



EASTERN PARTNERSHIP  
Civil Society Forum

**Report on the Georgian Presidential Election, October 27, 2013  
following a visit to Tbilisi by an Election Task Force of the  
Eastern Partnership Civil Society Forum**

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The presidential election held on October 27, 2013 puts Georgia firmly among the leaders of the Eastern Partnership countries in terms of commitment to democratization. It also creates a promising backdrop to the implementation of the Association Agreement (AA) including a Deep and Comprehensive Free Trade Area (DCFTA) agreement which is to be signed at the Summit of the Eastern Partnership in Vilnius at the end of November.

Many local and international groups have reported on the calm nature of the election and pre-election campaign especially in contrast to the tense atmosphere which accompanied the parliamentary election in 2012. Representatives of the two main candidates told the Eastern Partnership Civil Society Forum - Election Task Force (EaP CSF – ETF) that neither wanted a repeat of last year's confrontation in the light of the forthcoming Vilnius Summit. In addition media representatives reported that they were able to operate in an atmosphere of considerable freedom during the election campaign.

**Less tension but the stakes were lower**

The relaxed atmosphere was in contrast with that of the 2012 parliamentary election when the government of President Mikheil Saakashvili was successfully challenged by the Georgian Dream, an opposition coalition made up of six parties and led by Bidzina Ivanishvili. In comparison the stakes in the 2013 election were considerably lower. As a result of constitutional changes due to come into force after the election, the powers of the new president will be much limited and Georgia will move from a presidential to a parliamentary system with executive power vested in the prime minister. Secondly, a commanding lead in the opinion polls of Giorgi Margvelashvili, the candidate of the Georgian Dream, over Davit Bakradze, the pro Saakashvili United National Movement took much of the tension out of the race. In the end, a relatively low turnout of 46.6 per cent reflected the lack of tension during the election.

**Call for sixty per cent support - a signal to the administration to abuse its resources?**

Bidzina Ivanishvili, the prime minister, and Giorgi Margvelashvili called on voters to give them a 60 per cent share of the ballot a few days before the election. This would avoid a

second round election two weeks later which would be needed if none of the 23 candidates who contested the election won a 50 per cent share of the vote in the first round.

The Georgian Dream explained that this appeal was designed to mobilise their supporters. However it was taken by opposition candidates as a call on the government and local government administrative machine as well as public service agencies such as the school and health system to drum up support for the official candidate in what is known in elections in EaP countries as 'the abuse of administrative resources'. This is where official candidates use publicly owned equipment such as cars and premises in their campaign. Also public officials themselves openly support these candidates and encourage and intimidate their employees to vote for the incumbent. In effect it means that during an election the public sector, including the security services, is turned into a campaign machine for the party in power.

### **Government denies the charge and strives to keep the administration clean- with mixed success**

In the present campaign the authorities went out of their way to deny that any such campaign has been put into place. According to local non-governmental organisation's (NGO) election observers, government ministries put out circulars instructing their employees not to get involved in the campaign. The Central Election Commission (CEC), headed by Tamar Jvania, a respected elections expert nominated by local NGOs, published a Manual on Using Administrative Resources for the election.

These measures did not however prevent incidents throughout the pre election period when public servants did participate in election meetings and local budgets were increased by central government in several districts. At the same time local public servants were sacked in several places, most notoriously in the Mayor of Kutaisi's office where 89 personnel were dismissed last May and last month 13 jobs were lost at the office of Tbilisi city council.

### **Interagency Commission - a panaceum?**

These and other alleged breaches of the election regulations were brought before the Interagency Commission for Free and Fair Elections (ICFFE) which was set up three months before the election. The ICFFE was chaired by the Minister of Justice and was composed of nine deputy ministers from ministries relevant to the conduct (or rather possible misconduct) of elections. The ICFFE met weekly and was attended by representatives of the election candidates and NGO observers who were able to bring negative incidents to the attention of the authorities, often in an atmosphere of heated debate. The participants successfully encouraged the ICFFE to issue recommendations to the relevant government bodies on some if not all of the cases which were brought to its attention. The Interagency Commission is an interesting innovation in the field of managing conflicts which arise during elections but its success rests on the political will of the authorities to recognise and correct cases of misconduct (a similar institution in Ukraine does not function well for example). In addition the ICFFE appears to overlap with the law courts which should deal with cases where election laws are infringed and, at times, with the CEC which is also bound to examine cases of misconduct. However the record of the ICFFE as a consensual institution in a polarized political landscape has to be evaluated positively. For example the Young Lawyers of Georgia (GYLA) said

