

Caucasus ELECTIONSWATCH

A weekly review of elections related processes in the Caucasus Region

23 October 2012

High hopes as committed democrat takes over key post.

The election of David Usupashvili as Chairman of the Georgian Parliament sends an important signal that the new Georgia embraces the rule of law.

In one of its first decisions after reconvening after the historic 1 October Parliamentary elections, the new Georgian Parliament elected David Usupashvili as its new Chairman. The election of Usupashvili sends a strong signal to Georgian citizens, and the international community at large that the new Georgian government will respect the rule of law and will submit itself to proper parliamentary scrutiny.

Usupashvili has for the last two decades been a major figure in the struggle for human rights, democratic values and the rule of law in Georgia. He was one of the founders of the Georgian Young Lawyers Association, and later joined the Republican Party, a small but influential political group that has strong liberal values. Usupashvili is credited with turning the party from a small fringe group to a key player in Georgian politics. Despite considerable internal soul searching Usupashvili persuaded his party last year to join the Georgian Dream coalition established by Bidzhina Ivanishvili.

Political observers consider the election of Usupashvili as one of the most significant moves of the new government. Usupashvili is known to be a stickler for respect of the rule of law and constitutional propriety. After years when the law was used by the government as simply a tool of power many consider that strong parliamentary oversight is necessary to bring the country to strong legal foundations.

In his acceptance speech Usupashvili told lawmakers that the new Parliament should put an end to a practice of legislative body being "submissive" to government. "Healthy competition and polemic with government – that's not only up to the parliamentary minority, but up to the parliamentary majority as well," he said. Usupashvili said that the new Parliament should help eradicate, what he called, "shadow governance". "UNM achieved successes in number of directions and one of them was curbing shadow economy, but shadow governance was established when decisions were made through bypassing laws and democratic procedures," he said.

He thanked Georgia's western partners for their "diligent, well-thought work" in run-up to the October 1 parliamentary elections and said that after the Georgian people itself, it was the international community which played a huge role in peaceful transfer of power based on election results.



"[In the run up to elections] emotions were running high and there was a high probability of making mistakes by the both sides. Our friends from the U.S., Europe and others did their best in confirming their friendship to the Georgian people and not to any specific political leader... With their timely advices, monitoring it was made possible to do what we managed to do [peaceful transfer of power after the elections]," Usupashvili said.

He, however, also said that what was happening before the October 1 parliamentary elections should not be forgotten. "Full-scale violence against the opposition, media and voters was underway," he said. He said that truth should be established and that should happen not because "to fill the prisons", but in order not to make the same mistakes in the future.

"For us zero tolerance means not sending everyone to jail, but establishing the truth," he said. "Numerous violent crimes have been committed in some cases with orders from high-ranking officials." "Such cases should be investigated, but in no way we should go beyond limits," he said, adding that while seeking for justice this process should not be used as a pretext for personal revenge. For that reason, he said, the process should be carried out in close scrutiny from media and civil society organizations.

"Those times when winners had the right to do everything and losers were left to their fate should now be over," Usupashvili said.

He also said that change of constitution and creating "firm constitutional system" wherein it would become difficult to amend constitution and tailor it to specific political goals would be one of the priorities of the new Parliament. ■

Source: Caucasus Elections Watch with further reporting from civil.ge.

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Kutaisi

At its inaugural session held on 21 October in its new building in Georgia's second city, Kutaisi, the new Georgian Parliament elected the Chairman, Deputy Chairmen and Heads of the Standing Committee.

After electing David Usupashvili as its new Chairman the Parliament also chose five Vice Chair persons and fifteen Heads of Committee.

Four of the Vice Chairpersons are from the majority Georgian Dream coalition: Manana Kobakhidze of Bidzina Ivanishvili's Georgian Dream-Democratic Georgia (GDDG) party is the first vice speaker. The others are Zviad Dzidziguri, leader of Conservative Party, part of the GD coalition, Zurab Abashidze of Our Georgia-Free Democrats (OGFD) and Adjaran OGGD MP Murman Dumbadze.

Parliamentary minority was eligible to one post of the vice speaker, which was taken by UNM MP Giorgi Baramidze.

