

Impact case study (REF3)

Institution: University of Nottingham		
Unit of Assessment: 19: Politics and International Studies		
Title of case study: Shaping Constitutional Reform in Georgia		
Period when the underpinning research was undertaken: 2013-2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s): Dr Fernando Casal Bértoa	Role(s) (e.g. job title): Associate Professor	Period(s) employed by submitting HEI: 2013-present
Period when the claimed impact occurred: Dec 2016 – Dec 2020		
Is this case study continued from a case study submitted in 2014? No		
<p>1. Summary of the impact</p> <p>Dr Bértoa's award-winning research directly influenced the 2017 constitutional reform in Georgia leading to the abolition of popular presidential elections after November 28th, 2018. Based on his extensive research on institutional design, party systems and elections, and expertise as a legal and political scientist, Dr Bértoa was invited by Transparency International-Georgia (TI) to be involved in the Constitutional reform process. His research on the relationship between different constitutional regimes and various aspects of party politics (including party system institutionalisation, polarisation and democratic quality), influenced members of the Parliamentary Committee for Constitutional Reform (PCCR), in particular its Head (the Speaker of the Parliament), the TI Director and the Director of the Georgian Young Lawyers Association (GYLA). The reform will benefit the citizens of Georgia by helping to increase the level of party system institutionalisation in Georgia, make parties organizationally stronger, and reduce political polarisation.</p>		
<p>2. Underpinning research</p> <p>Ever since the perils of presidential regimes (e.g. US and most Latin American countries) were brought to academic attention by Juan Linz in 1990, scholars have debated the effects that various types of constitutional regimes (presidential, semi-presidential, parliamentary) might have on different aspects of democracy. Building on Linz's work, and using an original dataset which covers all European democracies (both Western and Eastern, including Georgia) since 1848, Dr Bértoa's research (from 2013 – 2020) focuses on the impact different modes of election of a country's Head of State can have on the functioning of democratic party politics (as summarised in R1). In particular, he found that popular presidential elections, in contrast to indirect (s)elections or hereditary successions, can hinder the process of party system institutionalisation (R1-2), increase polarisation (R3-5) and negatively impact the quality of democracy (R6).</p> <p>Dr Bértoa's comparative research has highlighted 3 mechanisms (2 indirect and 1 direct) through which popular presidential elections can negatively affect party system institutionalisation (R1-2). First, he shows that, provided presidential and legislative elections are not concurrent and a majoritarian second-round electoral system is employed for the election of the president (as is the case in Georgia), popular presidential elections exponentially increase the number of parties in a system (R1). This makes party relationships even more complex and patterns of partisan collaboration/cooperation/ competition more unstable over time.</p> <p>Secondly, popular presidential elections hinder the process of party institutionalisation by fostering personalism, factionalism and Bonapartism (very common in the Georgian context – R4), characterised by the appearance of “political outsiders” who consider themselves above politics and are not interested in party building. All this is in clear contrast to parliamentary republics, where the president requires the support of at least his/her own political party to be elected (R1).</p> <p>Thirdly, while in parliamentary monarchies or republics, where the Head of State is either hereditary or indirectly elected, either by a qualified governing majority or by a government-opposition compromise, in non-parliamentary republics (i.e. presidential and semi-presidential regimes) the double electoral contest (i.e. presidential and legislative) creates a “window of opportunity” for the de-structuring of the existing structure of partisan competition (R1-2). This is because, as seen during the last 2018 presidential elections in Georgia, presidential candidates, facing a diverse and broad electoral constituency, cannot ignore any significant segment of the population. This leads to broad coalitions, which might include not only ideologically different parties, but also extremist political organisations which might require</p>		

something in return: most often future electoral cooperation or participation in government.

This clearly introduces a potential for instability in the patterns of inter-party competition as leading presidential candidates are “forced” to seek the cooperation of forces with which they would not be ready to collaborate otherwise.

In three different studies, one looking at 441 elections in 20 Western European democracies since 1848 (R3) and the other two at the case of Georgia, either alone (R4) or in comparative perspective (R5), Dr Bértoa illustrates how, given the “winner-takes-all” logic characteristic of presidential contests, **popular presidential elections tend to lead to polarisation**, as popular elections usually intensify the competition between two main candidates or camps. This is in clear contrast to parliamentary republics and kingdoms, where the Head of State is either more often than not elected via consensus (i.e. compromise between government and opposition) or else benefits from the consensual character of the monarchic institution.

