

Caucasus ELECTIONSWATCH

A weekly review of elections related processes in the Caucasus Region

30 October 2012

Comment

The significance of the Georgian political earthquake is still sinking in.

It has been a month since the 1 October Georgian elections which resulted in a landslide victory for the Georgian Dream coalition of Bidzina Ivanishvili.

In terms of Georgian politics, and indeed region wide, this has been a political earthquake. Not only has an incumbent government in the region been defeated through the ballot box for the first time, and not only has the transfer of power been done in a by and large proper fashion. It is also an earthquake because very few saw it coming.

Many diplomats in Tbilisi are with egg on their face. Their political reporting to their respective capitals over the last year failed to prepare their governments for the change of power. This flaw is particularly acute amongst Embassies of the European Union member states and institutions. The somewhat clumsy way in which the EU acted in the period immediately before and after the election raises some questions. Lessons need to be learned because if people think that this has not been noticed they are wrong.

It is however also now time to turn the page and open the next chapter in relations between the EU and Georgia. There is a lot of good will on all sides, and this needs to be brought quickly to tangible fruition. The EU needs to catch the moment and ensure that the promises about democracy and human rights of the new government are strictly adhered to now that they have power. Conditionality is in that sense more important than ever. However there is also a need to ensure that promises and carrots dangled before the elections by European officials now translate themselves to actual benefits for the Georgian people. Georgia still has serious economic problems. Its population is one of the poorest in Europe. Assistance to Georgia needs to be more intelligent and more targeted than perhaps has been the case so far.

There is an air optimism amongst many people in Tbilisi these days. The Georgian "dream" however needs to become a Georgian reality soon for the disappointment otherwise is going to be equally shattering. ■

Source: This comment was prepared by the editorial team of Caucasus Elections Watch.



The Azerbaijani authorities are proposing to increase penalties against those who participate in unauthorized rallies ahead of presidential elections in October 2013. Azerbaijani civil society groups are critical and the international community is not impressed. See full report on pages 4-5.

Caucasus Elections Watch is a specialised weekly publication focusing on elections related processes in the Caucasus, with news and analysis compiled by experts with long experience of the region.

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Kutaisi

The Georgian Parliament on Thursday, 27 October 2012 approved the new Georgian government headed by Bidzhina Ivanishvili as Prime Minister. The Parliament also approved the new government programme.

Ivanishvili nomination as Georgia's Prime Minister took place after a vote in which 88 members in favour and 54 voted against. This means that at least three members of the opposition UNM voted in favour of the new government. Eight members were either absent or abstained.

The oldest cabinet member is a writer Guram Odisharia, 61, minister of culture and the youngest one is the interior minister Irakli Garibashvili who is 30 years old. There are three female ministers in the new cabinet. ■

Washington

President Barak Obama has congratulated the new Georgian Government led by Bidzhina Ivanishvili.

U.S. Ambassador to Georgia, Richard Norland, hand delivered the message on October 29 to the new Prime Minister.

"The election was a historic milestone for your country and demonstrated to the world that Georgia has become a vibrant democracy," the letter reads. "Your government now inherits the task of moving forward to solidify and advance Georgia's democratic and economic reforms. This will require the government, parliament, and presidency to move past the contentious election and transition period and work together constructively to pursue policies that are in the best interest of all Georgian citizens. I understand from Ambassador Norland that this is your preferred approach, and in this you have our continued support."

"Since Georgia's independence more than 20 years ago, the United States has supported its democratic transition and Europe-Atlantic aspirations. At the outset of your tenure as Prime Minister, we recommit to our strong partnership and look forward to deepening our relationship in the years to come," reads the U.S. President's letter. ■

Batumi

The inaugural meeting of the Supreme Council of the Adjara Autonomous Republic, an autonomous entity within the Georgian state took place in Batumi on 28 October. In the elections for Adjara's local legislative body, the Georgian Dream received 57.55% of votes in the proportional, party-list contest against the United National Movement's 36.94%. Georgian Dream coalition won 13 seats in the Supreme Council and rest of the 8 seats were taken by President Saakashvili's United National Movement party.

Prime Minister Ivanishvili, who attended inaugural session of the Adjara's Supreme Council, proposed 31 year old Archil Kahabadze as Head of the Adjara government. Ivanishvili said that Khabadze "is a very good manager" and that his young age was his "only weakness"; but he also added that this weakness would turn into his advantage "as he will have more energy" to tackle challenges.

