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Report on local elections in Georgia (2 June 2002)

Rapporteur: Mr WHITMORE (United Kingdom)

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1. Introduction

Following the invitation by the Georgian authorities, represented by the Permanent Representative of Georgia to the Council of Europe, Ambassador Lana Gogoberidze, the CLRAE Bureau at its meeting on 12 May decided to send a delegation to observe the local elections in Georgia, scheduled for 2 June 2002. That invitation was also valid for the local elections in the Autonomous Republic of Adjara, held on 16 June 2002, but the CLRAE Bureau on 6 June decided not to send any observers to Adjara¹.

The CLRAE members of the observation mission were Mr Joseph Borg (Malta), Mrs Ayse Bahar Cebi (Turkey), Mrs Hildur Horn Oien (Norway), Mr Louis Roppe (Belgium) and Mr Keith Whitmore (United Kingdom). Mr György Bergou, Mr Mats Lindberg and Ms Lia Tsitsuashvili accompanied the delegation from the CLRAE/CoE Secretariat.

The CLRAE delegation wishes to thank Mrs Natia Japaridze, Director of the Information office of the Council of Europe in Tbilisi, as well as her staff, for their excellent work in assisting the mission.

The local elections in Georgia were scheduled to be held in autumn 2001 but were postponed for organisational, political and economical reasons. The chronology of the legislative acts with a bearing on the election date is difficult to establish, as the information received by the CLRAE is contradictory. It seems likely that there have indeed been some periods of ambiguity regarding the mandate of the local authorities. Nevertheless, the following gives a broad idea of the developments even though some of the dates might be slightly inaccurate.

According to the Georgian Constitution only the president is authorised to postpone elections. On 2 August 2001 the parliament adopted the new Electoral Code which grants the Central Election Committee (CEC) the right to request the President to delay elections.

On 21 August the President issued a decree setting the date for local elections at 4 November 2001.

Exercising its new right to ask the President to defer elections, the CEC on 3 October adopted a resolution requesting the President to postpone local elections. The CEC claimed lack of sufficient financial means for the electoral administration as the reason for the request.

On 24 October the parliament decided, by adopting an amendment to the Local Government Law, to extend the term of the local authorities in office until 20 June 2002. At the same time, the parliament adopted another amendment stating that the elections must not be held any later than 3 June 2002. This would have allowed the parliament to charge the president with ignoring its will in case he decided to postpone the elections later than 3 June 2002.

On 31 October 2001 the President issued a decree cancelling his earlier decree about holding the elections in November 2001, but without determining a new date for the elections.

On 28 March 2002 the President signed a decree setting 2 June 2002 as the date for the elections.

No matter what the formal legislative acts for holding the local elections were, the final confirmation by the Georgian authorities that the elections were to be held on 2 June 2002, came very late. In fact, there were doubts during the entire run up to the elections, including the week of the elections, as to whether the elections would be held as scheduled or not.

Close to the elections the CEC chairman asked the President to delay the elections by at least one week in order to gain more time for preparations. However, the President refused, pointing out that he risked impeachment procedures in parliament if he delayed the vote beyond 2 June. Moreover, as late as the day before the elections, a group of six parties appealed to the President to postpone the elections in Tbilisi because of the inadequate preparations, which brought with it a great risk of fraud. The President also refused this request.

In addition to the main territory, Georgia comprises the two autonomous entities Adjara and Abkhazia. Out of those two only Adjara is fully integrated into the Georgian state with full territorial control by the Georgian authorities. In a similar manner as with separatist Abkhazia, the Georgian authorities have lost control over the separatist region of South Ossetia. Therefore the elections were not carried out in Abkhazia or South Ossetia. In Adjara the elections were held two weeks later, i.e. on 16 June 2002.

In the days preceding the 2 June elections, the delegation met representatives of six out of the more than 20 political parties that had registered for the elections.

On election day the delegation was divided into four teams (Mr. Whitmore/Mr. Roppe, Mr. Borg/Ms Tsitsuasvili, Mrs Cebi/Mr. Lindberg, Mrs Oien/Mr. Bergou). The four teams visited a total of some 50 polling stations, in Tbilisi, Kaspi, Gori, Khasuri, Mtakheti, Marneuli, Bolnisi, Dmanisi and Rustavi. The total number of polling stations supposed to be open in Georgia on election day was 2790.