The Parliament also selected the following as heads of committees:

- Committee for Agriculture – Gigla Agulashvili of the Republican Party;
- Committee for Human Rights – Eke Beselia of GDDG;
- Committee for Education, Science and Culture – Ivane Kiguradze of GDDG
- Committee for Environment Protection and Natural Resources – Zurab Zviadauri of GDDG,
- Committee for Sector Economy and Economic Policy – Zurab Tkemaladze of Industrialist, ;
- Committee for European Integration – Victor Dolidze of OGFD;
- Committee for Defense and Security – Irakli Sesiashevili of GDDG;
- Committee for Legal Affairs – Vakhtang Khmaladze of the Republican Party;
- Committee for Regional Policy, Self-Government and Mountainous Regions – Irakli Tripolski of GDDG;
- Committee for Foreign Affairs – Tedo Japaridze of GDDG;
- Committee for Procedural Issues and Rules – Irina Imerlishvili of GDDG;

- Committee for Finances and Budgetary Issues – Davit Onoprishvili of OGFD;
- Committee for Sport and Youth Affairs – Leri Khabelov of GDDG.
- Committee for Healthcare and Social Issues – Dimitri Khundadze GDDG;
- Committee for Diaspora and Caucasus issues - Gubaz Sanikidze of the National Forum

Some committees consist of 14 members and others of 12 members. In those committees where number of seats is 14, eight seats should be taken by representatives from the Georgian Dream coalition, rest will go to UNM lawmakers. In committees with 12 seats, seven members will be from GD coalition and others from UNM. A chairperson of each committee can have three deputies one of which should be a representative from UNM. ■

Tbilisi

Georgian law makers are baffled with how to deal with one of the last decisions of the previous Georgian government which saw the appointment of the ombudsman Giorgi Tugushi to the post of Minister responsible for the penitentiary system at the height of the prisoner's abuse scandal. Up to now the post was regarded as vacant and there was already debate going on about a new appointee.

But it emerged on Sunday that after becoming minister, Tugushi did not formally resign from the post of the Public Defender, which means that technically he is still a human rights ombudsman, actually simultaneously holding two incompatible offices – one as Public Defender and another one as acting minister in the outgoing government.

Reporting on this bizarre situation to the Parliament on its first day the new Parliamentary Chairman David Usupashvili said that he spoke with Tugushi and added that the latter confirmed to him that he had not filed for resignation from the post of Public Defender. Usupashvili also said that consultations would take place to decide how to address this situation. ■

source:CEW with civil.ge

Dozens arrested in Baku during unauthorised opposition rally.

Approximately fifty activists are thought to have been arrested and detained following an anti-corruption protest organised in Fountain Square in downtown Baku on Saturday 20, October.

The protest, which was organised by opposition political parties and youth groups, began at 15:00 on Saturday and lasted for two hours, according to a post on the "Azerbaijan Agenda" Facebook. The demonstrators were calling for the dissolution of parliament following the release of a video at the end of September showing a member of the Azerbaijani Parliament demanding a \$1.3 million bribe from a former university rector in exchange for a seat in parliament.

The opposition had filed an application for the rally shortly after the video was made public, however, as reported in CEW last week, Ali Ahmadov, the Deputy Chairman and Executive Secretary of the governing New Azerbaijan Party (YAP), confirmed the request for the protest event were not approved by the Mayor's office, however the organisers went ahead with the protest regardless.

Razi Nuruyallev, Deputy Chairperson for Foreign Affairs with the Popular Front Party of Azerbaijan, wrote on the Facebook page for Azerbaijan Agenda that even though the Municipal authorities of Baku refused to approve the plans for the rally, recommending the organisers change the location to somewhere outside of the city centre, "the event organisers decided that the Baku mayoralty decision was illegal and will protest in the [city] centre."

Nuruyallev explained that the rally, which was supported by opposition parties and the Public Chamber, a pro-democracy coalition of political parties, had been planned already two weeks before and that thousands had been informed via social networking sites and invited to participate.

From the beginning police intervention was anticipated, according to Nuruyallev's post - likely a result of the warning police issued to protesters that they would immediately break up any rally-related activities.

Protesters were being targeted already by 14:00, an hour before the rally was set to begin, according to reports from Azadliq.info, an opposition media outlet in Azerbaijan. It appears that these initial arrests were primarily of members of the youth wings of the opposition Musavat and Popular Front Party.

