

**“Democratization in the Caucasus: Elections in Armenia, Azerbaijan and Georgia”  
Remarks to the [U.S. Helsinki Commission](#)**

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Chairman Smith, Co-Chairman Cardin, I wish to thank you and the members of the Helsinki Commission for conducting this briefing and for inviting me to discuss an extremely important part of the world. The Caucasus is of great strategic importance for the United States, and developments, particularly in the area of democracy, are critical to the United States’ interests globally.

Again, thank you for this opportunity and I request that my full remarks be entered into the record.

The next year and a half will be critical for Georgia’s democratic development. Since the snap elections in 2008, the Georgian government has made significant steps forward in securing the legitimacy of its elections and of its governance at large. In 2010, the mayor of Tbilisi became a popularly elected position, resulting in increased responsiveness to citizen needs. In October 2010, parliament adopted a slate of constitutional reforms designed to realign the system of governance toward a more parliamentary model and away from the current strong presidential system. These constitutional reforms will take effect following the presidential election in 2013. In preparation for this, the government and opposition parties began meeting in November 2010 to discuss further reforms to the Election Code to ensure that elections in 2012 and 2013 would continue to meet international standards. The new code was adopted in December 2011, albeit not unanimously, and went in to effect in January 2012, in order to provide sufficient time for all parties to adapt to the new regulations and to begin checking voter lists nationwide.

Unlike the snap elections in 2008, which were called in response to public protests, these elections arrive as part of the natural political cycle. The parliament has served its full four-year term, and by fall 2013, the president will have served his full term as well. This means that political parties, and in particular opposition parties, have had time to prepare. And parties have been actively preparing. In previous elections, Tbilisi was the opposition stronghold, and their leaders felt little urge to go outside their base. This pattern held true during the local elections in May 2010 when opposition parties combined for 47.5 percent in Tbilisi, but less than 35 percent nationwide. This relatively poor showing in the regions helped to encourage smaller political parties to spend more time expanding their base by reaching out to the people there.

In the last two years, opposition parties have been active in the regions on an unprecedented scale. Parties like the Christian Democratic Movement, who already had party offices in all regions prior to May 2010, have greatly increased their activities, including internal activist trainings and community outreach efforts. Other parties, most notably the Free Democrats and the Republicans (now both part of the Georgian Dream coalition), also greatly increased their

activities by establishing new regional offices and actively engaging with regional populations on issues of local concern.

The International Republican Institute (IRI) is cognizant of this dynamic and has been actively working with all parties to train their activists in advance of the elections, as well as working to increase the capacity of party observers and electoral commission members. This is especially important because nationwide interest in the elections is high. According to IRI's most recent poll, fully 89 percent of respondents indicated that they would be likely or definitely voting in the elections.<sup>1</sup> Though experience dictates that actual turnout will not be quite so high, this level of interest clearly illustrates the stakes for all parties involved, including the government. With these stakes in mind, I would like to outline several positive developments in the election process, primarily regarding government initiatives; several points of concern, particularly regarding fairness during the pre-election period; and conclude with some recommendations as to next steps for all interested parties.

## **Opportunities**

In November 2011, President Saakashvili signed a decree to set-up a 15-member Voters List Verification Commission, under auspices of the Central Election Commission (CEC), for the specific purpose of checking voter lists. The commission is multi-partisan, opposition chaired, and includes representatives from domestic nongovernmental organizations (NGO). In addition, the state budget submitted to parliament on May 11 committed an additional 4.7 million GEL (approximately three million USD) to the commission. This has been a long-running concern of the opposition, who contend that the official population of Georgia has long been overstated due to emigration and a general failure to maintain accurate voter lists. This extended period of time for completing the task will hopefully increase confidence that the voter list is fair and does not favor one party or another. The fact that the commission was constituted several months in advance of the Election Code coming into force seems to indicate that the government is serious about ensuring that the list is accurate well in advance of elections. The commission's 11,000 nationwide field observers began going door-to-door on April 24 to check the validity of voter registrations.

Since it was reformed under the new Election Code, the CEC has been very active in its efforts to ensure that all parties see the election process as free and transparent. In addition to its responsibility for directing the activities of the Voter List Verification Commission, the CEC has also been working to improve communication with political parties, and been accepting party input on technical election questions. IRI has been hosting roundtables to facilitate this dialogue, and out of this process, the parties are preparing a package of recommendations to submit to the Tbilisi Sakrebulo. Discussions are ongoing, but the final package is expected to address outstanding issues.