The CLRAE was the only official international election observation mission present to monitor the elections.

2. The local government structure in Georgia

In cities and rural municipalities with a population exceeding 5000, people directly elect executive officials called *Gamgebelies*. In this context Gamgebeli is another term for *mayor*. The cities of Tbilisi and Poti are the exceptions, because the mayors/gamgebelies there are still appointed by the President. If the population is less than 5000, the chairman of the Sakrebulo (see below) automatically becomes the Gamgebeli.

In cities and rural municipalities voters elect a city or *municipal council* called *Sakrebulo*, in addition to the mayor/gamgebeli. The members of the sakrebulo then elect a chairman among themselves. These chairmen from the individual municipal sakrebulo in any given "rayon" (provincial district) constitute the *district sakrebulo*, which are *district level councils*. From the district level councils a district executive, also-called Gamgebeli, but not to be confused with the municipal level mayors, is appointed by the President.

Elections in Tbilisi are proportional whereas in the rest of the country they are majoritarian.

Although it must be considered as a step forward for local democracy in Georgia that the President is no longer entitled to appoint whoever he chooses to become district gamgebeli, but must pick one of the district sakrebulo members. This is still only limited progress. Full compatibility with the European Charter of Local Self-Government will only be achieved once all local and regional authorities are directly elected by the people.

Another challenge for Georgia in achieving compatibility with the Charter is to transfer substantial self-government powers to the local authorities, in particular regarding budgetary powers.

Georgia signed the Charter on 29 May 2002, i.e. four days before the local government elections.

3. Legislative framework for the elections, including election administration and the composition of election commissions on different levels

3.1. The new Electoral Code

The local elections in Georgia were due to be held in autumn 2001 but were postponed because of organisational, political and economical reasons. The level of organisation in preparation of the elections was very poor, there were conflicts between the political parties in parliament regarding the elections and there were not sufficient financial means available for the electoral administration.

The present Georgian Electoral Code was adopted on 2 August 2001. The same law applies to presidential, parliamentary and local elections. Based on, among other, comments made by the Council of Europe Parliamentary Assembly and OSCE/ODIHR, a number of amendments to the Electoral Code were presented to parliament. Some amendments were adopted by parliament on 25 April 2002, which clearly improved the Code, but the two-thirds majority necessary for adoption of the most significant amendments could not be reached. The August 2001 Electoral Code initially rendered the CEC less political. Regrettably the Electoral Code was not fully applied for the local elections, notably with regard to the formation of the election commissions and in particular the CEC, and in any event the amendments adopted to the Code in April 2002 again strengthened the political character of the CEC.

Among positive novelties introduced into electoral legislation, compared with the previous election, one should mention transparent ballot boxes and the right for internally displaced persons (IDPs) to vote. On an equally positive note, one may also mention the introduction of envelopes into which the ballot papers are to be put before being dropped into the ballot box. Moreover, domestic election observers have been given extended rights. Furthermore, the functions of the PEC members are to be distributed by lottery. The exception to this rule is the chairman who is elected among, and by, the PEC members.

Among the central provisions in the law is the requirement for a minimum turnout of 33% for the elections to be considered valid.

According to the Electoral Code, military personnel are allowed to vote in the area in which they are serving. This is a questionable arrangement as the military personnel temporarily based in such an area presumably have a limited interest and knowledge about the local government in the area which they are stationed. Instead arrangements should be undertaken to allow the military personnel to vote in their home regions and municipalities.

Unlike before, the new Election Code allows parties to appeal directly to courts. According to Article 77 of the new Code, all decisions of election commissions may be contested at higher-level election commissions *or directly in court*. Logically, CEC decisions may only be contested in court.

3.2 The Election Administration

The three principal levels of election administration are:

- The Central Election Commission (CEC)
- The District Election Commissions (DECs)
- The Precinct Election Commissions (PECs)

According to the 2001 Electoral Code, seven CEC members are elected by parliament out of a list of 14 candidates exclusively nominated by non-governmental organisations engaging in electoral observation and unlike previously, the Chairperson of the CEC is not elected by the President, but by the CEC, from among its members, in a highly consensual procedure. Regrettably these new provisions were not applied for the 2 June elections. Instead, following the old system, 21 members were appointed to the CEC. Five of these were nominated by the President, but subject to parliament's approval, 9 nominated by parliament, 5 by political parties and one member each by the autonomous republics of Adjara and Abkhazia. However, one CEC member died and two resigned, leaving the CEC with only 18 members.

