



STATEMENT OF THE NDI ELECTION OBSERVER DELEGATION TO GEORGIA'S 2008 PRESIDENTIAL ELECTION

Tbilisi, January 7, 2008

This preliminary statement is offered by the National Democratic Institute's (NDI) international election observer delegation to Georgia's January 5, 2008, presidential election. The poll also included two plebiscites on the timing of parliamentary elections and NATO membership. The delegation visited Georgia from December 31, 2007, to January 7, 2008, and was deployed across the country.

The delegation was led by the Rt. Hon. Kim Campbell, former Prime Minister, Justice Minister and Defense Minister of Canada. The 24-person delegation included political and civic leaders, regional and election experts, media specialists, and human rights activists from seven countries in Asia, Europe and North America.

The Georgian Ministry of Foreign Affairs invited an NDI delegation to observe the election. The group's findings were informed by an NDI pre-election assessment mission that visited Georgia between December 10 and 14, 2007. The NDI observation effort also benefitted measurably from ongoing communication with other international observer groups, as well as from non-partisan domestic observer organizations that deployed thousands of monitors throughout the country.

The delegation's purpose was to demonstrate the international community's continued support for the advancement of democratic processes in Georgia and to provide an impartial assessment of the January 5 election. The delegation met with presidential candidates, national and local political leaders and election officials, senior government officials, representatives of non-governmental organizations, the media and the diplomatic community. In addition, the delegation members visited polling stations and tabulation centers in Tbilisi and regions throughout the country. NDI conducted its activities in accordance with the laws of Georgia and the Declaration of Principles for International Election Observation.

The delegation recognizes that it is too early to make a final pronouncement about the electoral process as votes are still being tallied and the final outcome has not been announced, and election-related complaints and challenges will need to be resolved in accordance with the rule of law. The delegation will not render a definitive assessment of the electoral process at this time. It will be up to the people of Georgia to determine the credibility of their elections and the country's democratic development. The delegation offers this statement in the spirit of supporting and strengthening democratic institutions and processes in Georgia.

SUMMARY

Georgians expressed the view that the January 5 election represented the most competitive presidential election in their country's history. The electorate showed that it could be passionately partisan and simultaneously committed to the democratic process and, in this, defied many pessimistic predictions.

Key aspects of this election were in line with democratic principles. But there were also flaws in the process. The delegation has not received evidence to date that the election results will fail to reflect the will of the people, but the problems observed should be addressed to enhance the integrity of future elections. Otherwise, these problems can erode public confidence in Georgia's political institutions and accentuate political polarization.

I. ELECTORAL CONTEXT

Following six days of demonstrations in early November 2007, government security forces forcibly dispersed protesters. President Mikheil Saakashvili declared a state of emergency and called for early presidential elections on January 5, 2008. The NDI pre-election delegation found that these events had exacerbated tensions in the country to the point that the political environment had become dangerously polarized. Many Georgians expressed concerns that the polarization would undermine confidence in, and challenge the credibility of the upcoming presidential poll. Similarly, many emphasized that this election, as well as the parliamentary elections to follow, had to be credible to promote public confidence in political institutions and advance Georgian democracy. The short timeframe for the election only added to the challenges.

The Legal Framework and Election Administration

Parliament took a constructive step by adopting a wide range of amendments to the Election Code of Georgia in November and December 2007. The amendments represented a compromise between majority and opposition parties on a number of points, most notably the addition of party representatives to election commissions at the national (Central Election Commission) and precinct (Precinct Election Commission) levels. Other key changes provided for voter registration on election day and a requirement that the Central Election Commission (CEC) publish election results immediately by precinct on its website.

To address concerns about the presence of cameras in polling stations, originally installed to deter misconduct, the CEC agreed to cover voting booths with fabric to ensure voter confidence in the secrecy of ballots. The Commission also placed fax machines in a number of polling stations to facilitate publication of election results by precinct.

Georgia's long standing problem with its voters list remains. One problem is that when the CEC conducted a door-to-door campaign to check the list, it was unable to trace 30 percent of the names at their registered addresses. At the same time, many of these names could not be removed from the list for legal reasons. The CEC has published summary results of this campaign. Discrepancies on the list contributed to confusion at polling sites and presented opportunities for abuse.

The Campaign

Despite a compressed campaign period, conditions existed that were fundamental to an open and competitive political contest. Candidates could reach voters directly and through the media. Political parties received public funding and candidates who met certain criteria received free air time. The parties also were involved in election administration at the national and local levels.

At the same time, the NDI pre-election delegation found that the campaign environment was characterized by accusation and counter accusation, a loss of trust, a dearth of dialogue and predictions of civil unrest in the immediate aftermath of the election. The campaign of the ruling party was by far the more visible throughout the country. In the days leading up to the election, there were dire predictions of clashes among party activists outside polling sites. For its part, the governing party claimed a lack of commitment to the electoral process by several opposition candidates.

