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Dozentin: Lela Rekhviashvili

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Authoritarian Neoliberal Oppressiveness and Ways of Social Resistance

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On the Example of Drug-Politics in the Republic of Georgia

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vorgelegt von:

Nils Buddemeier B.Sc.Geographie NF Fachsemester 06 6083568 s0517182@stud.uni-frankfurt.de Gaußstraße 14, 60316 Frankfurt Leon Wolf B.Sc. Geographie HF Fachsemester 04 5593507 s3552514@stud.uni-frankfurt.de Fichardstraße 58, 60320 Frankfurt

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1. Introduction

The following essay discusses drug policy in Georgia, and social movements that resist the harsh drug policy, particularly in the light of the state raids on night clubs, and widespread protests in response to the state violence during May 2018 in Tbilisi. Initially we provide an overview of so called 'zero tolerance' drug politics in Georgia, expressed in very high penalties for the use, possession or distribution of any substance that is considered as a drug by law. According to latest estimates, there are around 41.000 drug addicts in Georgia, which equates 1% of the whole population (Bouscaillou et al. 2014: 2). The governments' one of the key strategies to deal with these addicts is a very repressive and simple one: imprisonment. Of course, it is very ineffective and does not accomplish anything positive for the affected. This very repressive method of dealing with its citizens leads to an overcrowded prison, to a point where 30% of prisoners are serving sentences for drug related cases (Parulava 2017). There are places where one can seek therapy, but it is not very popular or common, since the programs cannot assure full anonymity, as they are required to verify patients' IDs, which is due to the strict drug enforcement policy (Kirtadze et al. 2013: 11). Another repressive method to give addicts a hard time is random street testing for drugs. A positive result can bring a penalty of 6 to 8 years in prison (Krushynskaya 2017). In the past years there were some chances for change, for example in 2013 the current minister of justice demanded to "reallocate the resources ineffective prosecution and punishment of drug users to effective prevention and treatment" (Zulukiani in Rimple 2017). Also, On June 16th 2017 a bill to soften criminal penalties surrounding cannabis had its first hearing in Georgia's parliament. This radical change in Georgia's drug policy happened, after the constitutional court ruled in 2016, that imprisoning people for possession and consumption of cannabis was unconstitutional (OC-Media 2017).

After giving the overview of drug policy we discuss social movements that try to bring about change and provide help for addicts. In the past years several organizations or movements have formed to bring about change in the Georgian drug policy and to protect addicts from the repressive methods of the state. In June 2016 the national drug platform for drug policy was created. It unites over 40 different organizations and groups and has come up with the draft law, aimed at decriminalizing drug possession for personal use. In this essay we particularly focus on the "White Noise movement", an especially active group in mobilizing protests and further campaigns against the repressive drug policy and for decriminalization of drug users. We illustrate how this movement started, how it is organized and what their aims are; we reveal obstacles and challenges they face in their mobilization efforts.

The essay relies on the empirical material – observations and in-depth qualitative interviews -undertaken in May 2018, shortly after so called 'dancing protests' took place in Tbilisi. Hence, we also reflect on those protests and our interviewees responses are also framed in the lights of the May events. We interviewed members of the movement, but also individuals, who are not directly related to the movement but are affected by and opinionated about repressive drug politics. We talked to a founding-member of the

movement, who can be associated as a leader (interviewee A), to a lawyer who works with the movement (interviewee B), an anthropologist (interviewee C), a lawyer who works for a NGO, monitoring the prosecutor's office (interviewee D) and a private-school teacher (Interviewee E). Additionally, we looked into relevant English language media such as Open Caucasus Media and Open Democracy, regularly publishing on the topic. When researching social movements in Tbilisi, we rely on Tarrow's definition of social movements as "collective challenges by people with common purposes and solidarity in sustained interaction with elites, opponents and authorities" (Tarrow 1995: 3f). Actions that are undertaken by a movement are: "building consensus, lobbying, negotiating with authorities (and challenge cultural codes)" (ibid. 4). Furthermore social movements are defined by taking action against antagonists, having a common purpose and collective identities, and shape grievances into broader claims in a process of purposive "framing work", (ibid. 25). Throughout the article we will show that the social movement in question partly differentiates from the usual characteristics ascribed by the established research, but for the most part follows the typical career of a movement. One can argue, that it does that in a state of repression following neoliberal paradigms.