Finally, in a comparative study of 354 elections in 28 European democracies since 1848 (R6), he shows that, by giving populist parties an extra opportunity to win office or, at least, gain the necessary publicity to express their grievances against the establishment, **popular presidential elections can also undermine the quality of liberal democracy**.

For all these reasons, the research findings (summarised in R1) demonstrate that non-parliamentary republics should be avoided, as they constitute more risk-prone regimes than parliamentary republics and monarchies. Characterised by low party institutionalisation (R2), high polarisation (R4-5) and a dysfunctional democracy (R6), the abolition of popular presidential elections in Georgia (C1-2) seemed the most reasonable solution.

3. References to the research

[R1] Casal Bértoa, Fernando (2020) [“On the Perils of Popular Presidential Elections”](#). Yerevan: Friedrich Ebert Stiftung.

[R2] (2016) [“Party System Institutionalization: A Travelling Concept”](#), in Ferdinand Müller-Rommel and Fernando Casal Bértoa (eds.), *Party Politics and Democracy in Europe: Essays in Honour of Peter Mair*. Abingdon/New York: Routledge. Book, Available on request.

[R3] Casal Bértoa, Fernando and Rama, José (2020) [“Party Decline or Social Transformation? Economic, Institutional and Sociological Change and the Rise of Anti-political-establishment Parties in Western Europe”](#), *European Political Science Review*, v. 12, n. 4, pp. 503-523. DOI: <https://doi.org/10.1017/S1755773920000260>

[R4] Casal Bértoa, Fernando (2017) [“Polarizing Politics and the Future of Democracy in Georgia”](#). *Democracy Reporting International*.

[R5] Casal Bértoa, Fernando (2019) [“Polarization: What Do We Know About It and What Can We Do to Combat It?”](#), GIP Policy Brief n. 30.

[R6] Rama, José and Casal Bértoa, Fernando (2019) [“Are Anti-Political-Establishment Parties a Peril for European Democracy? A Longitudinal Study from 1950 till 2017”](#), *Representation*, v. 56, n. 3, pp. 387-410. DOI: <https://doi.org/10.1080/00344893.2019.1643770>

Evidence of research quality:

Funding

The research was funded by a prestigious, competitively awarded three-year Nottingham Research Fellowship (GBP75,000) to Dr Bértoa (2013-2016) for the project “The Institutionalisation of European Party Systems: Explaining Party Competition in 48 Democracies”.

Awards

Dr Bértoa was awarded the University of Nottingham Vice-Chancellor’s Medal (2018) for his work on impact in relation to the reform in Georgia, and the 2019 Routledge Award for the Best Paper (R3) on “Political Parties, Party Systems and Elections” presented at the Council for European Studies Annual Conference (Madrid, June 20-22).

4. Details of the impact

Dr Bértoa's research (R4-5) has directly **influenced public debate and policy** leading to a **significant change in the Georgian Constitution** through the **abolition of popular presidential elections** after November 2018. His extensive engagements (particularly an International Conference preceded by a private meeting with the Speaker of the Georgia parliament and Head of the Parliamentary Committee for Constitutional Reform-PCCR), Dr Bértoa's research (R1-3, R6) had directly informed prominent PCCR members (e.g. Transparency International-Georgia or TI and Georgian Independent Lawyers' Association-GYLA Directors) and contributed to the significant policy decision to change the constitutional process in Georgia. As corroborated by the TI Director [C1]: *"The findings and conclusions from the conference, which were heavily influenced by Dr Bértoa's research and expertise, were valuable contributions and persuasive factors in informing the Parliamentary Commission for Constitutional Reform's decision to change the constitutional process in Georgia with the adoption of an indirect mode of election of the President."*

The reform was endorsed by Mr Giorgi Kvirikashvili, Georgia's Prime Minister, in September 2017 [C2] as a **Constitution which "ensures balance between state institutions, a strong parliament, effective government, fair court and an impartial president."** The Venice Commission [C3] labelled it as a *"very impressive project to try and bring the constitution to one of the great, modern constitutions in the world today"* and a **reform that "will improve the lives of Georgian people"**. The constitutional reform is expected to increase the level of party system institutionalisation in Georgia, whilst also making parties stronger and reducing political polarisation. This significant change in the political system will directly benefit voters, political parties and the wider population in Georgia, ensuring the consolidation of democracy in the country.