To address issues of potential violations during the pre-election period, the Georgian government announced on May 18 that it would establish an Inter-Agency Task Force for Free and Fair Elections. This task force, last formed before local elections in 2010, was re-established under the new Election Code, and will be chaired by Giga Bokeria, Secretary of the National Security Council, and its membership will be comprised of representatives from all relevant government

ministries. According to the [National Security Council's press release of May 18](#), the group will be charged with “foster[ing] coordination among various government agencies and promote[ing] dialogue between the government and all stakeholders in the electoral process.” This will be accomplished by “analyzing information about the electoral process brought to its attention by all stakeholders, as well as information disseminated by the media; drafting recommendations for public servants and authorities, [and] responding to allegations once verified.” The group is required under the new election law to serve as a liaison between political parties, NGOs, and the government.

Another positive change is the new method of awarding party-list seats to parties that cross the five percent threshold. Under the old system, barely crossing the threshold only ensured that the party would receive one or two seats, requiring them to join with other parties to form a parliamentary faction or be marginalized. Under the new system, any party that gains the minimum five percent will be automatically granted six seats. This will be enough for individual parties to form their own faction in parliament and will allow them to nominate members to leadership positions, but these seats will come at the expense of the parties that garner the most votes. This change could prove significant, as it will provide added incentive for opposition parties which barely cross the threshold to remain in parliament and provide active and constructive input into the parliamentary process.

## **Concerns**

Since the local elections in May 2010, the Georgia government has been actively preparing for this fall, and for the presidential election in 2013. Overall, we see good-faith attempts to ensure that the elections are well administered and meet international standards. Many of the changes are positive, at least on the surface, and would be truly beneficial if they are implemented in a truly unbiased manner. Unfortunately, there are several areas of concern underlying all the progress that still have not been addressed. Several of them have already been raised by the United States Embassy and the [Venice Commission of the Parliamentary Assembly of the Council of Europe](#).

Regarding the general election process, there are concerns that the Election Code did not go far enough to address issues that were set forth by the Venice Commission. One of the primary criticisms has long been the inequality in size of electoral constituencies. In some rural areas, parliamentary mandates can be as small as 6,000 constituents, while large Tbilisi districts can reach as many as 150,000 constituents. Though the new Election Code did consolidate several smaller districts, it still did not address the larger problem by realigning parliamentary districts nationwide. This continued inequality of districts perpetuates a perception that not every vote is equal.

In December 2011, the parliament passed a new law regarding the funding of political parties. These regulations prohibited funding for political parties from businesses and other legal entities, but increased the annual individual donation limit from 30,000 GEL to 60,000 GEL (20,000 USD to 40,000 USD). The bill banned assistance to parties by NGOs engaged in political or electoral activities. The bill also established the Chamber of Control of Georgia (CCG) to oversee implementation of the law and investigate alleged violations. On the surface this is a

positive step, but problems remain. First, state funding for political parties is low, and so the elimination of corporate funds removes a potential source of campaign funding. Second, the ban on NGO involvement in politics is too broad and not well-clarified. Third, the CCG was given relatively free rein to investigate nearly any entity with political or electoral connections, and initially had the power to recommend that the CEC ban a party from competing in elections if they were found in violation of the Election Law.

Though the restrictions were only supposed to be applied going forward, the CCG Service of Financial Monitoring of Political Parties began investigating several organizations based on events and ties rooted as much as several years in the past. IRI's own NGO partner, New Generation-New Initiative (NGNI), was investigated almost immediately. The only reason given for the inquiry was that NGNI's former chairman is a sitting member of the Tbilisi City Council, representing the United National Movement. It did not matter that the Council Member had resigned his post with NGNI nearly three years prior so that he could run for office, nor that he had no involvement with the organization since that time. Ultimately the issue was resolved quickly, but it is chilling to think that a non-partisan organization could face closure for activities that had occurred three years earlier. Furthermore, though this particular situation was resolved satisfactorily, the process of investigation was non-transparent and the CCG repeatedly refused to provide more than the most cursory information about the nature of the allegations and the potential penalties that were contemplated.