2. Drug Policy in Georgia and its Implications

As stated above, Georgia's drug policy is very strict and harshly penalizes users and dealers. Georgia's official strategy is to fight suppliers of drugs and to minimize the number of consumers. It intends to help addicts by running rehabilitation and substitutional programs. In practice only a very small percentage of addicts make use of such programs. The attorney explained that prolice survailance of rehabilitation institutions is one of the key reasons why users avoid such institutions:

"We have some substitutional treatments, like methadone treatment, which provided by the government. But it only covers about 5 or 6 percent of problematic users. As the institution in front of my home, I can people coming to pick up their methadone on everyday basis. And I can also see there is always a police car in front of the institution, and policeman are taking photographs. They try to get hold of people who have anything [drugs] other than methadone, which is actually an easy way to get a hold of drug users for them. And these practices prevent users from going for this kind of treatment".

The strategy also intends to prevent harmful effects of drug use by having educational programs in schools. As a private school teacher has told us, this educational programme is nothing more than saying "drugs are bad, don't do them", rather than really providing information about different drugs and their affects, This type of educational intervention, reproducing the topic as a taboo, possibly makes it even more interesting for adolescents to try drugs. Random street testing for drugs is supposed to discourage people from taking drugs in the first place. Our interviewees explain however, why existing state strategies work

counterproductively. The way drug policy it is being applied currently, targets users rather than drug dealers. The detection rate concerning drug cases is up to 92% to 93% in Georgia, which is due to the fact, that tens of thousands of citizens are sentenced for drug-use related crimes, while only 36 dealers have been punished in 2017 (IDFI 2018). So, the repressive drug policy is a way to keep a high detection rate, rather than to really punish dealers or importers. Furthermore, the random street testing has declined within the past four years. From 2013 to 2017 Georgian state spent nearly 2.5 Million GEL (approx. 800k EUR) on street testing, while only 30 % of these were positive (ibid.). Meanwhile, substitutional programs are underfunded, as there are around 41.000 addicts and only around 6500 places on these programs. The fear of being detained as a drug user results in the abuse of pharmaceutical drugs like antidepressants. As the statistics of street testing show, psychotropic substances are the most used substance, next to cannabis (ibid.).

Another problem is the police, who – according to the attorney specialized in drug-related cases – use the state drug policy to impose pressure upon political enemies by planting drugs on them, to ensure their conformity. He told us, that it is very hard to win a case in court because the judges only believe the officers when it comes to drugs. "Regarding the courts: The court is always blind when it comes to drug users, because they only believe the officers, that is enough for them". He further described a recent case, when a client had been arrested after having refused to testify against a friend. He was threatened before that if he refused to cooperate they would search him and 'find something'. He was taken at the charges of drug possession, which a bystander denied to have witnessed during the arrest. "He faces 8 years of imprisonment now and the case goes to the appeal court. And we will probably loose [...]".

Even though Georgia's current government wants to distance itself from the previous "rose revolution" regime and from soviet times, it uses very similar methods to preserve "old values". This does not only concern drugs, but also other "western" lifestyles and sexual freedom. The best example is the case of a heavily armed raid in two Tbilisi's nightclubs, which took place on the night of 11th of May this year. It appears to be just a pretext to arrest drug dealers in these nightclubs, as they did not manage to arrest any dealers in the nightclub. As these nightclubs are kind of a shelter for alternative lifestyles and marginal groups like LGBTQI¹, it seems as it was their real aim to disturb them, as the clubs had to stay closed for two weeks. These examples can give a picture on how repressive drug policy is being used as an instrument to repress citizens, as the majority of Georgia is rather conservative and doesn't accept these new forms of lifestyle and values. These raids resulted in a big marching protest on the same night, which ended in front of the old parliament building. The protest was protected by the police as there were counter protesters trying to stop it. These counter protests consisted of a big group of Georgian neo Nazis that wanted to stop drug-use and LGBT propaganda. The Georgian minister of internal affairs and head of the police, stated, that it is no longer possible to protect the peaceful

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¹Lesbian, gay, bisexual, tansgender, queer, intersex

protest from the Nazis. This made all of our interviewees believe they are being instructed by the government. If you take a closer look at "Georgian march", which is a very conservative political party and social movement, with homophobic, anti-immigration and Islamophobic view, you find out, that - according to an investigation by BBC - it is funded by the Russian ministry for foreign affairs². The Organization is supported by the Gorchakov Fund, at the time established by the then-president of the Russian Federation (Transparency International 2018). Hence it appears to be rather about an identity affiliation towards Russia or the EU and not about drugs and lifestyle issues.