Isa Gambar, the leader of the Musavat Party, said that several members of his party were also arrested on Saturday upon leaving a meeting at the party headquarters in the capital. These members, notes Gambar, were completely unconnected to the

A protestor being detained by police in Baku at an unauthorised rally on Fountain Square on 20 October 2012. Photo courtesy of Mehman Husseyinov



protest. His son, Turgut Gambar, was amongst the youth leaders arrested in Fountain Square.

"We consider the refusal to let the youth action go ahead as a gross violation of the law by the authorities," said Gambar, emphasising the authorities immediate reaction was to use "repressive methods."

Police waited a mere ten minutes before they began to break-up the demonstration and arrest participants.

A video of the protest posted on rferl.org, shows activists being arrested and detained by both plain clothes and uniformed police officers. At one point a woman is heard screaming and seen to be crying, in what appears to be a result of the use of pepper spray by police against the young activist. Police had at least two vans and a public bus ready to take the protesters to detention. At one point in the video, police officers dressed in riot gear are seen to form a human chain in an attempt to encircle the remaining rally goers.

About 200 activists, both young and old, demonstrated in the centre, according to Trend.az. Many were carrying banners demanding the immediate dissolution of the parliament on the heels of the video evidence of seat-buying, a trend, many opposition activists assert, is pervasive in the Milli Majliss, the Parliament of Azerbaijan.

Police have not released any information as to the number of arrests made Saturday afternoon; however, estimates by opposition parties and youth groups place the number as high as fifty. The protests had been suffocated by 17:00.

According to the most recent post by Nuruyallev, opposition activists had been sentenced to between 7 and 10 days in prison. Furthermore, several opposition politicians received fines between 10 and 25 USD for their participation in Saturday's activities.

The rally was the first public demonstration attempted by opposition forces since the protests organised in the wake of the Eurovision song contest in May, which were also broken up by the authorities. ■

Report prepared for CEW by Karina Gould.

Collapse of UNM monopoly of power reflects itself in media changes in Georgia.

October has seen not only a change in government in Georgia, but also a change in the media environment in the aftermath of the parliamentary elections. The pressing question is whether these are substantive changes taking Georgia towards greater media freedom, or whether these are cosmetic changes, reflecting the realignment of the Georgian media to the new political stripes of government?

The Georgian media environment has often been labelled as partisan and polarised, a situation, warns Georgian NGO Transparency International-Georgia (TI-Georgia) in a recent assessment, that is likely to continue for the foreseeable future.

Waves have been made in the media landscape as two of the main independent, pro-government TV stations, Imedi and Real, have announced changes in ownership, and a third, Rustavi 2, is undergoing claims of ownership by its previous owners, a trend some commentators hope is demonstrative of a new, more independent and critical media situation.

Imedi has been “returned” to the family of its original owner and founder, Badri Patarkatsishvili. Imedi was initially instrumental in supporting Saakashvili’s rise to power in 2003 during the Rose Revolution, however, soon became critical of the UNM government, resulting in first, Imedi’s support for anti-government protests in 2007 and then Patarkatsishvili challenging the incumbent President in the 2008 Presidential elections. A week after his controversial defeat, Patarkatsishvili died of heart failure in London. Shortly after Patarkatsishvili’s death the TV station was taken over by Joseph Kay a distant relative of the media mogul and run by Giorgi Arveladze, a long-time ally of President Saakashvili.

“I hope that we will again make this channel balanced, impartial, and free,” said Ina Gudavadze, the widow of the founder of Imedi during her announcement to staff at Imedi of the return of the company to her family. Gudavadze confirmed on Friday that she paid a symbolic 3 GEL for the company – 1 GEL to each of the three main owners. The company apparently owes almost 14 million GEL in unpaid taxes.

Real TV, on the other hand, was sold by owner Lia Dolidze to Lali Egadze last Wednesday, as Dolidze informed the public that she did have the funds to pay the salaries of the staff.

Rustavi 2 appears to be following in the footsteps of Imedi, as founders, Davit Dvali and Jarji Akimidze, and Kibar Khalvashi who ran the station

until 2007, announced they would file a legal suit to regain control of the station. Dvali and Akimidze allege they were forced to give up control of the station in 2004 and Khalvashi claims he was forced to sell the station and flee the country, he currently resides in Germany, due to political pressure in 2007. Khalvashi’s sister will enter the Georgian parliament as a Georgian Dream representative.

