



## MEMORANDUM OF COOPERATION BETWEEN NGOS AND THE CEC

The conclusion of the memorandum of mutual cooperation between the CEC and local election observation organizations has been carried out for the last few election cycles. The process of signing the Memorandum is facilitated by the International Foundation for Electoral Systems (IFES). On 27 August of the current year, the signature of the memorandum was planned, although there are still some unresolved issues on which discussions should continue.

Traditionally, we, the signatories to the Memorandum agree that, during administrative and judicial proceedings as well as regarding pre-election agitation and propaganda, will be guided by the provisions envisaged in the Memorandum. Unfortunately, recently the Memorandum has lost its initial significance and has

acquired the form of a formal process.

Agreement and conclusion of the memorandum creates a wrong perception that the election administration and local observer organizations have converged positions and understand in the same way certain provisions concerning pre-election campaigns and the use of administrative resources, which is not true as the practice has shown. For example, the process of reviewing electoral disputes by the election administration is quite problematic. The law is defined in the restricted sense by the election administration, which creates the impression that the latter deliberately avoids exercising its own powers concerning a range of issues. In particular, the CEC failed to have an adequate response to illegal agitation and propaganda carried out through social networks during the last election cycle. For instance, during the elections of 2016 and 2017, the participation of the foreign citizens - Mikheil Saakashvili and Andrei Shevchenko in the agitation process and propaganda provided by public officials through social networks during the working hours in the course of the local self-government elections in 2017.

This year, while elaborating the text of the Memorandum, the observation organizations requested to add an entry regarding the agitation-propaganda via social networks in order to eliminate the possibility of violation of the law via social media. Unfortunately, the suggestion was not shared by the CEC, which once again indicates that the CEC cannot respond to modern-day challenges and fails to interpret the law appropriately.

Furthermore, several days ago the CEC chairperson showed a disrespectful attitude towards the observer organization and called the GYLA's research on staffing of election commissions as "unserious" and "unprofessional".

It is noteworthy that it is not the first occasion when the election administration makes an offensive statement against a professional observer organization. In 2014, the Central Election Commission of Georgia accused the "International Society for Fair Elections and Democracy" of "a deliberate attempt to mislead population" and blamed the organization of incompetence for its request to recount the votes of specific polling stations.

In addition, there have been reported aggressive and hostile attitude expressed by DEC and PEC members towards our observers, which is contrary to the spirit of the

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Code of Conduct of Election Administration Officials.

Based on all the above mentioned, in order to restore the primary importance of the Memorandum and continue the process of its elaboration, we believe, that the CEC must demonstrate an appropriate will and:

1. Provide a progressive entry on agitation and propaganda through social networks into the law;
2. Conduct discussions of electoral disputes in a thorough and objective way;
3. The CEC must respect local organizations observing elections and undertake the responsibility to ensure adequate conditions for their work.

The undersigned observer organizations express our readiness to meet with officials of the election administration to continue a constructive and productive dialogue under the condition of discussion, cooperation and mutual respect in order to facilitate the improvement of the electoral environment in Georgia.

1. *International Society for Fair Elections and Democracy*
2. *Transparency International Georgia*
3. *International Civil Culture Center*
4. *Georgian Young Lawyers' Association*