



**STATEMENT OF THE NDI PRE-ELECTION DELEGATION TO
GEORGIA'S 2003 PARLIAMENTARY ELECTIONS**

Tbilisi, October 7, 2003

This statement is offered by a pre-election delegation organized by the National Democratic Institute for International Affairs (NDI), which visited Georgia from October 4 through October 7, 2003. The delegation included: Gen. John Shalikashvili (ret.), former Chairman of the U.S. Joint Chiefs of Staff; Strobe Talbott, President of the Brookings Institution and former Deputy U.S. Secretary of State; Sam Gejdenson, former Member of the U.S. House of Representatives; Brooke Shearer, Member of the Board of the International Center for Research on Women and former U.S. Interior Department Senior Advisor; and Patrick Merloe, NDI Senior Associate and Director of Electoral Programs. The delegation was joined by Lincoln Mitchell and Mark Mullen of NDI's Tbilisi office.

The purposes of this delegation were to: express the support of the international community for a democratic electoral process in Georgia; examine the electoral environment and components of the election process already in place; and identify areas where change is possible to improve the integrity of the November elections. The delegation held a wide range of meetings, with government leaders, including President Shevardnadze, the Chair of the Central Election Commission, leaders of all of the major political parties and blocs, leaders of civil society organizations, the Fair Elections Society (ISFED) and representatives of the international community. The delegation would like to express its appreciation to everyone with whom it met. NDI has operated continuously in Georgia since 1994, assisting those committed to strengthening the parliament, developing responsive political parties and developing civic organizations. The Institute recognizes the political distance that the country has traveled and the firm commitment of many Georgians to developing democratic reforms.

The delegation conducted its activities according to international standards for nonpartisan international election observation, comparative electoral practice and Georgian law. NDI does not seek to interfere in Georgia's election process. The Institute recognizes that, ultimately, it will be the people of Georgia who will judge whether the November 2 elections provide a credible mandate for the next parliament.

SUMMARY OF OBSERVATIONS

Georgia's November 2 parliamentary elections present a critical test for the country's democratization. If the elections are fair, transparent and free of violence, the results will be accepted by the Georgian people. In that case, the country will be able to achieve greater political stability and will more easily integrate into the community of democracies. If these elections fail to meet Georgia's domestic legal requirements and its international commitments to hold genuinely democratic elections, the country's representative institutions will face a crisis of confidence, and Georgia will suffer a serious blow to its international standing.

The stakes for Georgia in the upcoming elections are high. There is great interest and support in the international community for Georgia to meet the test presented by these elections. That interest and support is demonstrated by this delegation and the visit this week of Senator John McCain, with whom the delegation met. In July, former U.S. Secretary of State James Baker visited Georgia in the same spirit. The OSCE and the Council of Europe also have sent special representatives, and more than 400 international observers are expected for the elections themselves.

Improvements have recently been attained in Georgia's electoral preparations. For example:

- Parliament enacted refinements in the Unified Election Code.
- Parliament broke its deadlock on the composition of the Central Election Commission (CEC).
- The voter registry, except in the Autonomous Republic of Ajara, has been computerized by the election authorities, though the voter lists reportedly are not yet posted by many Precinct Election Commissions (PECs), as required by the law.
- Political parties are being given access to the media.
- The legal framework accords added transparency, among other things, by providing for immediate release of precinct-by-precinct election results.

Achieving Transparency. Georgia's elections will be transparent if, among other things, the following legal provisions are implemented:

- the voter rolls are posted for citizens to review in time to provide an effective opportunity to petition for corrections;
- political party agents, domestic nonpartisan election monitors and international observers are granted full access to voting and counting procedures in polling stations throughout the country and to result tabulation processes in the DEC and the CEC; and
- precinct-by-precinct election results are made immediately available as consolidated results are released.

These actions would provide a strong foundation for public confidence in the elections and the parliament that results from them.

However, there are reasons for concern on each of these critical points for achieving transparency. This delegation has been informed by credible election monitors that large numbers of voter lists are not yet posted at the PECs for citizens to check. It is also apparent that there is a need for extensive voter education and motivation campaigning to encourage citizens to verify the accuracy of and make corrections to the voter lists. This should be done through the mass media and by grassroots activists of political parties and civic groups.

This process must be completed in time for corrected lists to be prepared and distributed to PECs for election day. Therefore, few days remain for starting the correction period. If list correction is not accomplished effectively, significant disenfranchisement and possibilities for illegal voting could result.