The District Elections Commissions should, according to the Electoral Code, have no less than 7 members. Most DECs had 14 members, out of which six were appointed by the CEC and eight by the political parties. In Tbilisi, however, a DEC special task force was assembled, thus the provisions of the Electoral Code were not followed.

The Precinct Election Commissions, i.e. polling station level commissions, should have 11 members, according to the Electoral Code. However, for these elections it was agreed to have six members appointed by the upper level commission and eight members by the leading political parties, setting the number of PEC members at a total of 14.

3.3 The preparations for the elections and the main stipulations about voting

Overall it must be said that the elections were extremely poorly prepared. The voting lists in particular were in a sorry state. It should be made clear though, that the electoral administration faced a nearly impossible task in preparing the elections, given the short notice it had received from the central authorities, who only at a very late stage finally confirmed that the elections were to be held on June 2.

The voting lists were most inaccurate, with the same persons appearing in several lists while many other persons were missing altogether. It was very common to have names of deceased persons on the lists. Moreover, the dates of birth of the voters did not appear beforehand in the lists, but they were added by and by as people voted. Some of the lists were stamped whereas the great majority were not.

There were two voting lists, the main one and a supplementary one. The supplementary one was used for three categories of voters:

internally displaced persons (IDPs)

army personnel

persons who for reasons of administrative error were not on the main list, but could prove their identity and residence in the relevant election district.

Although the decision to let IDPs register until, and all through, election day was welcome as such, it also provided ample opportunity for fraud, as the safeguards against double registration of IDPs were weak. Introducing a system whereby voters be marked with ink would be advisable.

When the CLRAE teams visited DECs and PECs the day before the elections, they discovered that in several instances the voting lists were locked away in safes rather than displayed at polling stations. At most of the polling stations where the lists had been displayed, they had mostly been put on the wall inside the polling station rather than outside. Presumably this limited access for voters who wished to verify that their names were on the list.

Another main shortcoming was the voting cards, which had only been received by part of the population. The voters who had not received a voting card had to produce a valid Georgian identity card or a Soviet era passport to be able to vote. Less than half of the Georgian population has been issued a Georgian identity card. The Soviet era passports were in some cases very old and as in many cases the photograph in the passport was as old as the passport, positive identification therefore was difficult.

Furthermore, the election preparations, and in some cases even the start of the voting process on election day, were hampered by the very late production of ballot papers and their late delivery to the polling stations. In some cases the ballots papers were delivered to the polling stations only in the morning of polling day and sometimes even after the official opening time of the polling stations.

Following concern expressed about the risk of fraud during the printing process, the CEC set up an ad hoc group to observe the printing of the ballot papers.

According to the Electoral Code there should be a maximum of 2000 registered voters per polling station and no more than 400 voters per voting booth. The former requirement was respected at all polling stations that the CLRAE teams visited, but not the latter as there were in many cases two voting booths for up to, and exceeding, 1500 registered voters.

The level of knowledge about the election procedures seemed poor among the election officials. For example, when one of the CLRAE teams asked three different officials about what time voters, who would for one valid reason or another not be able to come to the polling station on election day, had to file a request for using the so-called mobile box, three different times were given in reply.

There were no formal arrangements undertaken for training election officials. Nevertheless, the CEC provided informal training sessions for the DEC's, and the DEC's in turn did the same for the PEC's. When asked about training, one of the DEC officials replied to one of the CLRAE teams that she had received training from "a governmental structure", but she was not able to name the precise body that had given the training.

4. The political parties

More than 20 political parties or political coalitions registered for the elections, out of those the most significant in terms of anticipated or actual share of the vote are:

- the Citizens Union of Georgia
- the Christian Conservative Party
- Industry Will Save Georgia
- The Labour Party
- The National Movement - Democratic Front
- The New Rights Party
- The People's Party - Traditionalists bloc
- the Revival Party -21st Century election bloc
- the Unity Political Organization

Among these, the CLRAE delegation met representatives of all but the Labour Party, the People's Party - Traditionalists bloc and the Unity Political Organisation.