in a pre election report “the overall activity of the ICFE should be evaluated positively....Development and approval of rules on participation of public servants in the pre election campaign was of great significance.”

### **Election day in Tbilisi and Rustavi and Mtskheta**

Four, two person teams from the Civil Society Forum (some of whom are also members of the European Platform for Democratic Elections) observed the election in several Tbilisi districts and in Rustavi and Mtskheta visiting over 40 polling stations in all. The teams with members from Armenia, Azerbaijan, Belarus, Moldova, Ukraine and Poland worked professionally and reported (see annexe below) no major infringements of electoral procedures. The election was conducted in a transparent way and with virtually no complaints from election observers or party representatives. Some of the observers did however see attempts by people to vote at least twice and it seemed that political party representatives from precinct organizations were active both inside and outside precinct election commissions in assisting people with voting. This suggests that while the main party leaderships were keen to ensure a fair and free election some grass roots organizations found it difficult to discard old habits and sought to influence the election through fraudulent means. The stance of the leaderships was influenced by the need to present a genuinely positive image of the election in the light of the forthcoming Vilnius summit where Georgia will take a major step towards Brussels by initialing an Association Agreement (AA) with the EU. The dominant concern of the main political forces in Georgia is to strengthen links with western institutions such as the European Union. This was clearly demonstrated during the election and this augurs well for the democratic development of the country. It was also heartening to see a high degree of involvement of civil society organizations at all stages of the elections from work on improving procedures to participation in the Interagency Commission and in observing the election.

### **The Caucasus**

The presidential election was the second national election in a row in the region which saw a peaceful handover of power by a losing incumbent accompanied by an appeal to his supporters to respect the verdict of the voters. This is a remarkable achievement in the light of the recent presidential election in Azerbaijan which was judged to be unfair and not free by observers and where the authorities have initiated criminal proceedings against EMDS, the most respected election observation NGO. In Armenia the presidential election last February was marred by cases of electoral fraud which allowed the incumbent to retain his post despite falling popular support.

The Georgian election shows that where there is political will at the top to conduct a free and fair election such an election is possible. Thus those who argue that democracy is impossible in post Soviet societies because of ingrained anti democratic habits of the people are quite wrong. The experience of Georgia shows that it is autocratic rulers who are responsible for sustaining anti democratic systems against the wishes of their populations.

The elections in Georgia also demonstrate that the influence of the European Union and the road maps contained in the Association Agreements are a crucial factor in defending democratic values in Caucasus countries like Georgia. But this influence is also important in those countries like Armenia where initialing an AA has been

postponed indefinitely or where an AA is not currently envisaged as in Azerbaijan. EU funding for election monitoring is also of vital importance. NGOs play an important role not only during elections themselves but also in shaping election rules and regulations. The Civil Society Forum should also continue to play a role in the drive for free and fair elections alongside such coalitions as the European Platform for Democratic Elections and the ENEMO monitoring organization.

### **A leading role for Georgia?**

Given the fact that Georgia appears to be making the transformation to a fully fledged electoral democracy the country might consider the establishment of an Institute of Good Electoral and Democratic Practice which would not only work to strengthen democratic tendencies inside the country but also share its experience with EaP societies as do think tanks from EU member states. Such an institute could also conduct studies on the obstacles to democratic transformation in the EaP but would also reflect on democratic practice further afield in established democracies or in Asian and African countries.