In December 2016, following a recommendation from the Apella Institute with whom Dr Bértoa had collaborated at the time of the constitutional reform in Armenia, Democracy Reporting International (DRI) commissioned him to **write a comparative study on the causes of political polarisation in Georgia**. This study [R4] directly informed a **Democracy Reporting International-Georgian Young Lawyers' Association (DRI-GYLA) report** [C4a] on the impact of extreme political polarisation in Georgian democracy. The report included among its **recommendations for combating polarisation, a change in the mode of election of the president**, suggesting that *"an indirect election of the Head of State by a qualified majority would oblige parties to work towards consensus"* [C4a]. In Jan 2017, both reports [R4 and C4a] were presented by Dr Bértoa and Mrs Ana Natshlishvili (GYLA's Director and member of the PCCR), at a public event held in Tbilisi (C4b).

TI Director, who had collaborated with Dr Bértoa in previous projects of the OSCE/ODIHR's "Core Group of Political Party Experts"* in Warsaw, **invited him to various meetings with different NGOs and other civil society organisations** (e.g. GYLA, the International Society for Fair Elections and Democracy, Human Rights Centre). There, drawing on his research on the effects of constitutional regimes on party politics [R1-2, R4], Dr Bértoa explained the perils of the current Georgian constitutional regime, characterised by the popular election of the president. These multiple discussions **informed her opinion and that of various civil society representatives**, to the point that, as stated by TI Director [C1], *"his expertise and research [...] was a crucial component in our (and a number of other priority stakeholder's) understanding of the best approaches in assisting with the constitutional reform"*. Parts of this meeting and a brief interview with Dr Bértoa (in his capacity as OSCE expert), was broadcasted on various Georgian TV channels [C5a] amplifying his research findings and thoughts on the constitutional reform.

As a prominent member of the PCCR, TI's Director also invited Dr Bértoa to a **private meeting with the Speaker of the Georgian Parliament and Head of the PCCR**. Dr Bértoa not only shared with the Speaker various pieces of his research (R2 and R4 as well as R1 and R5, both still in draft at the time), but also **informed him on the negative consequences of popular presidential elections in the country** in terms of party system destabilisation (R2), political polarisation (R3 and R5) and the low levels of quality democracy (R6). Building on his extensive experience in legislative reform as a member of the OSCE/ODIHR "Core Group of Political Party Experts", and in support of GYLA's and TI's approach to the reform, Dr Bértoa explained the **importance of achieving a consensual reform** to the Speaker. He **recommended postponing**

the abolition of the popular presidential elections until after the next ones in October/November 2018, to encourage the backing of the opposition.

Finally, Dr Bértoa, a lawyer and political scientist, convinced the Speaker of the necessity to **adopt an inter-disciplinary approach** to gain party and public approval for the reform. Given that all previous experts were solely lawyers, he explained how a public presentation, rooted in political - on top of legal - academic rigor, of the positive effects an abolition of the popular presidential elections might have on the Georgian political system, could benefit the government. The Speaker [C6] expressed the value and impact of this engagement: *“let me reiterate my admiration for your outstanding contribution to the historic constitutional reform process...Moreover, I found our private discussion on the matter very productive, and greatly enjoyed the lively exchange of ideas and your recommendations on potential negative consequences of direct presidential elections”*.

As a follow-up to this constructive meeting, an **International Conference chaired by the Speaker**, and organised by Transparency International (in collaboration with International Institute for Democracy and Electoral Assistance, the Open Society and DRI), was held on 27th March 2017. Dr Bértoa presented his research to attendees, which included members of the PCCR, (parliamentary and non-parliamentary) political party representatives, international organisations, journalists, academics and other civil society representatives. This allowed for an **open and informed debate, based on inter-disciplinary research** rather than exclusively on political views, on the main issue (i.e. cancellation of the popular election of the President dealt with by the planned constitutional reform). Unfortunately, this had not been the case until then, as the TI Director [C1], states: Dr Bértoa’s *“research was important during the conference in setting a fundamental base for informed discussion about the potential to abolish the direct election of the President. This was a positive change from previous meetings which were often dominated by exclusive political views”*. The TI Director also expressed the research’s influence on the Speaker, *“Professor Kobakhidze and his First Deputy were strongly in favour of Dr Bertoa’s ideas which informed the debate, as well as the importance of consensus and a joined up approach”*.

Between October 2017, when the constitutional changes were adopted (see below), and November 2018, when the final popular presidential elections took place, Dr Bértoa’s research began to **galvanise public debate and understanding on the benefits of abolishing popular presidential elections**, leading to a growing awareness and acceptability for the changes.

