



# HELSINKI COMMISSION HEARING

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UNITED STATES COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE

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Commission Hearing

**‘Georgia’s Parliamentary Election: How Free and Fair Has the Campaign Been,  
and How Should the U.S. Government Respond?’**

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1. Georgia's record of democratic transformation is controversial. On the one hand, the country is freer than the immediate neighborhood and demonstrates at times spectacular success at institutional modernization. The government was able to liberalize the economy, attract increased foreign direct investment, improve revenue collection, curb elements of small scale corruption in public services, streamline inefficient administration, legalize the 'shadow economy', reduce crime, provide uninterrupted energy supply, and rebuild roads and other infrastructure. Among the most important and spectacular successes of the new government has been the overthrow of the autocratic leader of Adjara previously defying the central government.

On the other hand, the overall quality of democracy promotion raises concerns. Georgia's political development since the 'Rose Revolution' can be measured in various ways, but The Freedom House's scores indicate an obvious stagnation. What actually happened was that all power went to the executive body, and the legislative and judicial branches became their perfunctory appendages. Power and the political regime thus became associated with the president.

Currently, political institutions that provide pluralism and competition are manipulated by the ruling elite for one reason – to maintain and expand political power. Critics of the government point at serious setbacks in terms of institutionalizing checks and balances, eventually leading to serious misconduct. Further, the existing Constitution substantially weakens a legislative body, thus disabling it in its exercise of oversight functions. Also, as the executive dominates the political landscape it increasingly coerces the judiciary, curbing its independence. Additionally, the state intervenes in the independence of the media, and brutally abuses property rights.

2. Georgian democracy has always been a hostage to either security concerns or power struggle. This is the reason why the Georgian reforms in the sphere of democratic transformation were either one-sided or inconclusive. While the emphasis during the reforms was put on strengthening the state, little attention was paid to building and strengthening democratic institutions and improving human rights. Independent judiciary, rule of law and media freedom are the most renowned cases of absence of will to reform. One of the recent examples of the inconclusive nature of reforms is Georgia's penitentiary system, which accommodates one of the highest per capita numbers of prisoners in the world. Apparently, the government preferred coercion and intimidation as a method of managing the overcrowded prisons over modern and civilized standards. The terrible videos we have seen last days prove widespread and systematic torture at the prisons. From moral standpoint, it is a big shame. From political standpoint, both domestic and international, it may have far-reaching consequences.

3. None of the elections held since independence had been simultaneously free, fair and competitive. The ‘cleanest ‘of all is considered the October 1990 elections, conducted with little violence during the campaign and no evidence of overt interference with the polls, and which brought to power the nationalist and anti-Communist political forces. Against this backdrop, the most disputed election since independence had been the presidential election in January 2008. Critics hold that Saakashvili had illegally used budgetary and administrative resources to secure victory with a narrow margin over the opposition candidate. Similar allegations were made about the unfairness of the general elections the same year. Although the international observer missions gave legitimacy to the outcome of both events, subsequent official reports admitted massive irregularities at all stages of the election process.

This time around the picture is mixed. On one hand, the pre-electoral environment is competitive and pluralist. Also, there are some welcome novelties such as: The new Election Code; Intergovernmental Commission that operates under the National Security Council; Voters’ List Verification Commission; ‘Must carry’ rules that obligate cable operators to carry TV channels with news programs during the campaign period; Improved format of public debates on the National Public TV, etc. On the other hand, some of these novelties are far from perfect: E.g. ‘Must carry’ rules have not been timely and properly enforced across the country; not all recommendations by the Venice Commission have been incorporated in the Election Code; Also, the prisoners who have committed minor crimes where given electoral rights, however, in the light of the recent scandal over human rights abuse in the penitentiary serious doubts arise as to whether the inmates will be able to make free choice at the ballot boxes; Inversely, overwhelming majority of Georgians living outside the country, who are perceived to be critical toward government, are practically deprived of the right and/or possibility to vote.

While competitive and pluralist, the pre-electoral environment is too polarized. TI reports about numerous cases of intimidation of opposition activists; physical reprisals against opposition supporters; detention and arrest on political grounds; selective use of legal resources against the opposition by imposing disproportional sanctions; pressure on businesses that support opposition; use of public resources for political and electoral purposes.

Apparently, the dominant feature of the post-Rose Revolution period, wherein the ruling party faced a fragmented opposition, has made it relax and has taken it by surprise by Georgian Dream, the newly emerged opposition coalition. As the ruling party dominates at all levels of state governance, it is difficult to differentiate the governing political team’s activity from the electoral activity of the ruling party. Given the circumstances, the opposition coalition faces a state rather the party as a competitor in the elections. The state portrays the Georgian Dream as an enemy of state by

accusing of being Russia's fifth column and a retrograde force aiming at sending Georgia back to 'dark and corrupt past'. For most of the public groundlessness of these accusations is obvious. Meantime, witnessing all these twists and turns the public remains deeply distrustful toward the electoral process. And this is the main disadvantage and deficiency of the electoral process.

4. As Georgia remains a primary target of Western assistance, some argue that future assistance programmes should be more carefully structured. It is believed that with Georgia being the success story of Western democracy support, too big a share of the assistance package has gone to the government without requiring accountability on spending. Also, the strong political and financial support for Georgia's democratic development after the 'Rose Revolution' has backfired to some extent, since it has not been backed up by clear benchmarks for reform.

One such benchmark definitely is these elections. Fair assessment of the whole electoral process has a crucial importance for Georgia's future development. Sadly, in the past there have been instances of premature assessment by international observers that have paid a lip service to Georgian democracy, as well as to the West's reputation in Georgia and the wider region. One of the most notorious cases has been a statement by a co-ordinator of the short-term observation mission which said that that the 2008 presidential elections in Georgia was a triumphant step of democracy. Given the extremely polarized environment, we need to avoid such statements/assessments. More so, the international arbiters need to change the criterion of evaluation and instead of basing their judgement on the comparison with the past electoral process, they have to assess how far or how close these elections are from those in western democracies.