



Monitoring the Use of Administrative Resources during the Election Campaign

Early Presidential Election and Plebiscite, 5 January 2008

Second Interim Report

27 December 2007

Tbilisi, Georgia

Transparency International Georgia is monitoring the election campaign ahead of the 5 January 2008 early presidential election and plebiscite, focusing on specific instances and general trends of the use of administrative resources during the election campaign.

On 5 December 2007, Transparency International Georgia published its first interim report, which contained an account of the violations and irregularities that had occurred between 8 November 2007, when the former president made the first public statement on the decision to call an early election, and 5 December 2007. The second interim report provides information on the results of the monitoring conducted between 5 December and 26 December.

As was the case during the first phase of monitoring, Transparency International Georgia focused mainly on the ruling party's presidential candidate, since it is the ruling party that usually has access to administrative resources. At the same time, when selecting criteria for evaluation, along with violations of law and incidents related to them, the organisation examined whether or not election subjects were able to conduct their campaigns on equal terms and whether or not the existing environment ensured strong public confidence in the election.

Additional Social Initiatives

The government launched several new social initiatives in early December. Just like the social programs discussed in the previous report (higher salaries for teachers, higher pensions, distribution of various types of vouchers, the employment program and so on), these initiatives had not been incorporated either in the 2007 state budget or the 2008 draft budget that was submitted to parliament on 30 September. These include:

Annulment of Arrears on Electricity Bills in Buildings where a Large Number of IDPs Resides

According to the government decree, IDPs residing in Tbilisi and in other parts of Georgia will have their arrears on electricity bills annulled: The IDPs who live in Tbilisi will have those arrears accumulated between 1997 and March 2007 annulled, while the IDPs residing in other parts of the country will have the arrears accumulated between 1997 and 1 July 2007 annulled. According to the Energy Ministry's website, the state and the energy companies have already reach an



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agreement on this. The total amount of arrears to be annulled in Tbilisi alone is 50 million GEL. The website also says that IDPs are to receive discounts on gas, though no additional information on this has been made available so far.

Energy Minister Aleksandre Khetaguri emphasised in an interview with the Rustavi 2 TV station on 12 December 2007 that the decision to annul the arrears of IDPs was not linked to the election campaign since the ministry received the relevant instruction from the president as early as the summer and had been holding negotiations with the companies since then.

The government did not publicise information on this initiative in the summer. Moreover, a legally valid document (such as a written agreement between the government and the energy companies, a government decree or a presidential decree) that would confirm this decision is yet to be signed. According to the Energy Ministry, it has reached a verbal agreement with one of the energy companies, Telasi.

New Year's Gifts

On 13 November 2007, the government issued a decree whereby socially vulnerable families (700,000 families) are to receive New Year's gifts, namely: 2 kg of sugar, 2 kg of rice, 1 litre of oil, two cans of condensed milk, 3 kg of tangerines, 2 kg of apples, 200 g of biscuit and a bottle of wine. The government allocated 6 million GEL from its own fund to implement the decree. The decree also said that, since it had to be implemented within a short time frame, the products, as well as the services required for their distribution, would be purchased through negotiations with a single entity (rather than through a tender).

Aside from the fact that the government has never in previous years given this type of New Year's gift to socially vulnerable families, it is also worth noting that the state employees who are distributing the New Year's gifts are campaigning in Mikheil Saakashvili's favour and sometimes even tell citizens that it was the National Movement that bought the aforementioned items for them. Such instances occurred in different parts of Georgia, including Qvareli, districts in Kvemo Kartli, Ozurgeti and Dedoplistsqaro.

Employment Program for Students

In December 2007, the Tbilisi Mayor's Office launched a student employment program in which 5,000 students are involved in soil preparation for tree planting. Some two million GEL was allocated from the Tbilisi city budget for this program.¹ According to the website of the Tbilisi Mayor's Office, the students who wanted to participate in the program had to contact the administrative bodies of relevant districts to sign contracts from 19 December to 21 December. The work started on 21 December.²

Student employment programs were originally launched by the Tbilisi Mayor's Office before the 5 October 2006 local election and were funded from the Tbilisi city budget at that time as well.

¹ Information provided by the City Department of Social Services and Culture at the Mayor's Office.

² http://www.tbilisi.gov.ge/index.php?lang_id=GEO&sec_id=1099.



