



# HELSINKI COMMISSION HEARING

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UNITED STATES COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE

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*Statement for the Commission on Security and Cooperation in  
Europe*

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## Background

Georgia is part of Europe, but it lies on Europe's strategic borderland. What affects Georgia will ultimately be reflected in Europe. The Georgian population has expressed multiple times, in referendums and polls, its desire to join Trans-Atlantic and European security and economic institutions. Meanwhile Georgia is one of the largest contributors of troops to coalition forces in Afghanistan, serving in the areas with heavy insurgent activities and facing an increasing number of casualties. One need look only at Georgia's volatile neighborhood to understand its centrality to many of today's most pressing security questions. Europe and the United States should thus have a strong interest in the stability of Georgia, and they should encourage Georgia to build a robust liberal-democratic political system based on free markets within the context of unique and distinctive cultural heritage and traditions.

Georgia made visible progress in creating functioning state entities, reducing regulatory burdens, developing critical infrastructure and eliminating bribery in bureaucracy. These are distinct achievements. The Georgian people and government deserve credit for those achievements.

Russia's occupation of Georgian territories, including areas very close to the capital Tbilisi, creates an oppressive environment, characterized by the constant threat of another military intervention that could undermine the stability of entire region. Georgia's limited defense capabilities are no match for Russia's power in the region, and the EU monitoring mission (EUMM) has very limited capability to ensure the security in the areas adjacent to Russian military units. The Russian invasion of Georgia in August 2008 demonstrated that Russia is willing to use force against its neighbors. At the same time, Russia's military presence in the South Caucasus makes Russia itself less secure

The Russian factor has two important meanings—often in contradiction—for Georgia. First, the Russian threat is real, as this Russian leadership does not wish Georgia well, no matter who leads it. The probability of a future Russian military invasion is something every Georgian understands and has to live with. Second, because this reality is so strong in Georgia's political culture, the threat of Russian intervention has become a powerful political instrument for influencing Georgia's internal politics. Put another way, the Russian threat can be easily and powerfully manipulated for political gain by Georgia's political actors.

Internal stability is essential for Georgia's security. Stability can only be achieved if the political process creates an environment of broader political representation in the government. Leaders all around the world—heads of states, international institutions, US politicians, leadership of NATO, friends of Georgia—see the upcoming election on October 1 as an important milestone in building Georgia's democratic statehood. Many have called on Georgia to make certain that voters have an opportunity to express their free choice, and once that is achieved, to make sure that results of the elections are respected by

the participants in the political process.

### **Domestic Political Context Before 2012**

In recent years the Georgian political scene has been completely dominated by the United National Movement of Georgia, or UNM, that is the party of President Mikheil Saakashvili. The UNM has won a constitutional majority in the parliamentary elections of May 2008, which has de-facto created one party rule in Georgia. In fact, Georgia has been ruled by the UNM with no significant opposition since 2004. Moreover developments after 2008 elections effectively eliminated debate and political collaboration from the Georgian scene. This has led to many harmful internal and external decisions by the Georgian leadership, which has responded to criticism by suppressing opposition with increasingly excessive force.

In this context the recent release of shocking videos of torture and abuse of prisoners prove what was said many times by human rights organizations, and partly reflected by the US Department of State annual reports on human rights. Georgia's prison system, as well as its pre-trial detention mechanism, is a potent factor in Georgian social and political life, which impacts the daily lives of thousands of Georgians and their decisions about how they deal with the government, as well as on how they approach elections. There is fear of state in Georgia. Some government officials assessed prison abuse case as "systemic problem". This is a moral failure as well. Georgian society is shocked by the facts of abuse of power, and maybe cover-up that involved high level officials, and demands full scale investigation. These abuses can only happen in an environment of unchecked and unbalanced power, such as what exists in Georgia today. This case increases importance of upcoming elections.

In all previous elections in Georgia, incumbents have enjoyed the advantages of being able to employ the administrative tools of power, as well as greater financial resources. For example, during the 2010 mayoral elections in Capital city Tbilisi, the UNM candidate and incumbent spent 100 times more money (14 million Georgian lari, or about \$8 million) then the oppositional candidate, who finished second in the race. After the elections of 2010, the handful of businesses who contributed to the opposition's campaign were hit with large and unfair tax penalties, effectively driving them out of political process.

One positive development during the 2010 election was establishment of the intergovernmental task force prior to the elections. The Task Force was assigned to detect and respond to all violations of electoral law. The work of Task force was praised by opposition as well and the model was reintroduced again for the upcoming elections. The Inter-Agency Commission (IAC) was established on May 18 as a temporary state body to pro-actively address allegations of election law violations.

### **Current Pre-Election Dynamics**

In October of 2011 Mr. Bidzina Ivanishvili, billionaire and philanthropist, who also was

major donor for the Georgian government since the 2003 Rose Revolution, decided to enter politics, where he began to consolidate almost the entire Georgian oppositional spectrum into the Georgian Dream political coalition. Georgia is a small country and in normal circumstances the magnitude of Mr. Ivanishvili's wealth could be seen as distorting and damaging to the political process in the country. But in Georgia's reality, it became the only way to recreate the competitive political process.

