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# Free, Fair and Equal Electoral-Political 2019-2022 Cycle in Georgia

**NEWSLETTER №22**  
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# INTRODUCTION

Georgian Young Lawyers' Association (GYLA) started implementing the project - «Free, Fair and Equal Election Political Cycle 2019-2022» throughout the country in August 2019. One of the project's goals is to promote the improvement of the election environment through monitoring and evidence-based advocacy. To achieve this, the organization will monitor ongoing policy processes and develop recommendations that will be communicated to the public and presented to decision-makers. We present the №22 bulletin, which describes the events that took place in July that impacted the political environment.

## ELECTION OF THE CHAIRPERSON OF THE CENTRAL ELECTION COMMISSION AND ITS MEMBERS

On July 1, the chairperson of the Central Election Commission, Tamar Zhvania, resigned.<sup>1</sup> According to her, since the electoral changes, adopted under the agreement of Charles Michel, “brought a new reality,” the election of the chairperson by a new rule would have facilitated a broad political consensus.<sup>2</sup>

GYLA responded to Tamar Zhvania's resignation with a joint statement with other non-governmental organizations.<sup>3</sup> According to the organizations, this decision may have had a significant impact on building confidence in the election administration and the electoral process for the 2021 local government elections.<sup>4</sup> In addition, they stressed that based on maximum consensus among parliamentary political parties; highly qualified, experienced, and impartial individuals should be selected for the vacant positions of the new CEC chairperson and other professional members, which would increase confidence in the election administration.<sup>5</sup>

By law, on July 1, the country's President announced an open competition to select a new candidate for chairperson and set up a competition commission.<sup>6</sup> The commission included representatives of the academic field and non-governmental organizations.<sup>7</sup> GYLA was among them.<sup>8</sup> On July 9, the competition commission nominated two candidates for the position of a CEC chairperson and 5 candidates for the two vacancies of a professional member.<sup>9</sup> It is essential that only the civil movement - Multinational Georgia - supported the candidates for the CEC chairpersonship from the non-governmental organizations included in the commission.<sup>10</sup>

On July 12, the President nominated two candidates for the CEC chairperson and four candidates for membership.<sup>11</sup> According to the amendments to the Electoral Code, an anti-crisis mechanism was activated during the election of the CEC member and chairperson, the introduction of which was provided for in the April 19th agree-

<sup>1</sup> “Tamar Zhvania is resigning”, *information portal Civil.ge*, June 30, 2021, accessible: <https://civil.ge/ka/archives/429910>, updated: 10.08.2021.

<sup>2</sup> Announcement of Tamar Zhvania, Tamar Zhvania's official Facebook page, June 30, 2021, accessible: <https://bit.ly/37x0F1G>, updated: 10.08.2021.

<sup>3</sup> “Organizations working on the elections are responding to the resignation of the Chairperson of the Central Election Commission of Georgia”, *official website of the Georgian Young Lawyers' Association*, June 30, 2021, accessible: <https://bit.ly/3jIzZ7c>, updated: 10.08.2021.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> “The President of Georgia has issued an ordinance on holding an open competition for the selection of candidates for the CEC chairpersonship and CEC membership and the establishment of a competition commission”, *the official website of the President of Georgia*, July 1, 2021, accessible: <https://bit.ly/37yyC5A>, updated: 10.08.2021.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> “The commission set up with the President has selected the candidates for the CEC chairpersonship and membership”, *information portal Civil.ge*, July 9, 2021, accessible: <https://civil.ge/ka/archives/431323>, updated: 10.08.2021.

<sup>10</sup> Ibid.

<sup>11</sup> The President nominated Giorgi Kalandarishvili and Giorgi Santuriani for the position of Chairperson, and Gia Tsatsashvili, Lela Taliuri, Tamara Sartania, and Maia Zaridze for the vacant positions of CEC members. See “The President has nominated Giorgi Kalandarishvili and Giorgi Santuriani for the post of CEC Chairperson”, *information portal Interpressnews*, July 12, 2021, accessible: <https://bit.ly/3yDvaCi>, updated: 10.08.2021.

ment.<sup>12</sup> According to this mechanism, if the votes could not be collected in the first round, the candidate would be elected in the second (by a 2/3 majority), in the third (by a 3/5 majority), in the fourth (by a simple majority) votes.<sup>13</sup> Despite three attempts, the Parliament has never been able to elect a CEC chairperson and professional members.<sup>14</sup> The plenary sitting of the first extraordinary session for the selection of candidates was held on July 18.<sup>15</sup> Giorgi Kalandarishvili, who was nominated for the position of CEC chairperson, failed and got 82 votes in favor and 8 against, while only two deputies supported Giorgi Santuriani against ten.<sup>16</sup> Gia Tsatsashvili, nominated for one vacant position in the CEC, was supported by 80 deputies against 9, while Lela Taliuri was supported by 16 against 1.<sup>17</sup> Votes for the second vacant membership position were distributed as follows: Maia Zaridze was supported by 81 members of Parliament against 8, and Tamar Sartania - 16 against 27.<sup>18</sup> At the plenary sitting of the extraordinary session on July 22, the Parliament voted for the candidates for the second time.<sup>19</sup> However, even in this case, they received insufficient votes. 83 deputies against 11 supported Giorgi Kalandarishvili's candidacy for the CEC chairpersonship, while Giorgi Santuriani was supported by 4 deputies against 11.<sup>20</sup> 83 deputies against 10 supported Gia Tsatsashvili; Lela Taliuri and Tamar Sartania were supported by 18 against 2, and Maia Zaridze – by 77 against 10.<sup>21</sup> At an extraordinary session on July 26, the Parliament voted for the CEC chairpersonship and membership candidates for a third term but failed to elect them by a three-fifths majority (90-vote