For Transparency International-Georgia, the change in ownership does not spell an immediate victory for a more balanced media environment. In a short report released last week, TI-Georgia argues that, “Recent changes in ownership of several TV stations indicate that the television landscape will remain highly polarized along partisan lines, with a number of channels being controlled by individuals close to political forces of both, the incoming government and the new opposition.”

In their report it becomes evident that both current and new owners have strong ties to either the new governing party, the Georgian Dream or the new opposition United National Movement. Shares in TV9, for example, are owned principally by those close to Ivanishvili, 80% by his wife Ekaterine Khvedelidze, and the remaining 20% by Kakha Kobiashvili, a close relative of the incoming Prime Minister.

Despite a major coup for freedom of expression and access to information advocates in the form of the “Must-carry/must-offer” legislation passed at the beginning of the summer, the government’s obligation to enforce this legislation, which requires all satellite and cable providers to carry all media providers with broadcasting licenses regardless of political affiliation, expired on Election day. Since then the Coalition for Media Advocacy, has released a statement reiterating its willingness and desire to work with the new government.

Listing eight points for media reform in Georgia, the Coalition for Media Advocacy stressed as the number one priority a surprise audit of the activities and finances of the Public Broadcaster of Georgia followed by the permanent inclusion of “must-carry/must-offer” rules into the rules surrounding media regulation in Georgia. Other reforms the coalition, which is made up of 12 NGOs, would like to see take place are: the reinstatement of the right of journalists to take photo and video recordings in courts of law; the creation of an effective access to information regime; a transition to digital broadcasting; regularisation of the status of Adjara TV; an investigation into the relationship between public authorities and the media; and, finally, reform of the Georgian National Communications Commission ■

Report prepared for CEW by Karina Gould

Sargsyan promises “free, fair, transparent and democratic” presidential elections.

“The authorities of the Republic of Armenia are determined to transform registered progress into a firm trend and to hold free, fair, transparent and democratic presidential elections,” announced Armenian President Serzh Sargsyan at the European People’s Party (EPP) Conference held in Bucharest, Romania on 17 October.

Referring to the positive assessment of the May 2012 parliamentary elections, which were considered to be “the best since independence” by international observers, the President, expressed his plan that Armenia will build on the recommendations suggested by the international community.

Sargsyan explained to his audience that in order to achieve free, fair, transparent and democratic presidential elections next February, the Armenian authorities are “conducting preliminary works stemming from the conclusions and proposals of the OSCE/ODIHR.”

The Organisation for Security and Cooperation in Europe (OSCE) though welcoming the improvements experienced in Armenia during the spring’s parliamentary elections nevertheless had several pressing recommendations for the South Caucasus country. These included: ensuring greater respect for the free political will of citizens by refraining from political pressure and vote-buying; the need to increase public trust in the electoral administration and authorities; enhancing the authority of the Central Election Commission; further improving the accuracy of the voters’ list; greater enforcement of sanctions against individuals who commit election-related crimes; as well as guaranteeing due process for elections related crimes, amongst other recommendations.

“Needless to say, this time again we expect active participation of the international observers,” added the President.

His remarks come at a time when a prominent leader of the opposition Prosperous Armenia Party and former Foreign Minister, Vartan Oskanian, has been charged with money laundering – an allegation many in the country feel is politically motivated.

Armenia’s last presidential elections were marred by accusations of vote rigging and were followed by violent clashes between police and demonstrators in which ten people died and hundreds were injured. The OSCE acknowledged that the 2008 Presidential election demonstrated “an insufficient regard for standards essential to democratic elections and devalued the overall election process.” The final report of the OSCE following the 2008 contest noted that particular concerns surrounded the vote count, transparency and accountability and the ineffectiveness of the complaints and appeals procedures.

The OSCE, as well as other electoral observer groups, have noted consistently that the legislative framework in place in Armenia is sufficient to hold fair and democratic elections, however, it is applied in a fashion that is inconsistent or partial, resulting in inefficiencies during the polling period that do not meet democratic standards.