Criminal allegations were leveled against both majority and opposition leaders, including several presidential candidates. An alleged plot by one presidential candidate to overthrow the government, made public a few days before the election, exacerbated an already tense political environment. There were also threats from each side that the other would provoke violence on or after election day, increasing tensions as January 5 approached. Vitriolic and ad hominem attacks, primarily by some opposition candidates, at times distracted from discussion of serious issues.

Throughout the campaign, numerous allegations of intimidation surfaced. While many of these could not be substantiated, some specific cases were documented and some acted upon. While this delegation was not in a position to investigate such claims, NDI did have direct knowledge of several confirmed cases of pressure, including both threats and inducements, applied to domestic election monitors. To its credit, the ruling party acted swiftly to verify claims of intimidation brought to its attention and, in one case, issued a public apology. Nevertheless, these efforts to subvert those seeking to protect the integrity of elections in Georgia are backward steps that are inconsistent with democratic values.

The Ministry of Internal Affairs, the Central Election Commission and the Public Defender each provided mechanisms to receive and respond to complaints. Acting President Nino Burjanadze created an Inter-Agency Task Force to liaise with domestic and international election monitoring organizations and coordinate the government's response to reports of election irregularities. The task force held regular press conferences to discuss complaints, issued several written updates on election issues and forwarded complaints to the appropriate branches of government.

The NDI pre-election delegation expressed the need for greater efforts to distinguish the pro-government party from the state in the election period, including the use of financial and human resources. In all democratic countries, the incumbent party enjoys advantages. In Georgia, vouchers for such items as fuel and medical supplies, identified as a "gift from the president," were widely distributed. The scale and delivery of the program, at times and in places, failed to respect the distinction between the state, the ruling party and the campaign. The government took a positive step in developing a code of conduct for public employees. This code, however, was not finalized or shared with public employees before the election.

Television is the dominant news source for the Georgian public, and the opposition parties viewed Imedi TV and Radio as their main vehicle for communicating with the electorate.

For much of the campaign, the closure of Imedi meant that trusted electronic news sources for the opposition were confined to the capital. Media monitors reported that early in the campaign, coverage was unbalanced in favor of the ruling party but that coverage improved in the latter stages of the campaign. Televised debates between campaign representatives, talk shows and free air time provided voters with information about the candidates. Exorbitantly high prices for paid air time limited access for most candidates. Unfortunately, the major candidates did not avail themselves of the opportunity to engage in a presidential debate.

II. ELECTION DAY

Georgian citizens exhibited their commitment to the political process by turning out to vote in significant numbers considering the low temperatures and heavy snow. Expectations of election day disruptions and violence were not realized and voting proceeded in a peaceful, and in most locations, orderly manner. NDI observers noted a spirit of cooperation among many local election commissioners. The delegation believes that the multi-party character of the local commissions provided needed checks on potential abuses and, with a large number of domestic observers, added to the transparency of the process.

Election day, however, was not without problems, although delegates described most of these issues as “flawed not fraud.”

Some of the difficulties centered around the complexity of the election procedures, which were changed at the last minute, and the apparent insufficient training of election workers. This led to chaotic conditions in certain polling stations involving both voting, and especially, counting procedures.

Observers reported instances of inconsistent application and checking of the invisible ink that was supposed to deter multiple voting.

Overcrowding was an issue in a number of places. Certain polling stations were not large enough to handle the turnout. Slow processing of voters produced long lines in some locations that often extended outside the stations. There was insufficient space to accommodate observers and election personnel, creating conditions in some small stations that could have been intimidating to voters.

Delegation members reported instances of party observers playing an inappropriate role by guiding voters and seeking to manage election procedures, and unauthorized persons in polling stations.

Several NDI delegates visited stations in minority communities, where they saw some domestic observers and election officials blurring the line between offering guidance on how to vote and telling people for whom to vote. Family voting and language barriers were also problems.

Complex and poorly understood counting procedures were a problem in many areas. In many instances, Precinct Election Commission chairpersons and members appeared to be poorly trained. Cumbersome procedures led to an agonizingly slow counting and tabulation process. Especially problematic were the procedures for dealing with those who registered on election day, which were confusing and applied inconsistently.

III. RECOMMENDATIONS

The conduct of the presidential election exposed serious deficiencies, but the forthcoming parliamentary elections offer an opportunity to correct some of the more pressing problems. Others will need to be dealt with over the longer term to heal political divisions and strengthen Georgia's democratic institutions. In the spirit of international cooperation and in response to requests from Georgian political and civic leaders, the NDI delegation offers the following recommendations:

Prior to the Next Election:

Revising the Election Code

- provide for reduced prices for political advertising shown by the public broadcaster in the hope that private media would follow the lead;
- establish provisions to avoid the blurring of initiatives taken by the government and campaigning by the party in power;
- further restrict the ability of public servants to participate in and influence the campaign and provide proper mechanisms for enforcement;
- allow sufficient time for voters and parties to check the voters list and pursue complaints;
- require the first report on campaign expenditures to be published before election day;
- consider restricting campaigning in the vicinity of polling stations;
- revise the system for the counting of votes cast by those who register on election day (same day registration) to ensure that every valid vote is counted; and
- clarify and simplify vote counting procedures without compromising the integrity of the process.