One of the main developments in the party political scene before the election was the split of the Citizens Union of Georgia (CUG) into two competing factions. Following court procedures and political manoeuvring the wing of the CUG headed by Mr Levan Mamaladze and Mr Gela Kvaratkhelia came out as winners regarding the right to register for the elections under the old name. Following a technical arrangement the other wing of the old CUG, headed by Mr Zurab Zhvania, registered as the Christian Conservative Party, but the party is widely known as "Zhvania's team".

The constellations between the above parties remain unclear. Many would consider the National Movement - Democratic Front and the Christian Conservative Party to be the main opposition parties whereas the New Rights is seen by many as the main support group for the President, Mr Shevardnaze, who is regarded as having abandoned his old party, the CUG.

The Labour Party was founded in 1995 and has since then upheld a left-centrist ideology. The leader of the party is Mr Shalva Natelashvili, former head of legal committee in the parliament (1992-1995). The party was a winner in the 1998 local elections, however most of the party members who won seats in Tbilisi council then, including the chair of the council, moved into the ruling party (CUG) soon after the elections. Mr Natelashvili is presently known for his heavy criticism of Mr Shevardnadze's government.

The Revival Party is essentially the power base of the Head of the Republic of Adjara, Mr Aslan Abashidze.

5. The election campaign

As the CLRAE team only arrived in Georgia on the Thursday preceding the elections on Sunday, and as there were no other organisations present that would have carried out systematic media monitoring before the elections, no information on the campaign based on systematic research is available.

However, it seems clear that many candidates were deprived of their right, under the Electoral Code, to the same amount of air time as other candidates on state TV. This seems to have occurred because of the limited geographical coverage area of the Georgian state TV stations, rather than any intent to deprive some candidates of their right. However, there is also independent

TV and other forms of media in Georgia, which candidates could use in their campaign, but the legal obligation to give candidates airtime does not apply to independent stations.

Secondly, the Electoral Code forbids candidates to distribute money, gifts or other items of material value to voters during the campaign period, but this article was allegedly violated by numerous candidates.

On election day there were still plenty of campaign materials, mostly posters, displayed on the outer walls of the precinct election commissions, i.e. polling stations, something which is prohibited by article 73,3 of the Electoral Code

6. Election day and vote count

6.1 Opening of the polling stations

The CLRAE observation teams were present at four polling stations in Tbilisi at the time of their opening on election day.

At the opening of the polling stations, and in particular in the first hours after the official opening time for the polling stations, the CLRAE teams observed several following shortcomings, notably the fact that several polling stations did not open on time, i.e. at 7 a.m. as foreseen by the law. In some cases the delays were significant.

For example, at one polling station in Tbilisi the election officials were not ready to open the station at 7 a.m. They first told the CLRAE observers that their DEC had instructed them to open only at 8 a.m., but the officials then changed their minds and opened the polling station more than 30 minutes late. The first voter turned out not to be on the voter list. When the second voter returned from the voting booth he passed by one of the election officials who took out the ballot paper from the envelope and looked at it before putting it back in. The voter then put his invitation to the elections, which included his name and address, into the envelope before putting it into the ballot box. The ballot box was not sealed, only closed with a string.

Although the performance of the election officials improved in the course of the day, there was clearly a lot of confusion and uncertainty about the procedures at the time of opening the polling stations.

In all fairness it should be said that the members of the PECs mostly worked hard and tried to do their best to administer the polling stations well. Regrettably, the lack of training and the deplorable state of preparations for the elections made their task extremely difficult.

6.2 The Rustavi case

One of the CLRAE teams was deployed to observe the elections in the city of Rustavi, in the vicinity of Tbilisi. When the team arrived in the centre of the city it found a large gathering of people outside the city hall. The team learnt that a bus transporting all the ballot papers for the city had been robbed by, allegedly, 40 armed men. The men had disappeared with the ballot papers. The thieves have to date not been identified. The incident shows a serious inability on the part of the state authorities to ensure a reasonably secure election process. The fact that the incident occurred at around 7.30 in the morning, i.e. 30 minutes after the official opening time of the polling stations, also highlights the problem of late delivery of ballot papers to polling stations. It goes without saying that such an incident constitutes a major setback for the already struggling Georgian democracy. The elections in Rustavi were cancelled on 2 June and held one week later instead. The rerun is reported to have been carried out without major incidents.