In addition to NGNI, more than 200 individuals were called in for questioning by the CCG's Service of Financial Monitoring of Political Parties in March. On May 1, 2012, the Georgia Public Defender released a statement regarding its own investigation into possible violations of civil rights that may have taken place during these interviews. The Public Defender's statement reported that it had ". . . documented a number of concrete violations a part of which were caused by [an] unsystematized legislative framework, while others – by unlawful behavior of the officials themselves . . ." and his report gave recommendations to the CCG going forward. Among the recommendations suggested by the Public Defender's office are: the CCG should only conduct interviews during business hours; that investigators who broke the law during questioning should be punished; and that building security be restricted from conducting invasive search procedures (including unnecessary clothing and bag searches) in order to protect the civil rights of those who are visiting the CCG to comply with the investigations.

In March 2012, after much criticism and many questions from the United States Embassy, the Venice Commission, and local NGOs and party activists, parliament did agree to amend the law on party funding. Most importantly, it narrowed the list of entities which could face sanctions to those which have expressly electoral goals and purposes. The proposed amendments also increased state funding to parties, allocating 2.23 million GEL (approximately 1.3 million USD) to a dozen parties for use in developing television campaign ads. The amendments were approved after their third reading on May 9. While the amendments do a better job of clarifying the CCG's jurisdiction, it may be too late. There were six months between passage and the final revision; these six months of potentially beneficial political development work cannot be restored by a simple change in language.

Another prospective issue of concern is the degree to which Georgian opposition parties will be able to campaign freely in the coming months, particularly in the regions. Since before the local elections in 2010, there have been reports that opposition constituent meetings and activities have been met with resistance from local leadership. Such measures have included local police or other government representatives taking names of attendees, videotaping events and questioning participants. Though issues have been reported to Tbilisi and the government has condemned them, problems persist. IRI has seen nothing to suggest that such intimidations are actively or even passively sanctioned by Tbilisi, and strongly suspects that the motivating factor is a desire on the part of local leaders to show loyalty to the government. However, condemnation and disavowal of these actions is not enough. With elections only a few months away, the government in Tbilisi must move swiftly and decisively to discipline local leaders who sanction repression of opposition activities, and make it absolutely clear that such repression is to be neither permitted nor tolerated in a campaign environment.

Finally, there continue to be ongoing concerns that the media is not fully free to discuss the elections or issues of public concern. The two nationwide channels, Rustavi 2 and Imedi, tend to present little information on elections and continue to have a generally pro-government bent. Other stations that have a more opposition orientation are still not available nationwide. There are also concerns that local media and press in Kutaisi and Ozurgeti have been excluded from municipal buildings in order to prevent them from covering CCG investigations or party meetings. Reports of official repression of media are particularly troubling, and should be addressed immediately, by the government in Tbilisi if necessary.

### **Conclusions and Next Steps**

It is of paramount importance that events on Election Day are considered to be free, fair and transparent. However, it is vital that the entire election campaign also meet international standards. In the past, a good Election Day has frequently been considered sufficient, but the United States and Europe would be doing Georgia a disservice to allow such a standard this time. With the emergence of a third major political force, these elections will no doubt be highly contested nationwide. Governments and international organizations, both here and Europe, must be as vigilant and proactive during the pre-election period as they are on Election Day. Every entity involved in this process bears a great responsibility.

For their part, the Georgian government must maintain a fair and even-handed election environment, beginning this very day. The government has repeatedly spoken of a desire to have fair elections, and to allow all parties the opportunity to campaign and mobilize their activists. These words must be matched with deeds. The CCG must uphold its mandate as a regulating body for the political financing process, but must do so even-handedly and without deference to government-controlled institutions. The central government in Tbilisi must impress upon local officials that restrictions on legal opposition activities will not be tolerated. Finally, there must be a clearly demonstrated commitment on the part of the CEC and the judiciary to effectively address complaints and appeals fairly and well before Election Day.

Georgian political parties have their own responsibilities. The United National Movement faces the same temptations of any party that holds a constitutional majority in a new democracy;

particularly the temptation to actively influence the system so that they are able to maintain control, and the temptation to passively ignore otherwise good policy programs that might benefit their opponents more than themselves. The Georgian political opposition faces what is in some ways a harder test. These elections represent their best opportunity since the Rose Revolution to gain a significant number of parliamentary seats, especially now that the threshold for gaining additional party list seats has been lowered. Though they may be distrustful of the government's willingness to conduct fair elections, they must buy in to the process fully. A party that is focused on what will happen if they lose cannot, by necessity, be entirely focused on winning. Georgian elections have rarely been lost gracefully, but regardless of who emerges victorious in October, that is the only way for the process to continue moving forward.