The delegation is particularly concerned about the need for observers in Azeri minority regions, areas with concentrations of internally displaced persons (IDPs) and in the Autonomous Republic of Ajara. It is vital that observers have complete access to polling stations nationwide, including in Lower Kartli, Samegrelo and the other districts that neighbor Abkhazia, as well as in Ajara. The CEC has cooperated with domestic nonpartisan election monitors and international observers. The CEC and the government should do everything in their powers to ensure that the domestic election monitoring organization “Fair Elections” (or ISFED) is guaranteed an effective opportunity to exercise its rights and responsibilities to monitor the elections everywhere in Georgia, without hindrance.

In past elections, precinct-by-precinct election results were not released simultaneously with aggregated results for the single mandate parliamentary districts or at the district and national levels for national party list results. This deficiency made it difficult to detect irregularities and contributed to speculation about electoral fraud in the vote tabulation process. This can be addressed by ensuring that the precinct results are not only immediately available on the Internet, as provided by law, but also that detailed results are made available on the district summary form.

Respecting Political Rights. A significant number of political parties are actively campaigning. According to opinion polls and political analysts, the November 2 elections promise to be the most competitive parliamentary contest in Georgia’s brief post-Soviet electoral history. Democratic political competition requires the ability for parties and candidates to travel freely from region to region, town to town and door to door, without unreasonable restrictions, in order to appeal for votes. This freedom of movement must be coupled with freedom of association, political expression and peaceful assembly.

The delegation is concerned that, while the Unified Election Code provides for such political rights, recent pronouncements concerning the need for parties and candidates to provide notice before organizing rallies have been interpreted by some to require prior approval by local authorities. This could create real possibilities for abuse of power for partisan political advantage.

The delegation urges that the President, relevant Ministers and the CEC insist that any regulation of political rights make explicit provisions for interpreting the regulation to ensure the full exercise of those rights is promoted in accordance with Georgia's constitutional guarantees and its commitments under international human rights agreements. Police, other security officials and local authorities should be instructed by the President, Ministers and CEC that their mandate is to protect the effective exercise of rights and therefore to ensure that parties and candidates can go where they choose and campaign peacefully.

Ensuring Neutrality of State Authorities and Resources for the Elections. Separation of political parties and the state apparatus is a fundamental tenet of democratic governance. Local governmental and police authorities nonetheless have acted in Georgia to gain political advantage for specific parties and candidates. The delegation is concerned about the recent incident in Bolnisi, where local authorities blocked the road in an unsuccessful attempt to prevent the leader of a political party from reaching the town. A clash occurred in which a number of people were injured. Credible photographic evidence indicates that local police officials may have been involved improperly in the incident. The delegation noted other credible reports in the media of apparently partisan political actions by local authorities.

Clear and forceful instructions are needed from the President, Ministers and police officials ordering local authorities and police at all levels to remain strictly neutral concerning all political parties and candidates. All electoral competitors have equal rights, and state authorities have an affirmative obligation to respect them. It should be demonstrated that any government official or police officer who violates this rule will be prosecuted expeditiously.

State resources also must be secured and used strictly for the public's interest and not be appropriated for the individual gain of any political party or candidate, including for gaining partisan political advantage. Clear instructions to this effect must be issued by Ministers and others in this immediate run-up to the elections. Instructions should also order that government employees may not be pressured to vote for particular political parties or candidates. State resources should be used to ensure the integrity and effective operation of the election process. For example, every possible effort should be made to ensure that electricity does not fail on election night.

Preventing Violence. Violence against party leaders, candidates and their supporters—as well as violence and intimidation directed toward voters—undermine free will and negate the basis for a genuinely democratic election. State authorities should make every effort to ensure the security of every citizen, while protecting and promoting the exercise of political rights. The President and appropriate Ministers should issue clear and forceful instructions ordering the police and other security forces to provide protection for those seeking to exercise their political rights. Those officers who refuse to provide equal and effective protection of the law in this respect should be disciplined.

Political leaders, candidates and their supporters also must act responsibly. The leaders must instruct their supporters to respect the political rights of others and to refrain from any violent acts against political competitors. Parties should include such points in the training of all grassroots supporters.

Conclusion—Citizens Should Participate in the Election Process to Promote Democracy and Electoral Integrity. Those who hold the reins of government, including those who are administering the elections, have a clear responsibility for Georgia’s future. So too do the political leaders who seek office and the power to govern. It is everyone’s responsibility to provide Georgia with a positive post-November 2 future. The potential of Georgia to advance economically and integrate into the institutions of the democratic community depend on this. Georgians have the power to achieve progress. This delegation urges Georgians to participate in the election process to express their will and move Georgia toward their democratic aspirations.

NDI and the members of this delegation will continue to offer support to those working to advance Georgia’s democratic potential.