6.3 High number of persons on supplementary list

One of the observations made by the CLRAE teams was that the proportion of IDPs and other people not on the main voting list was very high in relation to the number of voters on the regular list. At some polling stations there were more names on the supplementary list at the end of election day, than there were names on the regular list. On the other hand, one of the CLRAE teams also observed a case where an IDP was refused to vote, although she could present a valid identity card.

6.4 Military voting

Notwithstanding the question of military voting already addressed in chapter 3.1 above, one CLRAE team in one instance observed an army unit marching into a polling station commanded by an officer. In these circumstances the freedom of choosing whether to vote or not is questionable and even the freedom of the vote may be deemed as uncertain.

6.5 Lack of order in polling stations despite unwarranted police presence

The scene at many of the polling stations that the CLRAE teams observed can only be described as chaotic. The polling stations were crowded, partly due to insufficient space but also partly due to nonexistent queue control. It was very difficult to distinguish election officials, observers and voters from each other in the crowds that filled the polling stations.

At the same time armed police officers were seen in and around the polling stations. The Electoral Code forbids armed police to be present inside the polling stations.

6.6 Campaigning inside the polling stations and campaign materials outside

In one polling station one of the CLRAE teams found a candidate who ran in the elections openly campaigning for himself. In others some of the persons present, though it was unclear whether they were proxies, observers or officials, told voters whom to vote for. In one particularly blatant case, the chairmen of a PEC seized a sample of notes that were handed out to voters with the numbers of the candidates they were asked to vote for.

As mentioned in chapter five above, most polling stations were still covered with campaign posters on election day, in blunt violation of the Electoral Code.

6.7. Evidence of family voting and fraud

Several of the CLRAE teams observed bundles of envelopes that had clearly been dropped together into the transparent ballot boxes. These bundles contained between four and ten envelopes each. The CLRAE team considers it more likely that these cases reflect so-called family voting rather than deliberate fraud by ballot box stuffing. This impression is further strengthened by the fact that at least one of these cases occurred in a village where the tradition of family voting is stronger than in cities. The CLRAE wishes to make clear, however, that it does not approve of family voting but insists that each individual should have the right to make a free and secret choice.

In addition, and related to the same issue, the CLRAE observers witnessed instances of one person carrying up to six passports and in other cases, the same person carrying 6-8 ballot papers.

One of the CLRAE teams observed the same voters casting votes in several polling stations, i.e. clear cases of fraud.

6.8 Counting votes

Generally speaking the procedures followed for the vote count at the polling stations did not follow the provisions of the Electoral Code. At several of the polling stations where the CLRAE teams monitored the vote count, there were more people participating in the count than the three provided for in the law, including, in at least one case, an election observer who was rather leading the vote count than observing it. Moreover, the election officials simply decided to send the results to their DEC when they had finished the count, although the number of votes cast according to the number of signatures on the voter list, the number of ballot papers used, number of ballot papers declared invalid etc. did not add up.

7. The election results

In Tbilisi, which in its capacity as capital and largest city is politically most significant, seven political parties crossed the 4% threshold set for parties to gain seats in the City Council. The results were, as below, the name of the party chairman is indicated after the name of the party, as well as the number of seats each party got in the Tbilisi City Council.

1. Labor Party of Georgia, Shalva Natelashvili - 25.5% - 16 seats. 2. National Movement, Mikheil Saakashvili - 23.75% - 15 seats. 3. New Rights, Levan Gachechiladze - 11.36% - 6 seats. 4. Christian-Conservative Party of Georgia, Zurab Zhvania - 7.27% - 4 seats. 5. Industry Will Save Georgia, Gogi Topadze - 7.13% - 4 seats. 6. Revival, Giorgi Targamadze - 6.34% - 3 seats. 7. Unity, Jumber Patiashvili - 4.13% - 2 seats.