In his speech President Sargsyan also congratulated the European Union and its peoples on their receipt of the Nobel Peace Prize, emphasizing their contribution to “the consolidation and strengthening of international peace.” Sargsyan explained that the history, culture and ambitions of Armenians make them “an indivisible part of the European civilisation.” He elaborated that it is Armenia’s shared Christian heritage and commitment to “basic liberties and to principles of democracy and human rights” that resulted in the membership of three Armenian political parties to the EPP.

At the beginning of 2012, three Armenian political parties, the Republican Party of Armenia, Country of Law and the Heritage Party gained observer member status in the EPP. Sargsyan lauded this accomplishment as “an important link for the revaluation of the European identity” for Armenians, viewing EPP membership as “an important element of our association process with Europe.

The Armenian President continued that Armenia has been a leader of the Eastern Partnership Programme of the European Union, highlighting that Armenia has recently abolished the visa requirement for EU citizens to visit the country. Sargsyan expressed his hope that this measure would result in thousands of EU citizens taking advantage of this new opportunity to visit Armenia. He also noted that Armenia has developed an agenda for governance reform, however, he also told his audience that Armenia will need significant financial contributions and support from the EU to implement these reforms. Sargsyan also reinforced his country’s support for the OSCE Minsk Peace Process with regard to the situation in Nagorno-Karabakh.

The EPP was founded as a centre-right pan-European party in 1976 by parties from Germany, France, Luxembourg, Belgium, Ireland and Italy. Today, the EPP is made up of 73 member parties from 40 countries across Europe, both EU and non-EU. It aims to ensure a “democratic, transparent and efficient Europe that is close to its citizens.” The EPP also aims to provide a “prosperous Europe through the promotion of a free market economy with a social conscious.” ■



Armenian President Serzh Sargsyan addressing the Congress of the European People’s Party in Bucharest on 17 October 2012. (Picture courtesy of the Press Service of the President of Armenia.)

Neither Saakashvili nor Ivanishvili is what the West believes.



**Tedo Japardidze
MP**

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Foreign Affairs
Committee of
the Georgian
Parliament.**

For many in the West, Mikheil Saakashvili remains the poster child of the Rose Revolution, an uncompromising promoter of democracy and defender of his country against Russia, and the incoming Prime Minister Bidzina Ivanishvili is viewed as a shadowy and authoritarian oligarch with pro-Russian leanings. Neither of these images is true, and it time to set the record straight.

Since the parliamentary elections, which by the way Saakashvili's party lost and Ivanishvili's Georgian Dream won, the lame duck Georgian president has repeatedly said that Russian President Vladimir Putin is "happy" about those results. And he has done so in order to distract attention from a reality that for him is most unpleasant: Georgians voted for the Georgian Dream because Saakashvili has been leading his country into a dead end, striking poses against Moscow abroad and increasingly imposing an authoritarian and disastrous rule at home.

This dishonesty is bad enough, but Saakashvili's use of his media machine to distort the historical record points to an even more dangerous development: He has no intention of accepting the vote for what it was – the repudiation of what he has done in office – and instead is doing everything he can to undermine the voice of the people and to maintain himself in power.

What is truly frightening is that the president appears to be getting away with this, at least in the eyes of the West, most which appears to be willing to ignore the well-documented reports of Saakashvili's abuse of the opposition, his government's responsibility for torture in Georgian prisons, and other shortcomings in his version of Georgian "democracy."

At the same time, many in the West continue to accept Saakashvili's portray of Mr. Ivanishvili as something between James Bond and the count of Monte Cristo. And they continue to think that the victory of his Georgian Dream movement was some kind of surprise, something that happened because of the Saakashvili's commitment to democracy rather than the Georgian president's open indulgence in electoral fraud before and during the vote. Few of these people have bothered to read the Georgian Dream platform, preferring to accept on faith Saakashvili's assertion that it is "vague" despite its provisions about economic reform, the rule of law, and a commitment to making Georgia a reliable regional player.

It is time for everyone to recognize that there has been a peaceful transfer of power not because of Saakashvili's commitment to democracy but despite all odds. Consequently, Western observers and Western governments need to recognize that Saakashvili's spin notwithstanding, the new Georgian Dream-led government won't be engaged in shadowy activities and media campaigns but rather will work to bring down chronic high unemployment, end widespread corruption, help the thousands of refugees now living in limbo, and improving the country's balance of payments.