3. The Workings of Repression and Resistance by Movement(s)

Sidney Tarrow speaks of moments of political opportunity as the key-issue for the rise of a social movement, for someone to start to try bringing about change. One could argue that this moment came after the Saakashvili-Regime was overthrown in Georgia. Saakashvili strongly pushed the neoliberalization of the Georgian state with the result that Georgia is one of the most unregulated economies worldwide. One key factor in the neoliberal state is the decline or the absence of the welfare state. In the Republic of Georgia the latter is the case. Interviewee C stated that in Georgia 16% of the population is regarded as poor, whereas the majority appears to have too few resources to improve the situation for the generations to come.

In the first Chapter of his book "The Fabrication of Social Order" Neocleous concluded that laws and government are eventually instituted for the defense of the rich against the poor and that there must be a force to implement those laws, to provide security (Neocleous 2000: 42). Taylor puts it more directly, as she identifies the Police in a neoliberal state as the defense of the rule of political powers and economic elites (Taylor 2017: 130). The police are the agents of social control (ibid. 160), using violence to sustain public order (ibid. 135). As the attorney told us, "the Georgian drug policy is an instrument for repression and for pushing on civil society actors or even on whole movements. It is an instrument to push on some people, like criminals, who they don't manage to get hold of. They use the draconic law to imprison them."

While drawing public attention on crime and the perpetuation of order, the state and its institutions are able to work on the decline - or in the case of Georgia to maintain the absence - of the welfare state, rather unnoticed from the public (ibid. 139). The Anthropoligist we interviewed described the police as extremely abusive and violent during Saakashvili's reign. He emphasized that the main concern of the current government is not to represent the same repressive image as the previous regime. "Because the only difference between them - there is no difference in health care, education, economy, nothing — only the presence of police and prison, how they work". It appears that the current government

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² This assumption stems from the NGO Transperency international, that explained this in a short documentary called "Georgias rave revolution" by BBC

follows quite a similar opposite strategy, in order to "keep going with all the other shit" (Interviewee C).

Though there have been changes for the better - such as the constitutional court has ruled random street-testings for drugs as unconstitutional - the strict drug laws are still being used to justify repressive strategies and to pursue goals paradigmatic for the police in neoliberal states. The police functions as a sort of source of capital (Taylor 2017: 143). The national budget benefits from fees and fines paid by arrested and/or convicted people. The lawyer we interviewed stated that in the meantime convicted drug users/possessors can pay high fees to avoid a prison sentence. The Georgian drug policy appears also to be useful to fill the public pursue, since — as stated above — the repressive everyday practices by the police come at high expenses.

As it should have become clear throughout the past chapters, there is a drastic need for change. To illustrate one way of resistance, we will report on the workings of *White Noise* and its proximity.

The above mentioned necessity of change(s) in political opportunity was fulfilled through the democratic overthrow of the Saakashvili-regime and also through first changes in political thoughts on drug policy, such as the initially noted statement of the then-justice minister in favor of relocating resources from punishment towards prevention and treatment by 2013. Such a change can create incentives for collective action³. As opportunities widen, contestability of the system becomes clearer and ordinary people test limits of the system via first challenges (Tarrow 1995: 24). The founding member of White Noise told us how the entire project got started. In 2015 when a friend of his was accused of and set on trial for possessing a considerable amount of marihuana, he and his friends started a campaign "Beka is not a criminal". They tried to raise awareness and rely on every juridical opportunity there was, until they brought the case to the constitutional court. It ruled the incarceration for possession of a certain amount of cannabis as unconstitutional and revealed susceptible points of the zero-tolerance drug policy. In the aftermath hundreds more (incarcerated for possession of marihuana) were released from prison. This success can be understood as one by 'early challengers' - as Tarrow puts it - who reveal weak points of a system and discover their own strength (ibdi. 24). Political opportunity is given through the dimensions of political environment, which provide incentives for undertaking collective actions. These dimensions affect expectations of success or failure (ibid. 84). The justice minister's statement in 2013 and the recognition through the constitutional court can be viewed as influencing the expectations of collective action positively.

Early on the movement managed to receive money from the Open Society Georgia Foundation, so the founders escaped the trap of pure voluntarism that burns out a

³ Collective action can be undertaken "through disruptive direct action against elites, authorities, other groups and cultural codes. [...] this disruption can also take the form of coordinated personal resistance or the collective affirmation of new values" (Tarrow 1995: 4).

movement's capacity and potential to mobilize without a sufficient financial infrastructure (Dolenec et. al. 2017: 7). But this alliance entailed the dropout of one of the members who initiated the campaign "Beka is not a criminal". Interviewee C associated the foundation with the economic paradigms of the Saakashvili regime.

