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Testimony of Deputy Assistant Secretary Thomas O. Melia Bureau of Democracy, Human Rights and Labor Department of State Before the Commission on Security and Cooperation in Europe

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Thank you, Mr. Chairman, for inviting me to testify on Georgia today. Before I do so, I would like to thank you, the other Members, and the professional staff of the Commission, for promoting implementation of OSCE commitments by all participating States. We appreciate your dedication and ongoing engagement.

Mr. Chairman, in advance of Georgia's October 1 parliamentary elections, the United States has been promoting a democratic electoral process diplomatically and through technical assistance. President Obama, Secretary Clinton, and other senior U.S. officials in Washington and Tbilisi have highlighted the importance of such a democratic electoral process for Georgia. In my testimony today, I will focus on last week's trip to Georgia of a senior interagency delegation I was privileged to lead.

Last week, President Obama and Secretary Clinton sent to Georgia a senior interagency delegation including senior officials from the State Department, the U.S. Agency for International Development, the Department of Justice and the Department of Defense. Our delegation went to Georgia to highlight the importance of a democratic electoral process that produces a parliament that reflects the will of the Georgian people. I was delighted that our newly arrived ambassador, Richard

Norland, joined most of our meetings. We met with a range of senior government officials and political party leaders, including opposition parties. We urged the Government to implement Georgia's election laws in a fair, impartial and transparent manner, and urged all political parties to fully participate in the process while abiding by the law. We also met with NGO election observers and media rights advocates.

The message that we conveyed privately in each of our meetings was identical: the United States supports the Georgian people's aspirations for a free and democratic process. We do not favor any particular party or candidates, and the United States looks forward to continued close cooperation with the leaders the Georgian people choose.

The upcoming elections are critical to helping Georgia advance its Euro-Atlantic aspirations. They also will be essential to a democratic transfer of power next year, as the parliament elected in October will appoint a Prime Minister who will gain considerably strengthened powers pursuant to constitutional reforms that will take effect when President Saakashvili's successor takes office. Domestic and international perceptions of fairness of the campaign environment, including adherence to the rule of law, media access, transparency, and the impartial adjudication of election-related disputes, will be important indicators of Georgia's democratic development.

The long term work of building a vibrant democracy does not begin and end on election day. I would like to highlight the importance of several principles that we featured in our conversations in Georgia, all of which are essential for a meaningful electoral process.

First is the importance of a level playing field. It is essential that the political environment is conducive to the full participation in the campaign by all parties on equal terms. Although there have been some shortcomings, it is clear that there is a competitive campaign underway. We welcome steps by the government through the Inter-Agency Task Force on elections to address reports of politically motivated firings. While such reports have decreased recently, concerns remain regarding the levelness of the playing field, including alleged harassment of certain activists for their participation in the coalition, reports of blurred boundaries between state institutions and the ruling party, and the alleged use of administrative resources, particularly outside the capital.

The second principle is about rule of law and due process. In our meetings with the Georgian government and the various political parties, we stressed the importance of ensuring that campaign and election laws are applied equally and transparently, and that all participants are held to the same high standards of conduct

as spelled out in Georgian law. While almost every party, including the ruling United National Movement, has been penalized for campaign finance violations, the State Audit Office has devoted significant attention to the opposition coalition Georgian Dream. Although there are some anecdotal and circumstantial indications suggesting that Georgian Dream may have spent substantial sums of money in violation of the campaign finance laws, the lack of transparency in the State Audit Office's procedures, and due process deficiencies, raise doubts about whether the law has been enforced equally. That the former director and deputy director of the State Audit Office are now ruling party parliamentary candidates, while the current director of the office is a former ruling party Member of Parliament, exacerbates these concerns. We recognize the challenges on all sides of complying with and enforcing a new set of campaign finance laws and urged the State Audit Office to emphasize transparency and due process as it continues to improve its work. We urged all the political parties to participate constructively, follow the law scrupulously, and to pursue their political goals through the ballot box.

The third principle is respect for fundamental freedoms. Respect for peaceful protests and freedom of assembly is a hallmark of a democratic society, and the government holds a responsibility to protect and uphold those freedoms. We heard last week that the political parties we met have been able to travel the country, hold rallies, and get their messages out to the voters with whom they meet. In our conversations we urged all parties to renounce violence and avoid provocations.

The fourth principle is equitable access to media. We applaud the electoral reforms enacted late last year that expanded the access of all parties on equal terms to the mass media during the 60 - day campaign. More recently, we were encouraged to see the implementation of the so-called "Must Carry" legislation during the campaign period and we strongly support its extension through the post-election complaints process and beyond. Continuing efforts to promote wider access to a diversity of opinions and media outlets would reflect fundamental values that democracies share.

The fifth principle that we emphasized in our meetings is constructive engagement. We have every expectation, now, based on the opposition's commitment to reject the use of violence and the government's commitment to us that security forces will be scrupulously professional, that election day and its aftermath can unfold peacefully. We certainly hope this will be the case. After October 1, all parties will need to work together constructively in the new parliament to advance Georgia's democratic and economic development. They should conduct their campaigns in that spirit.

Finally, we call on all participants to promote an electoral process that the

Georgian people judge as free and fair. We commend the work of the domestic and international observation groups, including principally the OSCE/ODIHR mission that in Georgia, to help ensure the election process is transparent and consistent with international standards and the results reflect the will of the Georgian people. The pre-election situation is dynamic and we are monitoring developments closely. Commission attention to the upcoming election is helpful. Again, thank you for holding this hearing. We look forward to continuing to work cooperatively with the Commission to advance internationally accepted human rights standards throughout the OSCE region.

And with that I'd be happy to take your questions.