In his first political statement, Mr. Ivanishvili announced that he was inviting pro-Western political forces of Free Democrats, led by former Georgian Ambassador to the UN Irakli Alasania, and Republican Party, to become the core for his new political force. There is no doubt, that this opened space for many pro-Western politicians to compete in the 2012.

Mr. Ivanishvili and members of his coalition have emphasized repeatedly that their goal is to change the existing government by political means, through parliamentary elections.

Immediately after his decision to enter politics, the UNM-controlled parliament passed a new election finance law. Mr. Ivanishvili became the target of political and financial intimidation. He was fined multiple times by the UNM-dominated courts for alleged violations of election finance law, though little was actually proved. Fines reached such a level and generated such negative publicity that international monitors of the pre-election process issued strong criticisms for the responsible government agency. The Council of Europe (PACE) co-rapporteurs Michael Aastrup Jensen of Denmark and Boriss Cilevišs of Latvia wrote in a statement on August 21 that the seizure of the Georgian Dream's bank accounts and "the excessive and disproportionate fines levied by the State Audit Service effectively undermine normal political activity by an opposition party." On August 22 OSCE Parliamentary Assembly's pre-election observation mission, made up of OSCE Parliamentary Assembly's leadership, also expressed concerns over "disproportionate" and "harsh" penalties of Georgia's judiciary system. OSCE PA representatives expressed hope that in the final weeks of the campaign ahead of the October 1 parliamentary elections the Georgian authorities would create "a level playing field for all parties".

Following those statements visible changes emerged in the policies of State Audit Agency. Enforcement of the previous decisions were halted following recommendations of the Inter-Agency Commission (IAC). IAC also stepped up its efforts to deal with violations of the campaign law by the supporters of the UNM. While polarization in the society and tensions between two major political groups is growing, the electoral environment from the point of view of fairness is showing some signs of improvement.

### **Fundamental Problems for Elections:**

Use of administrative resources: There is no clear dividing line between the ruling party and the state. Resources of the state, as well as state employees are frequently used to support UNM's pre-election efforts. This issue is mentioned by the OSCE's observer mission's interim report.

Number of voters: There has been no population census in Georgia since 2002. Officially the number of voters stands at 3,621,256 (largest number of voters in Georgia in last twenty years), while the official number of Georgian citizens is about 4.4 million. These numbers are highly questionable. The number of Georgians who emigrate is growing, estimated to be around one million. As of today fewer than 50,000 people are eligible to vote in embassies and consulates of Georgia in different countries, which leaves a large number of eligible voters beyond the electoral process. According to expert assessments, Georgia cannot claim more than 3 million resident voters. The discrepancy between what is claimed and what is the more likely reality offers opportunities to manipulate the electoral process.

Media Freedom: TV is the main source of information for greater majority of Georgians, but TV space is dominated by Government-controlled TV stations. Following recommendations of the international community and after implementation of the principle of Must Carry, 215,000 viewers received an opportunity to have access to alternative sources of information. Even after that, independent, not-government controlled media reaches only a limited (about 20-25%) portion of the electorate. The government is still holding tens of thousands of satellite dishes imported by independent TV station Maestro TV for distribution.

### **What Shall the US Do?**

- Stay actively engaged in Georgia as an impartial observer and facilitator of the development. Success of Georgia is essential for the US strategic interests in the broader Middle East-Central Asia region.

- Entertain a frank public discussion about the state of democracy in Georgia. Georgia has made some progress, and the current government has done some good things for the country, but the narrative that stresses Georgia's liberal credentials needs to be recast in light of some significant democratic shortfalls. Monitor closely unfolding details of the current prison system crisis and investigation.

- Establish strict conditions and benchmarks for the Georgian government to ensure that elections are held in a free environment. Election monitors from the U.S. Government would be useful. The US should communicate to the Georgian leadership that if there are doubts about the legitimacy of the elections the US will not recognize its results. Plan to hold another congressional hearing after the elections to review progress. And announce this in advance of the elections.

- The US needs to monitor developments after the election as well. The election process may not end by the night of October 1. It is possible that the results of the elections in several districts will be disputed, and recounts may be requested. In order to avoid confrontation it is important that there is a process of mediation through OSCE or other monitoring groups, and the US participation in the process will significantly increase trust and confidence of the

parties.

- Mount a serious effort to review the state of Georgia's media, ensuring access to the alternative sources of information throughout the entire country. Insist on the immediate release of satellite dishes confiscated by the government. Advising adding international representatives to the Georgian National Communication Commission, then closely monitoring its operations would be positive steps.

Georgia has a potential to become democratic state, full-fledged member of the Trans-Atlantic family of nations. That potential needs to be accelerated and deepened. The upcoming elections need to be seen from that perspective. Proper conduct of elections will get Georgia closer to that goal. Mismanagement of the elections may throw Georgia back for years, or maybe even decades.

In the 1940s, after travelling to Georgia John Steinbeck wrote: "It is a magical place, Georgia, and it becomes dream-like the moment you have left it. And the people are magic people. It is true that they have one of the richest and most beautiful countries in the world, and they live up to it". The Georgian people are capable of deciding the right path for their future. Free and fair elections will give them that opportunity.