The parties that failed to cross the 4% threshold include the Socialist Party - 2.94% of votes, the Citizens' Union - 2.52%, the election bloc of the People's Party and the Union of Georgian Traditionalists - 1.96%, and the National Democratic Party - 1.65%.

The nationwide results were not available yet as of 25 June 2002.

The turnout in Tbilisi was between 40 and 50%, the precise percentage depends on the source quoted. In the regions it was higher, exceeding 60%.

The fact that the Citizens Union did not do well in the elections has been used by the presidential camp as evidence against any accusations of rigged elections. Though the New Rights party, which has been said by some to be the new platform of the President, did well coming in third, it can hardly be considered as an outright victory as 11,36% against around 25% each for the two top scoring parties.

After the elections the CEC received over 50 appeals from political parties and majority candidates running in the elections. Some of these appeals regard alleged violations during the election preparations, other infringements of polling and counting procedures, forging numbers on election result protocols, appearance of police inside the polling stations, etc.

A number of political parties, including the National Movement, the Socialist Party and the NDP requested the CEC to recount the ballot papers in Tbilisi, but the request was turned down by the CEC. Subsequently the same parties lodged an appeal to the Supreme Court against the CEC's decision and requested that the Tbilisi results be declared invalid unless the ballot papers were recounted. The final decision has not yet been reached.

8. Press conference

Due to the start of the annual CLRAE session in Strasbourg, three of the CLRAE members in the observation team had to return to Strasbourg early Monday morning, but the spokesperson of the delegation, Mr Roppe, as well as Mr Borg, remained in Georgia with the secretariat staff and held a press conference on the day after the elections.

The press release issued, as well as the verbal comments made by the CLRAE team, expressed disappointment with the administration of the elections, in particular the inappropriate preparations and questionable decisions by the authorities.

The press conference was well attended by the Georgian press and the subsequent press reports accurately reflected what had been said at the press conference.

9. Conclusions

Regrettably the 2 June local elections in Georgia constituted a step backwards rather than forward for democracy in Georgia. There were severe shortcomings in the technical preparations of the elections, in particular with regard to the voting lists, but also with regard to the Electoral Code, which had not yet been amended to accommodate some of the essential recommendations made by the Council of Europe and the OSCE/ODIHR. The CLRAE noted with regret that the elections were rather seen as a test of popular support for the various political forces before next year's parliamentary elections, than as an exercise to elect genuine democratic local governments.

In the light of the above situation there is a strong argument that the elections should be rerun, at an appropriate moment, on the basis of a common agreement between the government and the opposition.

The few positive developments such as allowing IDPs the right to vote, transparent ballot boxes and envelopes for the ballot papers, risk going unnoticed when fundamental flaws remain in the electoral administration.

The number of cases of outright fraud directly observed by the CLRAE delegations, such as voters being moved between polling station to cast multiple votes, remained relatively low. On the other hand, the electoral administration left so many doors open for fraud that it is not possible for the CLRAE delegation to state that it did not occur on a larger scale.

As regards the legislative structure of local democracy in Georgia, the CLRAE expresses hope that Georgia, having signed the European Charter of Local Self-Government, will amend its legislation to allow all local and regional authorities to be elected directly by the people. For as long as the President has the power to appoint the district gamgebelis, and the mayors of Tbilisi and Poti, full local democracy cannot be achieved.

The elections revealed in an incontestable manner that Georgia is presently far from meeting its commitments as a Member State of the Council of Europe. Following the observation mission, the CLRAE observers wish to make the following primary recommendations to the Georgian Government:

Improve the legislative framework for elections

The Georgian Electoral Code has still not accommodated some of the more significant recommendations that the Council of Europe and OSCE/ODIHR have issued. Accommodating these recommendations aimed at, *inter alia*, depoliticising the CEC, would constitute a great step forward.

Apply the Electoral Code

Not even the current articles of the Electoral Code are strictly adhered to, in particular not the ones about the formation of the CEC. The CLRAE insist that adopted legislation must be implemented.