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Government representatives have said that various social initiatives have been implemented in the past. In their words, the decision to step them up is not linked to the election campaign and stems from the November protests, which demonstrated that citizens expect the government to have a more active social policy. Consequently, the government decided to speed up the social initiatives that it had planned to implement.

Active Involvement of Government Representatives in Election Campaigning

Government representatives continued to actively participate in the ruling party candidate's campaign after 5 December (when the first interim report was published). Ministers (the agriculture minister, the health minister, the refugees and resettlement minister, the state minister for conflict resolution), the president's regional representatives and their deputies, local government officials and other state employees were involved in Mikheil Saakashvili's pre-election visits and meetings.

Georgian legislation does not prohibit some state employees (those who hold political offices) from engaging in campaigning. Others (public officials from the state and the local government bodies) cannot campaign while on duty but are not subject to any restrictions during their free time. Therefore, the government does not consider active involvement of officials and other state employees in election campaign to be a problem since they are not breaking the law (although the office of the president's regional representative does not appear on the list of political offices). Moreover, government representatives have explained that ministers and other officials are members of Saakashvili's political team and his party. Hence, it is natural that they express their support for the team's leader. It has been suggested that they view Mikheil Saakashvili's new requests and instructions for government representatives as a leader's advice and directives.

Transparency International Georgia confirms that some of the state employees involved in campaigning are not violating the law. However, the organisation believes that:

- (a) the legislation requires improvement in this respect,
- (b) the government needs to impose certain restrictions on itself aside from those envisaged by the law in order to ensure that candidates compete on equal terms during the election campaign and to reinforce the legitimacy of the elections, and
- (c) as far as the strengthening of state institutions and development of democracy is concerned, it is important to ensure that officials and employees of ministries and other state institutions are preoccupied with their direct duties envisaged by the law, rather than an election campaign and other types of party work. It is desirable that citizens view public service as a neutral (professional) system that is more or less (if not completely) divested of political interests.

The joint statement issued by the OSCE/ODIHR and the Congress of Local and Regional Authorities of the Council of Europe after the 2006 local election identified the lack of distinction between the ruling party and the government as one of the main problems.³ This

³ "In the course of the campaign, the ruling party made extensive use of its advantage of incumbency at state level and conducted highly visible social aid programmes, which included issuing of utilities vouchers, payment of pension





problem has reappeared on a larger scale during the campaign for the 2008 early presidential election.

Linking Initiatives Funded from State Budget to the Election Campaign

Distribution of various types of vouchers (mostly firewood and medication vouchers) and New Year's gifts continued between 5 December and 27 December, while instances of the use of these vouchers and gifts for campaigning were also reported. In several districts (Gori, Tbilisi, Liakhvi, Ozurgeti [the village of Mikhauri], Akhaltsikhe and Bolnisi), vouchers were distributed by the National Movement's activists (instead of the authorised state employees). A statement posted in the local administration building in Bolnisi said that citizens were to go to the United National Movement's office to get the vouchers. Medication vouchers were issued in the United National Movement's office in Tbilisi (Dadiani St. 4). Representatives of Transparency International Georgia were able to see those vouchers and witness the process of their distribution in the aforementioned office. There were also cases in Tbilisi and Gori when medication vouchers and New Year's gifts were not issued to voters who expressed a negative attitude to Mikheil Saakashvili or asked whether or not it was legal for the United National Movement's activists to be handing out the vouchers.

Commenting on the question of vouchers, government representatives have said, among other things, that labelling them as a "presidential subsidy" or "president's gift" had nothing to do with Mikheil Saakashvili's election campaign, since he was no longer president at the time when the vouchers were distributed. However, it has to be noted that information on the vouchers and a sample voucher (wood voucher) appears in the United National Movement's campaign magazine, Road to Victory. The ruling party printed 250,000 copies of this magazine and distributed them along with other campaign materials. Moreover, former President Mikheil Saakashvili appears in a TV ad devoted to the vouchers (aired on the Ajaria TV).

Involuntary Involvement of Employees of State Institutions in Election Campaign

Like other candidates, presidential candidate Mikheil Saakashvili has been meeting voters in different regions lately. Transparency International Georgia has received information from several places, namely, Telavi, Kutaisi, Akhalkalaki, Akhaltsikhe, Batumi, Ganmukhuri, Rustavi, Bolnisi and Dusheti that heads of various state institutions and school directors were actively involved in organising those meetings, ordering their employees and senior students to attend the meetings and to bring other members of their families along. These reports were confirmed by teachers, hospital employees, local administrative bodies and councils, (senior) high school students, kindergarten teachers, representatives of local NGOs and journalists.