Finally, there is an especially large burden on the international community this time around. In past years, it was enough to focus on Election Day. It cannot remain this way. The government and the opposition have expressly requested the presence of international observers for both long- and short-term observations. The United States and Europe must respond accordingly. Some in Georgia have already indicated that they intend to take to the streets if the elections go against their hopes. Such prospects would threaten to return Georgia to the era of street politics, an era it must leave behind. Therefore, the international observer presence must be so credible, and so complete, that there can be no doubt as to the results of Election Day.

### **The Political Party Players**

The 2012 parliamentary elections will provide a great opportunity for Georgian democratic development. All major opposition parties are actively engaged in the political process, no longer boycotting as they have in the past. As the current situation stands, there are three major party players that appear certain to gain seats, and one or two smaller parties that will possibly cross the threshold.

#### *United National Movement*

The United National Movement is the ruling party, and the party of President Mikheil Saakashvili. They have been in power since the Rose Revolution, and still maintain a constitutional majority in parliament. Though their popularity has decreased in recent years due to the emergence of several smaller parties, they remain the most popular party in the country, and are more than likely to maintain the parliamentary majority in 2012. The party is very organized, has a solid platform, and continually speaks to constituents on issues of concern.

#### *Christian Democratic Movement*

The Christian Democratic Movement (CDM) was formed as a political party following the January 2008 presidential election. Basing their ideology on a center-right platform, they managed to win seats in parliament in their first election in May 2008. When other opposition parties chose to boycott parliament and give up their mandates, CDM elected to stay in the body, becoming the largest minority party. Their chairman, Giorgi Targamadze, a former journalist, is the Minority Leader. The party gained 12 percent nationwide in the May 2010 local elections

and is looking to build on those results in October. CDM has a consistent message focusing on issues and democratic development.

### *Georgian Dream*

The Georgian Dream coalition is led by billionaire Bidzina Ivanishvili, and is comprised of five smaller parties and various individuals which he brought together under the same banner. These parties, the Republicans, the Free Democrats, National Forum, Industrialists and Conservatives, all have agreed to work together in the parliamentary campaign. Generally speaking, their self-proclaimed liberal platform is western-oriented and pro-business, though they are staunchly anti-Saakashvili. If current trends hold, they should gain enough votes to enter parliament with a significant number of seats, but it remains unclear how the coalition of sometime competitors will hold up through a potentially difficult campaign.

### **IRI's Work in Georgia**

Political party development has been the main focus of IRI's work in Georgia since it began operations in Tbilisi in 1999. Importantly, IRI works with all the major political parties in Georgia in an objective fashion. It is this sense of objectivity that has been the cornerstone of IRI's success. Political parties should act as a bridge between citizens and their government, as well as advocates for specific ideologies and representatives of citizens that support those philosophies. IRI has trained parties to develop more positive, issue-based campaigns, while also developing the skills to represent needs more effectively by engaging citizens. IRI trainings focus on building congruent party platforms and communicating them to the public, rather than a centralized leader-focused party which serves a small cohort of personalities rather than the larger polity. In particular, IRI has encouraged political actors to think strategically and stop acting reactively. IRI training programs provide a format where activists can learn and experience the intricacies and technical aspects of working in a democratic political environment. A key component of IRI's programming is to teach local political parties about the importance of messaging. IRI assists the local parties as they develop messages that will actually resonate with the electorate, including encouraging them to use polling as they attempt to discern what is of interest to voters and what motivates voters.

IRI's political party training and message development is heavily informed by an extensive, national public opinion polling program. IRI has been conducting semi-annual public opinion polls since May 2003, prior to the Rose Revolution. This wealth of historical data on issues, trends, and popularity and a reputation for fairness and impartiality has enabled IRI to deal credibly with parties from across the political spectrum.

The political arena in Georgia has traditionally marginalized women, youth and minorities. IRI has been working with women and youth wings of political parties to bring them into the political process. In 2010, IRI began several multi-party youth projects such as a televised debate competition which encouraged pluralism, recruiting, and motivated youth to join in the political process. In many instances, these youth leadership projects have yielded more results than projects with party leadership. Parties are also strongly encouraged to reach out to minority regions, listening to their concerns, as well as involving them in the political process.

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<sup>i</sup> IRI Georgian National Study March 20-April 6, 2012. Actual question asked: Do you plan to vote in the next parliamentary elections? Available choices were: definitely yes/likely yes/likely no/definitely no/don't know/no answer. Seventy-eight percent chose definitely yes, 11 percent chose likely yes.