Further factors for the expectations and the potential of a newly starting movement (such as *White Noise*) are the discursive mechanisms in a society. As described above the educational position concerning drugs is the plain and simple picturing of drugs as bad. Further, through the exemplified drug policy in Georgia, drug users are not only treated, but will also be viewed as criminals by the broader part of the population. Baumgarten and Ullrich assume that discourses and other practices in power regulation shape the subjectivity of the people. Relying on Foucault they suppose that these practices shape an individual's relation to her/himself and thereby affect the mobilization potential of social movements. Therefore movements need to develop their own discursive mechanisms that will enable the framing of actors within these movements (Baumgarten & Ullrich 2016: 16). *White Noise* did this by using social media. As Interviewee A told us they used a new style of language to address their subjects, worked out with people from a marketing or communication background. This drew a lot of media's attention.

"[...] because we knew everything we would say, write or release on video should really reach the right audience. So we were really careful about the design and esthetics style. [...] we created our content and it was published by the media."

As Kern supposes, the mass-media affects the opportunity for participation in discourse of the civil sphere (Kern 2016: 100). Congenially Tarrow states that movements shape grievances into broader claims by framing those grievances while requiring to shape and influence the framing by the media (Tarrow 1995: 23). In the beginning, A told us, *White Noise* spread videos of themselves fighting physically for the release of unlawfully arrested people at police-stations. They made public individual fortunes of people mistreated by the law on the basis of drug-charges to raise awareness for these schemes. With the media's reach, they could address a broad audience. Further, as boycotts, demonstrations, and sitins mobilize adherents and impress bystanders (ibid. 45) the movement could draw on these confrontations to gain supporters. According to interviewee A one key moment was the movement's mobilization after the tragic incident, when a young man committed suicide after he had been abused by a police officer, who tried to make him an informant this way. Smearing 'murderer' on the police cars of the station in question and not leaving any of the – in the course of the protest, *White Noise* could win people for their cause.

The larger a group grows, the more likely it is for people to surface who free-ride on the efforts of few. Therefore a movement needs to give potential followers incentives to convince them that participation is worthwhile (ibid. 14). Leaders need to coordinate collective action, but the autonomy at the base must be ensured to provide those incentives (ibid. 149).

"We are not more than 10-12 people who were there from the beginning and are working on the subject all the time as a core. But then we had a lot of activists and followers who took part in the movement. And if you have activists, you have to give them something to do, so they have a meaning in their participation. So we organized rallies with many people, which was like a new level of activism, because there were no real leaders who gathered all the people together, but everybody was really participating and playing his own part in the rally." (Interviewee A)

White Noise managed to encourage people to perform what Isin refers to as activist citizenship, acts that question existing laws and regulations and challenge institutions (Dolenec et. al. 2017: 18). Through this, movements, who - according to Baumgarten and Ullrich – ultimately long for recognition, question the universality of the prevailing norm because they do not feel included by it (Baumgarten & Ullrich 2016: 147). When social movements produce public awareness of grievances and provide alternatives for interpreting and defining social reality, they wield a great influence on institutional outcomes (Kern 2016: 97). As described above, White Noise managed to have some of the strict laws ruled as unconstitutional by the constitutional court. They paved the way to this point through the crucial principle of "tactical networking" organizations from various domains (Dolenec et. al. 2017: 16), collaborating with several NGOs. Interviewees A, B and D stated that a platform to talk about policy and drug related issues was created by the alliance. Further they worked out a draft for rather liberal drug laws and a wide-ranging educational program for prevention and an aid program for the addicted, oriented on Portugal's drug-reform. Movement research agrees that movements institutionalize their tactics over time and long for negotiation and compromise (Tarrow 1995: 113). White Noise extraordinarily started after a first success in constitutional court, but turned physical and rather radical, fighting for those unlawfully arrested on drug-related charges. Over time they got support from the lawyer we talked to, who responds to a hotline the movement established, to legally bail out the arrested. In parallel they organized peaceful protests that grew larger in numbers, and attained the attention of the government. The associated leader of White Noise described how the government came to offer initial changes.

"The rallies before always had around 4-5000 people, but the rally on June 10^{th} was like a real turning point [on that day there were 10.000 supporters at the rally; authors' note]. During that rally the prime minister made an official announcement and apologized and promised they would make corrections in the policy and that he asked his parliament to make a change before the end of the year of 2017."

He further explained that later that year the minister announced he intended to soften laws regarding so called party drugs, but would not liberalize opioids and other hard substances. The events in summer 2017 were followed by a meeting between movement-activists and members of the polity.