Government representatives have denied this. In their words, many people usually take part in Mikheil Saakashvili's regional meetings and it is impossible to believe that all of them are state

bonuses and short-term employment schemes. These programmes were conducted in parallel to the election campaign and received extensive coverage by the media, blurring the separation between State activities and the election campaign," joint assessment of the 5 October municipal elections by OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and European Congress of Local and Regional Authorities.



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employees and attend those meetings solely for fear of losing their jobs. Naturally, Transparency International Georgia does not assert that all those who attend Mikheil Saakashvili's pre-election meetings are forced to go there. However, the organisation has accurate information (verified with the original source) that some of the participants attend those meetings involuntarily.

Bodyguards and Transportation by Helicopter

During the period of pre-election monitoring, some opposition parties often made critical remarks suggesting that former President Mikheil Saakashvili had been illegally provided with state guard and a helicopter. According to Georgian legislation, specifically, the president's decree No. 933 issued on 15 December 2005, Mikheil Saakashvili, being a former president, is entitled to protection by state guard.⁴ It also has to be noted that the government offered state guard to all presidential candidates and it was up to them to decide whether or not they would accept the government's offer and take advantage of this service.

As for the helicopter, using a helicopter is not among the rights granted to former presidents by the law. However, any election subject is entitled to use any means of transportation provided that it is funded through his or her own (or the party's) resources. Transparency International Georgia made an inquiry regarding the source from which Mikheil Saakashvili's travel by helicopter is financed and learned that the National Movement's resources, rather than those from the state budget, are used for this.

According to a letter sent by the United National Movement to Transparency International Georgia on 19 December 2007 (letter No. 08/42), the Georgian State Procurement Agency, a legal entity of public law, and the United National Movement campaign fund signed an agreement on providing Georgian presidential candidate Mikheil Saakashvili with the service of EC155B helicopter on 28 November 2007. The United National Movement's fund pays 96,000 GEL for the helicopter service.⁵

Pressure on Opposition Activists and Voters

Once again, there were attempts to intimidate opposition activists and supporters in several districts. In Dusheti, Gurjaani, Qvareli and Gori, commission members appointed by opposition parties have been summoned by police officers, who have told them that they would encounter problems in the event of being too active. Some of them have been asked to resign as commission members. In Gurjaani, police officers have "advised" opposition party activists to refrain from arranging meetings with their presidential candidates. In Zugdidi, policemen and the United National Movement's activists have ordered shop owners to put up Mikheil Saakashvili's campaign posters in their shops and have also told them to vote for Saakashvili unless they want to have to deal with the Constitutional Security Department. On 20 December, representatives of

⁴ According to the presidential decree No 933 on the approval of the list of persons and facilities to be protected by the Georgian Special Service of State Guard, Georgian presidents are on the list of persons to be protected by the special service after the termination of their powers.

⁵ According to the United National Movement's letter, this amount covers 60 one-hour flights between 1 December 2007 and 6 January 2008.



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the Youth Department visited the Gori branch of the State University during a lecture (at the faculty of journalism) and demanded that the students registered as Mikheil Saakashvili's supporters (students were supposed to fill in special forms; they were to keep one page of the form while the other was to be sent to the election headquarters), "promising" that they would face problems in the future if they did not do so. In Ureki, police officers have visited several families, asking them to vote for Mikheil Saakashvili. Employees of a hospital in Tbilisi and school teachers in the village of Shashiani in Gurjaani District have been instructed to use their mobile phones to take photos of marked ballot papers on the election day and show them afterwards. Transparency International Georgia's regional coordinator in Kakheti has also been subjected to pressure and telephone threats. An unidentified individual contacted him twice on his business telephone and warned him that he should refrain from "excessive activeness".⁶

The serious problem that Transparency International Georgia has come across, as far as threats are concerned, is that people who are being intimidated by police officers and other representatives of the authorities avoid talking about this openly. They inform Transparency International Georgia about the threats against them but immediately ask not to be identified. Some of them even request that the organisation not identify violators in its reports and public statements. Transparency International Georgia verifies such reports with several sources (provided there are several sources available) before deciding whether or not they are reliable. Naturally, the organisation does not take upon itself to publicise an incident or identify a victim or an offender without the consent of the source(s). This significantly reduces the possibility of reacting to specific violations. The government cannot investigate violations and punish those who committed them unless it receives relatively specific information about those violations.