These steps, and not President Saakashvili's striking anti-Russian poses, will make Georgia a better place for its people and a more reliable regional partner for Western countries. But Georgians will succeed on both counts only if the West understands that Mr. Saakashvili's current media campaign against Mr. Ivanishvili and the Georgian Dream are not intended to make Georgia a more dynamic democratic society but rather simply to maintain himself and his regime in power. It would be a tragedy if someone so often described as a supporter of democracy should succeed in undermining democracy because those who should best understand what he is doing fail to do so. ■

Tedo Japaridze is a member of the new Georgian Parliament and heads its Foreign Affairs Committee. This article is reproduced from Democracy and Freedom watch web portal www.dfwatch.net

It's official: Bidzhina Ivanishvili is Georgian.

Another step has been taken towards a full transfer of power in Georgia following the parliamentary elections that took place at the beginning of this month: President Mikheil Saakashvili has announced he will reinstate the citizenship of Bidzhina Ivanishvili, the leader of the Georgian Dream coalition, asking him shortly thereafter to take up the role of Prime Minister and to form a new government.

The decision was reached, according to Manana Manjgaladze, spokesperson for the President, in accordance with Articles 27 and 33 of the law on Georgian citizenship. Article 27 states that the President, at his or her discretion, may bestow citizenship on an individual who represents a state interest for Georgia. Article 33 also gives the President the power to restore an individual's citizenship.

The citizenship issue has dogged Ivanishvili and Georgian politics for the past year. President Saakashvili revoked the Georgian Dream leader's citizenship just four days after the businessman announced he was going to enter politics, in a move that was seen as petty and vindictive.

The President had bestowed Georgian citizenship on the incoming Prime Minister in 2004 as recognition for the contributions he made to Georgian society. At the time, Ivanishvili already had Russian and French citizenship. He immediately gave up his Russian citizenship and attempted to appeal the decision regarding his Georgian citizenship through the courts, however, to no avail.

Ivanishvili also attempted to give up his French citizenship last year in order to regain Georgian citizenship. France, however, refused to revoke his citizenship until Georgia would guarantee citizenship, so that Ivanishvili would not become in effect a "stateless" person.

He was also involved in an application for dual citizenship, which was rejected in April 2012. In response to outrage from both domestic society and the international community, the Georgian

parliament passed a law saying that non-Georgian citizens could participate in politics, and hold key positions such as Prime Minister and Speaker of Parliament, if they were born in Georgia, a citizen of an EU-country, and had resided in Georgia for the previous five years. Ivanishvili chided this move as inappropriate, stating that legislation should not be tailor made for individuals. Initially he said he would not run for government under these conditions. Once it became clear, however, that the authorities would not budge on their position, he reneged on this statement and declared his intent to become Prime Minister if the Georgian Dream should be elected.

That intent is fast becoming a reality. President Saakashvili announced the day after granting Ivanishvili citizenship, that he had also asked the Georgian Dream leader to take on the position of Prime Minister and to form a government.

Despite this act of good faith, Saakashvili still maintains a fairly inflammatory rhetoric when questioned about his decision – a decision that he had to make, given it would have been practically impossible for him to ask anyone else to take up the position based on the results of the elections.

"It's not about whether I like this composition of the cabinet or not," explained the President. "What matters" he continued, was that this is the "will of the Georgian people." And as such "we will cooperate with any proposed [government]."

He went on to say that he hoped the new opposition, his United National Movement party, would continue to work for Georgia's progress and to take on its new responsibilities and act as a check on the executive government.

The new parliament met for the first time in Kutaisi on Sunday 21, October. The final results of the election, which were approved by the Central Election Commission of Georgia on Friday, gave the Georgian Dream 85 seats in parliament and the UNM 65. ■



21 October 2012: A historic day in the Parliament of Georgia as the new members of Parliament are sworn in and prepare to approve the new government following parliamentary elections on 1 October. Pictures show (top) President Saakashvili officially opening the new parliamentary session; (bottom left) Prime Minister Designate, Bidzina Ivanishvili greeting leaders of Georgia's religious minorities; and (bottom right) Ivanishvili with the Catholicos Patriarch of All Georgia Illya II. (Pictures courtesy of the Press Office of Bidzina Ivanishvili).

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