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<sup>12</sup> Mariam Latsabidze, “What should (not) we expect from the October 2 elections?”, *official website of the Georgian Young Lawyers' Association*, July 22, 2021, accessible: <https://bit.ly/2VFGmA2>, updated: 10.08.2021.

<sup>13</sup> Ibid.

<sup>14</sup> “Parliament could not elect the CEC chairperson”, *information portal Radio Tavisupleba*, July 18, 2021, accessible: <https://www.radiotavisupleba.ge/a/31364644.html>, updated: 10.08.2021; “Candidates for the chairpersonship and membership of the Central Election Commission have not received the necessary support from the Parliament”, *official website of the Parliament of Georgia*, July 18, 2021, accessible: <https://bit.ly/3AtJTjX>, updated: 10.08.2021; “Candidates for CEC chairmanship and membership still did not get the necessary support from the parliament”, *official website of the Parliament of Georgia*, July 22, 2021, accessible: <https://bit.ly/3AvoHKe>, updated: 10.08.2021; “Parliament voted on the Candidates for the Election of the Chairperson and Members of the Central Election Commission”, *official website of the Parliament of Georgia*, July 26, 2021, accessible: <https://bit.ly/3Aut8VL>, updated: 10.08.2021.

<sup>15</sup> “Candidates for the chairpersonship and membership of the Central Election Commission have not received the necessary support from the Parliament”, *official website of the Parliament of Georgia*, July 18, 2021.

<sup>16</sup> Giorgi Kalandarishvili was supported by two factions, the Georgian Dream and the political group European Socialists, while the Lelo - Partnership for Georgia and Charles Michel Reform Group factions, as well as one MP without a faction, did not support his candidacy. Giorgi Santuriani was supported by two MPs from the Georgian Dream faction, while his candidacy was not supported by MPs from the factions: Lelo - Partnership for Georgia, Georgian Dream, Charles Michel Reform Group, and one MP without a faction. See *On electing Giorgi Kalandarishvili as the Chairperson of the Central Election Commission of Georgia* (N2-9856/21/10, 16-07-2021)“, *official website of the Parliament of Georgia*, July 18, 2021, accessible: <https://bit.ly/3jze7ek>, updated: 10.08.2021; “On electing Giorgi Santuriani as the Chairperson of the Central Election Commission of Georgia (N2-9856/21/10, 16-07-2021)“, *official website of the Parliament of Georgia*, July 18, 2021, accessible: <https://bit.ly/31QJBQ2>, updated: 10.08.2021.

<sup>17</sup> Gia Tsatsashvili was supported by MPs from the Georgian Dream faction, while MPs from the following factions voted against him: Lelo - Partnership for Georgia, Charles Michel Reform Group and one MP without a faction. Lela Taliuri was supported by the following factions: Lelo - Partnership for Georgia, Political Group Girchi, Political Group Citizens, Georgian Dream, Charles Michel Reform Group and one MP without a faction. One of the MPs from Georgian Dream voted against her. See “The submitted draft on electing Gia Tsatsashvili as a member of the Central Election Commission of Georgia at the sitting (N2-9854/21/10, 16.07.2021), Voting results, *official website of the Parliament of Georgia*, July 18, 2021, accessible: <https://bit.ly/3iz58uw>, updated: 10.08.2021; On electing Lela Taliuri as a member of the Central Election Commission of Georgia (№ 07-1/7/10, 09-07-2021)“, *official website of the Parliament of Georgia*, July 18, 2021, accessible: <https://bit.ly/3xyGLBy>, updated: 10.08.2021.

<sup>18</sup> Supporters of Tamar Sartania's candidacy: Lelo - Partnership for Georgia, political group European Socialists, Political group Girchi, Political group Citizens, Georgian Dream, Charles Michel Reform Group and Two MPs without a faction; 27 deputies from the Georgian Dream faction were against. Factions in favor of Maia Zaridze's candidacy: Georgian Dream, against: Lelo - Partnership for Georgia, Charles Michel Reform Group and one MP without a faction. On electing Tamar Sartania as a member of the Central Election Commission of Georgia (N2-9854/21/10, 16-07-2021)“, *official website of the Parliament of Georgia*, July 18, 2021, accessible: <https://bit.ly/3CzrmVm>, updated: 10.08.2021; “On electing Maia Zaridze as a member of the Central Election Commission of Georgia (N2-9854/21/10, 16-07-2021)“, *official website of the Parliament of Georgia*, July 18, 2021, accessible: <https://bit.ly/37u9ehh>, updated: 10.08.2021.