Ivanishvili also said that empowering local self-governance was one of the major priorities for his government. "Regions should rule themselves," he said and added that as an autonomous republic, Adjara should have more powers to tackle local issues, than other regions. "Decentralization should take place as soon as possible, but it should also take place gradually in order not to ruin and spoil anything," Ivanishvili said.

Other five parties, which were running in the Adjara elections, failed to clear 5% threshold required for endorsing candidates in the Supreme Council. Christian-Democratic Movement received 2.82%; Labor Party – 1.28%; New Rights Party – 0.55%.

Georgian Dream majoritarian candidates won in three out of Adjara's six single-mandate constituencies (Batumi; Kobuleti and Khelvachauri); other three constituencies have been won by the United National Movement candidates (Keda; Khulo and Shuakhevi).

source:CEW with civil.ge

Great Expectations. Georgian society waits for its new government

Protesters welcomed the first session of Georgian lawmakers in the new parliament building in Kutaisi on Sunday, 21 October. The demonstrators, which consisted mainly of students and youth activists according to reports from dfwatch.org, stood outside of the new parliament building in Kutaisi greeting members of parliament with demands for better working conditions for a wide range of workers on strike over the past couple of weeks in Georgia and a modernisation of the Labour Code.

Youth activists held signs reading “A worker is not a slave” and “Solidarity with workers.” The demonstrators were protesting what have been described as “slave-like” conditions for many of Georgia’s manual labourers, with dismal salaries and abysmal protection for employees.

Since the confirmation of the change in government, workers across the country have been on strike demanding increased wages, more dignified working conditions, and formal labour contracts.

The wave of strikes began with mine workers in Chiatura a couple of weeks ago and has since spread to energy workers in Tbilisi, and factory workers in Borjomi. National railway workers also went on strike for two hours on Wednesday, paralysing the central station in Tbilisi. Dock workers in the port city of Poti on the Black Sea have threatened mass strike action beginning on 1 November if their demands are not met.

The youth activists in solidarity with the workers are demanding an amendment to the Georgian labour code which they argue is heavily biased towards employers offering little recourse for

employee grievances or protection. For those who could not leave the capital last Sunday, a parallel protest was held at Tbilisi State University in solidarity with the miners.

Georgian civil society, invigorated during the campaign period as well as with the change in government, is maintaining its momentum demanding the new government fulfil its promises for greater social justice and better living conditions for citizens across the country.

So far, the government has remained fairly quiet with regards to the strikes.

However, the government appears to be taking decisive action with regard to prison reform following the mass public outrage on the heels of the prisoner abuse scandal which erupted at the end of September, a week ahead of the parliamentary elections.

There have been talks about an amnesty for a number of Georgian inmates, potentially half of the over 23,000 currently in prison. Though exact details have not been provided, Sozar Subari, the incoming Prisons Minister, said it will likely be applied at first to underage and female prisoners, those who are serving sentences for minor crimes and prisoners whose health is in critical condition. Moreover, the new government has announced that it plans to do away with the system of administrative detention, which allows for an individual to be incarcerated for up to 90 days without due process.

Activists and civil society representatives are still demanding a comprehensive review into the prison system in Georgia along with appropriate action to be taken against those who perpetuated or were involved with violence and torture. ■



Ahead of Presidential e Azerbaijani government legislation on public pr

Following the “unauthorized actions” held in Baku on 20 October, lawmakers in Azerbaijan are contemplating tougher penalties which they claim will encourage a greater sense of responsibility by activists and protect human rights.

The parliamentary committees for “Legal Policy and State building”, and “Human Rights” held a joint session on Tuesday, 23 October, to discuss amending the legislation surrounding freedom of assembly in the country. Members of Parliament are concerned that these so-called “unauthorised actions” have been on the rise in recent years in Azerbaijan, and have a negative impact on Azerbaijan’s international image. This trend, the lawmakers argue, is likely a result of the fact that the penalties just are not a big enough deterrent for protesters.

The Chair of the Human Rights Committee, Rabiyyat Aslanova, expressed that these proposed changes to the legislative framework are necessary to protect human rights in Azerbaijan.

Rafael Jabrailov, who sits on the Committee for Legal Policy and State Building, expressed that to curtail these kinds of actions, the current legal framework should be amended to enable administrative action to be taken against not just the organizers of these “illicit meetings” but also the participants.

“Organisers cannot control everything and be responsible for [every] member,” he noted.