Annexe

### **Eastern Partnership Civil Society Forum Election Task Force Report on the Presidential Elections in Georgia on October 27, 2013**

Seven election observers (Belarus, Azerbaijan, Armenia, Moldova, Ukraine and Poland) representing non-governmental organizations which are members of the Civil Society Forum of the Eastern Partnership observed the Presidential election in Georgia on October 27, 2013. The observers were well received and had an intensive programme of meetings and training sessions with local NGO's, representatives of the media, main contenders and government officials. On polling day, the Task Force (TF) monitored the voting process in 41 precinct election commissions in Tbilisi, Rustavi and Mtskheta and attended the opening and vote count in four randomly selected precinct commissions. The Task Force would like to express its gratitude to the Georgian National Platform of the Civil Society Forum headed by Manana Kochladze for driving the initiative, to the Liberal Academy of Georgia headed by Lasha Tugushi for organizing the programme and making all the essential arrangements and to the Open Society Georgia Foundation (OSGF), especially to Vano Chkhikvadze, for funding this initiative.

### **General impressions**

The TF found that election procedures were followed in all precinct commissions. Precinct commissions were opened on time and were well prepared for voting. Also the vote count was conducted in accordance with procedures set out by the Central Election Commission (CEC). The TF noted that a great majority of the members of the election commissions were women and that many chairs of the commissions had led such commissions in previous years. This allowed them to follow all the procedures efficiently.

The voting was conducted in a transparent way and the custom of putting ballot papers into envelopes before placing them into the ballot box added a measure of secrecy to the whole process. In a majority of precincts there were virtually no complaints from observers or representatives of the candidates.

The voting atmosphere was calm and with a relatively low turnout there was no sign of queues outside the polling stations. However, some precinct premises were small, thus the voters, commission members, observers and representatives of candidates were crowded. The TF observed very few facilities allowing disabled people to vote but blind voters did have the opportunity to vote thanks to Braille equipment.

## **Irregularities**

The generally positive impression of the Election Day was marred in the PEC # 70 from DEC #3 where representatives of the Georgian Dream appeared to be active in helping commission members with their duties (handing envelopes to voters). A similar case took place in another commission where we found that a representative of the Georgian Dream was telling the head of the commission what to do. Also, the Task Force found that Georgia Dream had sponsored the refreshments for members of PEC #43 from DEC #3. This behaviour led the TF team to surmise that voting was under the supervision of the ruling authorities.

In the PEC #7 from DEC #4 the TF members were informed by a local observer about two people with already inked fingers who attempted to enter the polling station during the day but fortunately they were stopped in time by the PEC member responsible for securing the precinct. In the PEC #63 from DEC #3 four voters with already inked hands were allowed to enter the precinct and did vote again. When this was questioned by TF observers the flow of voters stopped temporarily. During the incident one observer, who was identified as a Georgian Dream activist on the DEC level intervened to check the credentials of TF observers and criticized the PEC chairperson for allowing them onto the premises without having them sign the precinct log book (international observers are only bound to identify themselves and present accreditation documents).

Other problems identified were the presence of party political materials closer than 50 meters to the voting stations, careless storage of voting materials (i.e., not in a safe place but in the personal handbag of a commission member) and in one case the use of a car belonging to the Georgian Dream for the transportation of the mobile box by the PEC members to the voters who asked for it at home (this information was confirmed by the chairperson of the commission).

## **Conclusions**

Despite the problems described above the election marks a decisive step forward on Georgia's drive towards a fully functioning electoral democracy. The feeling of many Georgians who characterized this election as calm and transparent was summed up by the words of a local observer who said with obvious delight that "nothing dramatic is happening, at last we are a normal, boring democracy".

Reported incidents of electoral transgressions show that some continue to believe that fraudulent voting continues to be a method of winning elections and is still present in the country's political culture. However the detailed nature of voting regulations, close monitoring of the process by civil society organizations and the expressed political will of the government and opposition to ensure free and fair elections suggest that the era of electoral fraud in Georgia is ending.

## **Recommendations**

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- Keep involving civil society in the management of the electoral processes and government in general;
- Upgrade election procedures by including new features and technologies in the election process;
- Ensure continuous training for the PECs members;
- Equip the premises of the precincts with the ramp for the accessibility of the wheel-chaired voters.