Following his intervention at the International Conference, which was extensively covered on TV (e.g. Rustavi 2, Pirveli, Imedi), radio and in the press [C5b], Dr Bértoa continued to act as an **advisor to TI and GYLA Directors** [C1, C7a], both members of the PCCR, on the constitutional reform. He visited the country multiple times to **present his research (R1, R4-5) at private meetings, roundtables, lectures and conferences** (C7b-e). In addition, Dr Bértoa worked closely with DRI on the *Strengthening Political Pluralism* project in Georgia (C4, C7b), who along with GYLA used his research in multiple workshops with the local media (printed, TV, bloggers) around the country (e.g. in Kakheti, Imereti and Adjara) and other activities reaching “more than 20,000 people and actively engag[ing] around 130 people” [C8]. This resulted in *“more than 80% of project participants reporting an increased understand and awareness about the topic of political polarisation”* [C8 and C9].

The **decision to abolish popular presidential elections** was made on 26th Sept 2017 [C2], and finally approved by the Parliament of Georgia on 9th Oct 2017. While the Constitutional reform entered into effect on 13th October 2017 [C10], popular presidential elections took place for the final time in November 2018. These followed Dr Bértoa’s recommendations to postpone the change to after the presidential elections [R4, C8-9] with the intention of (1) avoiding the suspicions that the reform was taken place as a personal revenge of the governing party (Georgian Dream/GD) to the President at the time, Dr Giorgi Margvelashvili, who had fallen out of Mr Bidzina Ivanishvili’s (GD leader) favour earlier on; (2) partially conceding to the opposition demands and giving it the opportunity to win the presidency during the November 2018 elections; and, consequently, (3) building the necessary consensus among the different political forces that the Venice Commission, the most important advisory body of the Council of Europe in terms of constitutional and legislative assistance, longed for [C3]. The holding of the final popular presidential elections in November 2018, and the loss of the necessary super-constitutional majority by the governing party (GD) after

the 2020 legislative elections consolidated the abolition of popular presidential elections and ensures the indirect selection of Georgia's new president by a special Commission.

* Established in 2011 to assist OSCE participating States in developing and maintaining political party regulations that are in line with OSCE commitments and relevant international and regional standards.

5. Sources to corroborate the impact

C1. Letter from Director of Transparency International-Georgia.

C2. [Evidence from the Prime Minister](#) corroborating the statement made.

C3. [Evidence from the Venice Commission](#) corroborating the statement made.

C4. DRI-GYLA documentation and events:

a) Summary Report on [“Extreme Political Polarization and Its Impact on Democracy in Georgia: Outcomes of Research and Consultations with Georgian Political Parties and Civil Society”](#).

b) DRI-GYLA Roundtable on [“Extreme Polarization Holds Georgia Back”](#) and [video](#).

C5. TV, radio and newspaper interviews:

a) After the January 2017 events:

. [various TV and Radio news](#) (24th January 2017)

. [“Thirst for Mutual Destruction in Georgian Politics”](#), *Voice of America*, 27th January 2017 (In Georgian)

b) After the March 2017 International Conference:

. [various TV and Radio news](#) (29th March 2017)

. various Press news: [INFO 9](#), [INTERPRESSNEWS](#), [PARLIAMENT](#) (29th March 2017)

. [“Constitutional Amendments in a Young Democracy”](#), *Voice of America*, 31st March 2017 (In Georgian)

C6. Letter from the Speaker of the Georgian Parliament and Head of the Parliamentary Commission for Constitutional Reform

C7. Events and interviews to influence public on the benefits of post-constitutional reform in Georgia:

a) [Presentation of R3 and R6](#) (14th November 2017)

b) [Presentation, together with Germany's Ambassador, of the consequences of the November 2018 presidential elections for political polarization in Georgia, at the DRI-GYLA “Communicathon 2018”](#) (21st December 2018)

c) [“Political Monopoly – A Game for Glory”](#), *Voice of America*, 27th January 2019 (In Georgian)

d) [Presentation of R5 at the Georgian Institute of Politics \(GIP\) Annual Conference](#) (3rd April 2019)

e) [“A Polarization Trap”](#), 26th April 2019 (In Georgian)

C8. DRI Final Narrative Report: “Strengthening Political Pluralism in Georgia”.

C9. Letter from the Director of DRI.

C10. Copy of the new version of the [Georgian Constitution](#).