Criminal acts, added Rovshan Rzayev, the deputy chairman of the Committee on Legal Policy and State Building, are facilitated by low fines.

Jabrailov suggested that fines for participating in unsanctioned mobilizations be increased. Current fines for simple participation in a demonstration range between seven to thirteen Azerbaijani manat, about nine to fifteen US dollars, and 300 to 500 manat if these protests “cause significant damage to the freedom, rights and interests of others.” According to his proposed amendments, the fine for the latter offence would increase to between 5000 and 8000 manat if the meeting was not authorized by the appropriate authorities, approximately six to nine thousand US dollars. The fines would also increase if weapons or explosives are used during the demonstration as well as for “gross violations of social rules and disobeying lawful demands of the authorities.”

The proposed amendments will be sent to parliament for further deliberation.

Earlier, Ali Hasanov, the head of the Social and Political Department of the Presidential Administration, called upon the youth of Azerbaijan “with common sense” to socialize their “irresponsible peers who do not obey the law enforcement bodies’ call in the spirit of observing legal requirements.”

Hasanov appears to have brushed off the 20 October protest as that of the reckless passions of youth, noting that both youth activism and its subsequent suppression is a frequent occurrence the world over.

“First of all,” noted the government official, “we assess this as [the] irresponsibility of these young people and those who incite them to do this. Such actions cannot shake [the] Azerbaijani state, hinder the activity of the police or disrupt the existing stability.”

Not wanting to trivialise the consequences of these kinds of activities, Hasanov continued, “if it will continue to happen, we will once again suppress them.”

The amendments will certainly not be well received by civil society and the opposition in Azerbaijan who are decrying the arrests and fines imposed following the anti-corruption protest on 20 October in Baku and asking the international community to condemn the crackdown.

Azad Ganjlik, an independent youth organization, released a statement early last week demanding the release of those arrested, including the chair of their organization, Ulvi Hasanli, who was sentenced to eight days in administrative detention. The youth group argues that the protesters acted within the framework of the law on freedom of assembly and condemn the arrest and detention of peaceful protesters. Moreover, Azad Ganjlik has presented the case that the Baku City Council’s decision to outlaw the demonstration was in fact illegal.

Election Monitoring and Democracy Studies Center Chairman Anar Mammadli said that “The draft law on additions and amendments to the law “On Freedom of Assembly”, Criminal Code, and Code of Administrative Offices, submitted to Azerbaijani Parliament by Rafael Jabrayilov, is directed at aggravating the legal regulation on restrictions to citizens’ right to freedom of assembly. Because, the draft law intends to make sharp increases in the amount of fines for citizens who have the

elections in 2013 the nt proposes to tighten rotests.

right to hold quiet protest actions that are prohibited by the Azerbaijani government. This doesn't comply with principles regarding the country's obligations on restriction to freedom of assembly in front of Council of Europe and OSCE.", - he said.

He also said that the current law "On Freedom of Assembly" doesn't regulate Azerbaijani government's duties regarding quiet protest actions; the regulations don't comply with Council of Europe and OSCE standards. Besides, the law empowers the Azerbaijani government to set up prohibitions to freedom of assembly. Nevertheless, a group of citizens can hold quiet protests with or without advance notice, and the state cannot put restrictions on quiet protest actions if they are not aimed at violating social order, damage the environment and safety, commit violence, or incite religious, political or racial discrimination, and the protests are not held at the same place and time as other actions. Unfortunately, more legal bases are created to put restrictions to freedom of assembly, rather than taking Council of Europe and OSCE's approaches to such kind of protest actions. In this regard the penalties mentioned in the proposed draft law cannot be considered fair, legitimate and proportional with the obligations of the state, he said.

Mammadli also said that at the moment, there is no public need to discuss such kind of draft law without the government doing anything to soften provisions of the law "On Freedom of Assembly" to lift obstacles to citizens who attempt to hold quiet protest actions. "This draft law also contradicts the Constitution of the Republic of Azerbaijan, the European Convention on Human Rights and Freedoms, the OSCE Copenhagen Document, and the Council of Europe's basic principles on freedom of expression and freedom of association, which is are an integral part of freedom of assembly. In this regard, first of all, the draft law must be sent to Venice Commission of the Council of Europe, and Office for Democratic Institutions and Human Rights of OSCE to get feedback, and then must be included in the agenda Azerbaijani Parliament for discussion," he said ■

Report prepared for CEW by Karina Gould



Young protesters being detained by police following an unsanctioned protest in the centre of Baku on 20 October. The government is hoping that stiffer penalties will make potential protesters think twice.