Improving Election Administration

- provide more extensive and uniform training to central, district and precinct election commissioners to minimize confusion and facilitate respect for and adherence to law;
- enforce the application and verification of inking procedures;
- take measures that would expedite the tabulation and publication of interim election results and improve the transparency of that process;
- strengthen and update the voters list;
- publish and enforce a code of conduct for public employees regarding their participation in elections; and
- take all possible steps to increase confidence in ballot secrecy.

Expanding the Task Force

- improve the effectiveness and credibility of the Inter-Agency Task Force by expanding its membership and clarifying its procedures.

Improving the Campaign Environment

- all political parties should consider agreeing to a series of commitments regarding their conduct during the election. This could include respecting the role of domestic monitors, refraining from the use of inflammatory language and inappropriate

behavior by party observers inside polling stations, and renouncing intimidation of activists from other parties and voters.

Over the Longer Term:

At the conclusion of the 2008 parliamentary elections, a variety of administrative and political issues should be addressed in order to ensure that Georgia's future elections adhere to democratic standards.

- conduct a comprehensive review and revision of the election code;
- audit the voters list and conduct a systematic revision;
- review and streamline all mechanisms by which electoral complaints are received and dealt with to increase trust among electoral participants;
- review technical and procedural mechanisms of precinct election commissions so that more results can be transmitted directly to the CEC; and
- take further steps to ensure a level playing field by looking into campaign finance reform.

Strengthening Georgia's Democracy

In spite of difficulties surrounding the presidential election, significant numbers of citizens participated and were able to express their will freely. The checks and balances provided by the inclusion of party appointees in the election administration, particularly at the local level, and the work of domestic election observers clearly improved the transparency and credibility of the election day itself.

The collegiality shown at many polling stations by election officials, voters and observers demonstrated precisely the kind of interaction that is an essential element in any democracy. Georgia's citizens showed they were able to cooperate and focus on the task at hand. This was in sharp contrast to that conflict and disruption that had been foreseen by political leaders even on the eve of the poll.

As Georgia moves towards parliamentary elections and beyond, we encourage political leaders to identify and pursue opportunities for constructive dialogue, adopt a more consultative attitude to the public between elections, and increase the transparency of decision making at all levels. We further express the hope that media pluralism can be fostered and protected.

The delegation is convinced that if concerted and immediate steps are taken to share political responsibility and to use parliament and other forums to promote consensus on political reform, then the Georgian people will look back at this election as an important milestone. We hope that all political leaders seize this opportunity to respond peacefully to the hopes and aspirations of the Georgian people.

IV. THE DELEGATION AND ITS WORK

NDI's methodology for assessing elections is based on the premise that all aspects of the electoral process must be considered, and that no election can be viewed in isolation from the political context in which it takes place. Among the factors that must be considered are: the legal framework for the elections set by the constitution, including electoral and related laws; the ability of citizens to seek and receive sufficient and accurate information upon which to make political choices; the ability of political competitors to organize and reach out to citizens in order to win their support; the conduct of the mass media in providing coverage of parties, candidates, and issues; the freedom that citizens and political competitors have to engage in the political and electoral process and make choices without fear of intimidation, violence, or retribution; the conduct of the voter registration process and integrity of the final voters' register; the right to stand for election; the conduct of voting, counting, results tabulation, transmission, and announcement of results; the handling of election complaints; and the installation to office of those duly elected. It should also be noted that no electoral framework is perfect, and all electoral and political processes experience challenges.

The delegation arrived in Tbilisi on December 31 and held meetings with presidential candidates, national and local political leaders and election officials, senior government officials, representatives of non-governmental organizations, the media and the diplomatic community. On January 3, 24 delegates and staff members deployed in 10 teams across Georgia. On election day, the teams observed voting and counting processes in polling stations across the country. Following the election, the delegation members returned to Tbilisi to share their findings and prepare this statement.

The delegation cooperated with international election observation missions from OSCE/ODIHR, the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament, the International Republican Institute (IRI), the European Network of Election Monitoring Organizations (ENEMO) and Georgian nonpartisan domestic election monitoring organizations such as the International Society for Fair Elections and Democracy (ISFED). The delegation is grateful for the welcome and cooperation it received from voters, election officials, candidates, political party leaders, domestic election observers, and civic activists.

NDI is a nonprofit organization working to strengthen and expand democracy worldwide. The Institute provides practical assistance to civic and political leaders advancing democratic values, practices, and institutions. NDI has conducted over 100 impartial pre-election, election day, and post-election activities around the globe. NDI's programs in Georgia are funded by the United States Agency for International Development (USAID) and the National Endowment for Democracy (NED). Funding for this delegation was provided by USAID.

V. NDI CONTACT INFORMATION

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