"I remember one meeting with the parliament - it was an informal meeting [...]. When we got there, there were 3 or 4 guys from the parliament, and the head of the majority party, one was the former minister of internal affairs, who is now in the parliament. So I asked if this is a negotiation-table, and if so we don't have anything to negotiate! And these guys said: >ok you guys are clubbers and we know what kind of drugs you like, so we are going to give you that. We are going to decriminalize like party drugs, but with heroin and other hard drugs, there is no way!<" (Interviewee A)

As already mentioned above, Tarrow states that movements eventually strive for compromise, "leaders move from confrontation to cooperation" (Tarrow 1995: 113). This seems not to apply to the case we are discussing.

The vaguely promised changes in drug policies by the end of the year were not initiated. Instead, the police raided the two most famous night clubs in Tbilisi invoking on the execution of the drug policy five months later. As a reaction several thousands marched in front of the parliament to peacefully protest for their right to express themselves⁴. Interviewee D told us that in reaction to the assembly the minister of internal affairs once again announced he planned to alter the drug policy. This might have been due to the power of such non-violent disruptions that comes from uncertainty of the situation. Although they are non-violent, the atmosphere threatens violence. But outsiders might take advantage of non-violent tactics (ibid. 109). As claims by social movements usually challenge the interests of other contenders, because they either attack the interests of an established group (ibid. 155) or offend influential groups, they can trigger a countermovement (ibid. 97). According to the anthropologist the majority of the Georgian population identifies with the orthodoxchurch and many share rather conservative values, the motives of the young people in front of the parliament and of those fighting for a more humane drug policy offends them. This lead up to the gathering of the fascist groups, that eventually caused the protests to come to an end.

4. Closure

As of June 2018 (when the major part of this project was done) we had not heard of any further changes in the Georgian drug policy. An additional challenge in the eyes of interviewee C, was the appearance of supporters of the ultra-neoliberal Saakashvili regime at the leftist protests in front of the parliament, who – as he suggested – were there to take advantage of the situation for their own purposes. This accounts for another claim by Tarrow that such political divisions encourage portions of the elite which are out of power declare

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⁴ Thus the motives for the protests reached further than drug policy issues, but they happened in response to drug policy related offenses by the authorities and promises for an alteration of the drug policy was made by the government during the process. Further a major member of *White Noise* went into negotiations with members of the polity inside the parliament. Therefore we will apply these developments to the theorization of the social movement.

themselves as tribunes of the people. When we asked the anthropologist whether he assumed that they took part in the protest in order to get the support of those people to get closer to a position in power again, to pursue their interests because of which they were democratically overthrown, he responded: "Yeah, it's absolutely like this".

He further emphasized that protests such as those in May 2018 are not desirable for the better part of the Georgian population. Thus rather the poor conditions in education, social security and health care should be tackled. If he did not think change was possible, he would not live in the country anymore. At the end of our interview with the cofounder and associated leader of *White Noise*, he broke to us that he is not convinced any longer that the movement's actions over the past years were enough.

"And the only thoughts I have at the moment is, to leave behind the drug policy thing and concentrate on a systematic sort of thinking about what really happens between system and activism and what kind of game was played here by the government."

Even though the entire project followed the 'parabola of a movements' suggested by Tarrow (1995: 168), it does not account for a failing. Success can lie in strengthening the civil society scene, highlighting the value of citizen engagement or only personal benefits of protest participation (Dolenec et. al. 2017: 19).

"People need to understand, that in this very young democracy, and postsoviet country, that people have the power and maybe then we are able to make a real change." (Interviewee A)

5. Conclusion

Besides a fragmented account of the political situation in the Republic of Georgia, we have shown that social movements there undergo the typical dynamics movement-research attributes to these forms of political challenge. Only in two ways the discussed movement did not coincide with the broad ascriptions through the established research. Rather than slowly moving from radical activism to more democratic behavior, the project got started with a successful appeal in the constitutional court, which throughout the movement's history proved as a useful instrument. The compromises that established research suggests movements will eventually agree up on with the polity, the movement did not settle for, but largely due to the fact that several promises by the government were not fulfilled.

In the end, our example shows that on their way movements make allies at the expense of losing others, they undergo a kind of democratization process and might follow the course of a parabola towards an end after the peak of successes. But this does not imply that it will not have any effects on the developments after the closure of the project. Our Interviewees believe in the possibility of change, and the established research has no reason to suggest otherwise.

6. Aftermath

Since we have finished our research there has been a somewhat major change in the drug policy in the Republic of Georgia. On the 30th of July, the constitutional court ruled, that punishment of an Individual for consuming marihuana does not comply with the constitution, as long as others are not put at risk.

Two weeks later Human Rights Watch published a Report on the Georgian drug laws, pointing out, that they were partially changed but still remain harsh and overly punitive.

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