“Developmental Observations for measuring democracy: missions or a means of glory?”

“A more sophisticated and perhaps fairer way of observing elections is also to take into account the direction of political developments,” notes a recent paper released by the Caspian Information Centre (CiC), a privately funded research group based in London dedicated to the study of the Caspian region, in a critique of the electoral observation regime currently in place.

The paper, titled “Oh Dear, ODIHR! Why the OSCE’s Election Monitors Don’t Always Get It Right”, takes aim at the contemporary framework and tools to assess democratisation, particularly with regard to Azerbaijan. The authors of the paper suggest that instead of focusing on the “gold standard” of elections – a standard most “established” democracies such as the United States and Great Britain would not meet – it might actually be more useful to implement what is referred to as “Developmental Observation”.

This technique “assumes that what is important is the way things are moving, rather than how they appear in a snapshot.” Essentially the Caspian Information Centre is appealing for a kind of observation that notes progress towards democracy and not just whether the elections under question meet a democratic “check-list.”

“The reality,” it is argued, “is that within little more than a decade, Azerbaijan has made a start in laying the foundations of a functioning democracy against a background of dramatic and sometimes painful change.”

The very fact that certain changes have been made, even if they appear to be minor from the outside, “[t]o ordinary voters at least, and particularly to members of Azerbaijan’s emerging middle class,” argues the CiC report, “such changes are likely to seem worthwhile and perhaps even “meaningful”.”

While at first glance this criticism of the OSCE/ODIHR electoral observation regime might seem fair, the CiC report does concede that the OSCE observation reports do emphasise the progress and positive steps made towards democratisation, they just happen to

be in the weeds of detail as opposed to in the executive summary.

The OSCE/ODIHR report in fact does take “developmental” observation into account – the fact of the matter is that it simply did not observe much democratic development to report on in the 2010 parliamentary elections.

The OSCE “Final Report” for the 2010 Parliamentary Elections begins, “[while] the 7 November parliamentary elections in the Republic of Azerbaijan were characterized by a peaceful atmosphere and all opposition parties participated in the political process, the conduct of these elections overall was not sufficient to constitute meaningful progress in the democratic development of the country.”

In response to the OSCE’s assessment of the 2010 parliamentary elections, the CiC report states, “if the maintenance of order and the willingness of the Opposition parties to participate wholeheartedly in the democratic process do not constitute “meaningful progress”, it is difficult to know what would.”

The above statement is proven fairly meaningless in light of the fact that the opposition parties are again in discussions as to whether they will boycott the October 2013 presidential elections, as they did in 2008, given the dismal electoral conditions of 2010, when as the Public Chamber, a pro-democracy coalition in Azerbaijan, reminds us, that not a single seat was won by an opposition party.

While it is true that there have been slight (token?) advances towards a thicker notion of democracy in Azerbaijan, for example the fact that “43 of the 172 candidates who had been denied registration and appealed were reinstated” or that “the share of female candidates increased from 10 to 13 per cent compared to the last parliamentary elections,” noted in the CiC paper, the reality is that Azerbaijan remains a highly centralised and authoritarian state, not one that many independent organisations would call “democratic.” In fact, Freedom House, an NGO dedicated to promoting freedom around the world, consistently categorises Azerbaijan as “Not Free”. Azerbaijan was actually classified as

tion,” a new yardstick y in electoral observation ossing over realities?

receiving a downward trend in 2012 from Freedom House “due to widespread attacks on civil society, [...] restrictions on and violent dispersals of public protests; and unlawful evictions of citizens from their homes.”

To be fair to the CiC, they do not outwardly refer to Azerbaijan as a democracy, but the allusion is made that the current authorities are a reflection of the will of the Azerbaijani people. The paper criticises the OSCE verdict for not taking “into account the evident desire of the majority [of Azerbaijanis] to follow the course set by Heydar Aliyev, and continued by his successor [his son Ilham Aliyev], that has brought stability, greater economic freedom and rising living standards” (italics added). The CiC piece goes

on to suggest that “many Azeris may have concluded that ‘political vibrancy’ [a criteria the OSCE report deemed to be lacking in Azerbaijan] is something they are prepared to forgo.” Finally, the CiC concludes that “[w]hatever flaws are identified by the OSCE/ODIHR and other election observers in the conduct of the election, it seems highly likely that the election will give Azerbaijani people the head of state that they want.”

