri Liik and Andrew Wilson provided helpful comments; Hans Kundnani has, as always, enhanced the draft by editing it.

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© ECFR April 2013

ISBN: 978-1-906538-75-0

Published by the European Council on Foreign Relations (ECFR),
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