Improve the preparation of, and computerise, the voting lists

One of the worst features of the electoral preparations were the voting lists. Many persons were missing from the lists, whereas others were included many times. There were also numerous cases of deceased persons in the lists. Furthermore, hardly any dates of birth were included, which made positive identification of voters even more difficult. Many of the shortcomings of the voting lists could be relatively easily solved by computerising the lists. Computerising the lists would hardly constitute a prohibitive cost. While aware that certain legal considerations related to data protection may have to be addressed, the CLRAE delegation would nevertheless invite the Georgian authorities to examine how the results of the recent census could be used to improve the voting lists.

Amend the legislation to let all local and regional authorities be directly elected by the people, instead of in some cases appointed by the President

Although it must be considered as a step forward for local democracy in Georgia that the President is no longer entitled to appoint whoever he chooses to become district gamgebeli, but must pick one of the district sakrebulo members, it is still only limited progress. Full compatibility with the European Charter of Local Self-Government will only be achieved once all local and regional authorities, including the district gamgebelis and the mayors of Tbilisi and Poti, are directly elected by the people. In particular given that Georgia recently signed the Charter 29 May, the CLRAE expects the Georgian authorities to review the relevant legislation at the earliest.

Use ink or other safeguards to prevent multiple voting by same persons

Although the decision to let IDPs register until, and all through, election day was welcome as such, it also provided ample opportunity for fraud, as the safeguards against double registration of voters, and in particular IDPs, were weak. Introducing a system whereby voters be marked with ink would be advisable.

Ensure integrity of all stages of the elections, including security aspects

Incidents like the one in Rustavi when all ballot papers were stolen must not be allowed to happen. The integrity and security of the elections must be ensured while at the same time respecting the provision in the Electoral Code which bans armed police from the polling stations.

Provide election officials with adequate training

There was no budget available for training election officials for the 2 June elections, and even though some informal attempts were made to train the election officials, a lot more needs to be done to ensure a smooth and just election administration.

APPENDIX I

PRESS RELEASE:

Local elections in Georgia a disappointment, says Council of Europe's Congress

Tbilisi, 03.06.2002 – A delegation of the Congress of Local and Regional Authorities of the Council of Europe (CLRAE) observed the local elections in Georgia on 2 June 2002. Before election day the delegation met representatives of the Government, the Central Election Commission, various political parties and NGOs. On election day they visited numerous polling stations in Tbilisi and other municipalities, and observed the counting process.

As the only official international observers present, the CLRAE delegation noted with regret that the hopes for a fair electoral process were dampened by inappropriate preparations and questionable decisions by the authorities. In a rush to test the popular support for the various political forces before next year's parliamentary elections, they were unable to provide for the basic conditions for electing genuine democratic local governments.

Local authorities in Georgia continue to lack power or competencies, and are controlled by governors – “gamgebelis” in the rayons, or “mayors” in the towns of Tbilisi and Poti – appointed by the central authorities. The observers were shocked by the deplorable state of the voting lists and the unavailability of basic election material as late as the day before elections.

Chaotic scenes inside and around polling stations, the presence of armed policemen, the theft of ballot papers by an armed group in Rustavi only added to the observers' frustration. The hard work and devotion of local election commissions is wasted if the principles of local democracy, subsidiarity and the rule of law are not respected.

“The CLRAE delegation is disappointed that the democratic process in Georgia has so far failed to match the people's aspirations. The people of Georgia deserve better” – said Louis Roppe, leader of the observer delegation.

Members of the CLRAE delegation:

Joseph Borg (Malta)

Ayşe Bahar Cebi (Turkey)

Hildur Horn Oien (Norway)

Louis Roppe (Belgium)

Keith Whitmore (UK)

György Bergou

Mats Lindberg

Lia Tsitsuashvili (CoE Secretariat)

APPENDIX II - Declaration on local elections held in Adjara on 16 June 2002

The Georgian authorities' invitation to the Council of Europe to observe the local elections in Georgia included an invitation to observe the local elections in the Autonomous Republic of Adjara on 16 June.

Following that invitation the Adjara authorities repeatedly requested the CLRAE to send a delegation to observe the elections.

The CLRAE Bureau at its meeting on 6 June decided not to send an election observation mission to observe the local elections in Adjara.

On 10 June 2002 the Chief Executive of the CLRAE, Mr. Locatelli, by letter informed the Adjara authorities of the Bureau's decision.