It is always difficult to assess public opinion in places where it is highly controlled, and this author would argue, a misleading endeavour.

It is possible, of course, to point to “advances” in democratisation, but most of these are complimented by equally repressive actions. For example, while there has been much more “internet freedom” in recent years, this trend has been paralleled by an increase in arbitrary arrests of political bloggers.

Moreover, just last week upwards of 70 opposition activists and supporters were arrested in Baku for “unauthorised activities”, a.k.a. an anti-corruption protest. The Azerbaijani parliament is even entertaining a motion to stiffen penalties for those who participate in these “unauthorised activities.”



ODIHR election observation of the 2007 elections in Armenia

The CiC report seems to be most concerned that foreign governments and businesses might take these criticisms too seriously and thus not recognise the significant progress that Azerbaijan has made since the fall of the Soviet Union. This progress, however, seems to be centred much more around energy exploitation and economic reforms, rather than an honest attempt at political reform or human rights protection.

While it is true that the OSCE and its democratic assessment methods are by no means perfect, let’s not throw the baby out with the bathwater. If democracy and democratisation are endeavours that OSCE member countries aspire to, then certain standards and benchmarks must be established on which to assess how democratic a country is.

Certainly there is a case to be made for recognising progress and giving credit where credit is due, however, this should not deter from making valid criticisms of practices that defy democratic and human rights standards as accepted and promoted by the international community. ■

Report prepared for CEW by Karina Gould

Ivanishvili confirmed as Prime Minister, promises to resign in year and a half.

It's not often that you hear from a political leader that his or her intentions are to resign from politics just as they are getting started. This, however, is precisely the case with newly elected Georgian Prime Minister Bidzina Ivanishvili. The billionaire businessman turned politician has repeated consistently since he entered into the public eye, just over a year ago, his intent to exit public life once he had achieved his goals. According to his plans, he is well on his way to accomplishing them and has already announced his exit strategy.

"Not in two years but earlier, I might leave politics in a year and a half," the new Prime Minister informed the parliament in response to a query from United National Movement (UNM) Member of Parliament Giorgi Karbelashvili on Wednesday afternoon during a question and answer session with the leader of the Georgian Dream. The UNM, now in the official opposition after 9 years in power, was questioning the leader of the Georgian Dream coalition about the new government's agenda and goals.

The businessman turned politician had said on a prior occasion that he only intended to stay in politics for two to three years. He continued that he has already been active in Georgian politics for a year, as an opposition leader, which gives him a bit less than two years left according to his timetable.

Ivanishvili told journalists there are three stages to his political life after he was confirmed by the Georgian Parliament on 25 October as Prime Minister, along with his coalition's cabinet choices, with 88 votes in favour and 54 against – the UNM voting almost unanimously to reject the Prime Minister and his team. The first stage, he said, had been accomplished; the Georgian Dream had taken office. It is now time, he said, that the second stage, the deliverance of political promises, to begin. "We have assumed a heavy burden. We have given lots of promises, but I assure the Georgian population that we will do much more [than promised]."

The third stage will begin in approximately 18 months from now when he leaves politics. Though his departure from elected government, he made clear, would not involve his abandonment of public life altogether. Instead it will mark his entrance into civil society. Ivanishvili promised that he would dedicate the "rest of [his] life to [the] development of Georgian civil society."

"I do not abandon responsibility for promises I have given, and I plan to remain as one of the active members of civil society," he clarified. Ivanishvili expressed his desire to help Georgian civil society overcome its lack of political experience, adding that his intentions were to help Georgia continue on the path towards developing a more European style of society.

Ivanishvili also presented the new government's programme to the Georgian parliament after his confirmation. The plan, "For [a] Strong, Democratic, and United Georgia," involves several of the key issues highlighted over the course of the election campaign. The central themes included the decoupling of politics and law enforcement, as well as fostering media and judicial freedom, the implementation of universal healthcare, education and pension reform as well as the announcement of an agricultural subsidies programme and a policy of economic liberalisation. The new Prime Minister emphasised his desire to develop free trade relations with Europe and the United States, as well as find opportunities for cooperation with Russia. With regard to Russia, Ivanishvili made it clear that official relations with Russia would remain contingent on their retreat from Georgian territories, a policy continued from the previous regime.

The UNM remained critical of the government that it had not provided exact details or a clear timeframe for the implementation of these plans. The government responded that these would be forthcoming. ■

Report for CEW by Karina Gould.