The Interior Ministry conducted an investigation into a number of violations that had been highlighted by opposition parties. In several cases, the ministry reported that the individuals who had been identified as victims by the opposition denied, in conversations with the ministry's representatives, that they had been subjected to pressure. On the one hand, a part of the public could get the impression that the victims were simply afraid to admit that pressure had been exerted on them. However, it is hard for the Interior Ministry to confirm that violations took place if victims categorically deny this because of fear or some other reasons.

The Government Task Force

A government task force, whose main goal is to react to violations uncovered during the pre-election period in a timely manner and to ensure that the election is fair and transparent, was formed on the acting president's proposal. The task force and its individual members cooperate quite intensively with observer organisations, including Transparency International Georgia, the International Society for Fair Elections and Democracy, the Georgian Young Layers' Association and New Generation - New Initiative.

The government task force should also cooperate actively with the opposition's representatives, examine thoroughly the violations that they detect and openly raise the question of an offender's

⁶ As noted in the previous report, after several meetings held by Transparency International Georgia in Kakheti, security service representative Paata Khachishvili asked the organisation's regional coordinator to provide detailed information about the meetings.



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responsibility whenever it is confirmed that a violation did take place. The task force should also talk openly about the violations reported by observer organisations whenever these reports prove to be valid. It is important that offenders are punished to the full extent of the law (and not just by warnings and exclusion from party activities), so that their example affects others and shows public officials and other individuals that violating the law has serious consequences.

The government task force and other bodies responsible for the unbiased conduct of the election need to provide clear and substantiated explanations regarding the violations and flaws which represent the most topical problem today. These include the criticism related to voter lists, the collection of identification cards or their copies, the dissemination of false rumours suggesting that secret cameras will be installed in voting booths and the attempts to force people to mark the No. 5 candidate on their ballot papers and take photos of those ballot papers with mobile phones.

It is necessary to explain to the public that taking identification cards or their copies from citizens against their will or without an appropriate explanation, as well as collecting personal data, is against the law and that copies of identification cards cannot be used to rig the election. Voters need to be informed that there will be no cameras in the booths and the cameras that are to be installed in the polling stations of big cities will be pointed constantly at registration staff or at the ballot box, while photo and video recording in voting booths is prohibited and the violation of ballot secrecy is punishable by a fine or a prison sentence of up to two years. As for the voter lists, the government and the Central Electoral Commission should speak of the existing flaws and their causes and say how the government/CEC are planning to eliminate these flaws or guarantee that they will not be used to rig the vote.

Conclusion

In a manner similar to that of the last interim report, Transparency International Georgia did not confine itself solely to the description of violations in this report. Unlike the previous years, Georgia believes today that it deserves to be a member of NATO, is following the path of democratic development and respects the fundamental principles of the rule of law and strengthening of democratic institutions. Correspondingly, it is the government's duty to hold the 5 January election not only in accordance with the law but also in accordance with international standards. This is very important for the evaluation of the quality of democracy in the country, as well as for the strengthening of the public's confidence in the election results.

The use of administrative resources during the election campaign, whether in accordance with or in violation of the law, creates certain problems in this respect. On the one hand, it is up to the voters to decide whether or not they find the use of administrative resources for campaigning unacceptable (when this is not against the law). This applies to the implementation of unplanned social initiatives during the pre-election period, radical changes in politicians' decisions and so on (what matters is that voters are fully informed about various initiatives and activities of politicians). However, on the other hand, it is the government's responsibility to create conditions for equal competition during elections.



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At this stage, it is especially important to ensure that voters are confident that they are entitled to a free choice and that ballot secrecy will be fully guaranteed.

Final Stage of Monitoring

Transparency International Georgia will continue monitoring the misuse of administrative resources until votes are counted and final election results are announced. The organisation will publish its next report after election day. The report will cover all violations and flaws detected during the monitoring process, as well as the final results of the media monitoring and recommendations regarding the prevention of violations and problems in the future.

A free hotline continues to operate in the organisation's head office. It works daily (except for Saturdays and Sundays), from 10:00 to 18:00. All interested individuals who want to inform Transparency International Georgia of violations committed during the pre-election period, namely, the misuse of administrative resources and receive additional information on this question, can call the hotline (822 009 888).



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