The reason for not sending a delegation was that the CLRAE election observation mission which monitored the parliamentary elections and the elections for Head of the Autonomous Republic, held in Adjara held 4 November 2001, had established that although elections in Adjara are comparatively well organised, there is a regrettable lack of political pluralism prevailing in Adjara. The political landscape in Adjara is totally dominated by the Revival Union Party, which is the platform of the Head of the Republic, Mr. Aslan Abashidze.

Meanwhile Mr. Abashidze has allegedly stated in Adjara mass media that the reason for the absence of any CLRAE observation mission on 16 June was that CLRAE considered the elections of 4 November to have been of such high democratic standard that no further observation was needed.

Moreover, the Adjara authorities decided to refuse observer status to the National Democratic Institute (NDI), which is an American NGO with a permanent presence in Georgia. Mr. Tsotne Bakuria, Chairman of the Committee of Foreign Affairs, Mass Media and Public Relations of the Adjara Parliament, on 14 June sent an official letter to the Chairman of the Adjara Central Election Committee. In the letter he accuses the head of the NDI of deliberate provocation and spreading of disinformation. He also claims that the head of the NDI who was monitoring the 4 November elections had "received rather tactful and principal rejection from the delegations of the Council of Europe and the Assembly of Regions" regarding participation in the 5 November press conference on the findings of the observation mission.

The CLRAE enjoys good working relations with NDI and the above statement is under no circumstances true.

In conclusion, the CLRAE does not wish to, with its presence, legitimate such non-pluralistic elections as the ones held in Adjara, even if the elections are carried out in a technically satisfactory manner.

APPENDIX III - Observation of the local elections in Georgia 30 May – 4 June 2002

Programme

Thursday, 30 May

13.00 – 14.30 Mr Nicolas Kaczorowski and OSCE/ODIHR election advisers

(Venue: CoE Office)

15.00 – 16.15 Mr Jumber Lominadze Central Electoral Commission

(CEC Office, Rustaveli ave 29)

16.30 – 18.00 Mr Mark Mullen NDI (venue: CoE Office)

18.30 – 19.30 Mr Zviad Tchumburidze Deputy Minister of Foreign Affairs,

Mr Mamuka Jgenti Deputy Director of International Legal Department, MFA (venue: MFA)

Friday, 31 May

9.30 – 10.30 Mr Gela Kvaratskhelia, Mamaladze Wing of the Citizens Union of Georgia (venue: tbc)

10.30 – 11.30 Mr Gogi Topadze Industry Bloc "Will Save Georgia"

(venue: CoE Office)

12.00 – 13.00 Mr David Gamkhrilidze, Mr Vasil Kentchishvili, Ms Tea Kentchadze (EC) - Political Union New Rights (venue: CoE Office)

13.15 – 14.30 Lunch

14.30 – 15.30 Mr Jemal Gogitidze, Mr Giorgi Targamadze, Mr Giorgi Tabidze,

Mr Archil Morchiladze (EC) - Bloc "Revival – XXI" (venue: CoE Office)

15.30 – 16.30 Mr Mikheil Saakashvili Bloc "National Movement – Democratic Front" (venue: the party's HQ, 9 Beridze St)

16.45 – 17.45 Ms Irina Tsintsadze Public Information Centre Alternative

(venue: CoE Office)

18.00 – 19.00 Mr David Khipiani Fair Elections (venue: CoE Office)

Saturday, 1 June

9.00 – 14.00 Visit to deployment areas, possible meetings with local election commissions and candidates

16.00 – 17.00 Mr Zurab Zhvania Georgian Christian Conservative party – Zhvania's group (venue: the party's HQ, 4a Marshall Gelovani St)

17.30 – 18.30 Mr Levan Ramishvili Liberty Institute (venue: CoE Office)

Sunday, 2 June

Early morning: deployment of observer teams

During the day: visit of polling stations, observation of elections and counting

(Tbilisi; Rustavi, Dmanisi, Bolnisi, Marneuli; Gori, Kaspi, Khashuri) Evening: Return to Tbilisi, initial debriefing

Monday, 3 June

14:30 Press conference at the CoE Tbilisi office

¹ Please see Annex 3 about the Bureau's decision not to send observers to Adjara.