<sup>19</sup> “Candidates for CEC chairpersonship and membership still did not get the necessary support from the parliament”, *official website of the Parliament of Georgia*, July 22, 2021.

<sup>20</sup> The official website of the Parliament does not provide accurate and detailed information about the results of the given voting.

<sup>21</sup> Ibid.

quorum).<sup>22</sup> Giorgi Kalandarishvili, the candidate for the chairperson, was supported by 81 deputies against 7; Giorgi Santuriani - 3 against 8.<sup>23</sup> 77 deputies for the vacant positions of professional membership supported Giorgi Tsatsashvili, while 7 voted against him; Lela Taliuri's candidacy had 17 supporters against none; Tamar Sartania received 14 votes against 5; and Maia Zaridze -78 against 5.<sup>24</sup>

The legislature will try to select candidates again in August.

## LEAVING CHARLES MICHEL'S AGREEMENT BY THE GEORGIAN DREAM

On July 28, the Georgian Dream left the April 19th agreement.<sup>25</sup> The party made this decision a few days after the visit of the President of the European Council, Charles Michel, to Georgia.<sup>26</sup> The President of the European Council arrived in Georgia to attend an international conference and met with the President of Georgia, the Prime Minister, representatives of the ruling party, and the opposition.<sup>27</sup> At a meeting with Charles Michel, Prime Minister Irakli Gharibashvili said that the Georgian Dream was "motivated" and was fulfilling the April 19th agreement between the ruling and opposition parties.<sup>28</sup> However, on July 28, the ruling party annulled the document agreed on mediation by the President of the European Council.<sup>29</sup> According to the chairperson of the party, Irakli Kobakhidze, since part of the opposition refused to sign the agreement and at the same time, the "Georgian Dream" "faithfully fulfilled" each point of the document, they could not see the point of remaining in the agreement.<sup>30</sup> Regarding the local self-government elections, Irakli Kobakhidze noted that with their "goodwill," the snap elections would have been called not only with receiving 43 percent but also with 53 percent of votes if it was clear from the behavior of the opposition parties that "the political system was ripe for effective coalition governance and such a regime of governing the state would not harm its interests"<sup>31</sup> This condition, in fact, removed the objective criterion from the part of the agreement which called for early elections and made it dependent on the subjective views of the ruling party.

The decision of the Georgian Dream was met with strong reactions from the opposition.<sup>32</sup> Nika Melia, the leader of the United National Movement, left the Parliament in response to this step.<sup>33</sup> However, according to him, the party MPs continued to work in the legislature.<sup>34</sup> Zura Japaridze, the leader of Girchi - More Freedom, also left the Parliament.<sup>35</sup> According to him, the Georgian Dream's withdrawal from the agreement was equivalent to rejecting

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<sup>22</sup> "Parliament voted on the candidates for the Election of the Chairperson and Members of the Central Election Commission", *official website of the Parliament of Georgia*, July 26, 2021.

<sup>23</sup> The official website of the Parliament does not provide accurate and detailed information about the results of the given voting. "Parliament could not elect the CEC chairperson on the third attempt", *information portal Radio Tavisupleba*, July 26, 2021, accessible: <https://www.radiotavisupleba.ge/a/31377485.html>, updated: 10.08.2021.

<sup>24</sup> Ibid.

<sup>25</sup> "Georgian Dream leaves the April 19th agreement", *information portal Civil.ge*, July 28, 2021, accessible: <https://civil.ge/ka/archives/434261>, updated: 10.08.2021.

<sup>26</sup> "Charles Michel is visiting Georgia", *information portal Civil.ge*, July 19, 2021, accessible: <https://civil.ge/ka/archives/432820>, updated: 10.08.2021.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> "Georgian Dream leaves the April 19th agreement", *information portal Civil.ge*, July 28, 2021.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> "The withdrawal of the Georgian Dream from the April 19th agreement was followed by criticism of the opposition", *information portal Civil.ge*, July 28, 2021, accessible: <https://civil.ge/ka/archives/434455>, updated: 10.08.2021.

<sup>33</sup> "Nika Melia is leaving the Parliament", *information portal Civil.ge*, July 29, 2021, accessible: <https://civil.ge/ka/archives/434652>, updated: 10.08.2021.

<sup>34</sup> "Nika Melia is leaving the Parliament", *information portal Formula* July 29, 2021, accessible: <https://formulanews.ge/News/54395>, updated: 10.08.2021.

<sup>35</sup> "Zura Japaridze left the Parliament", *information portal Publika*, July 28, 2021, accessible: <https://publika.ge/zura-jafaridzem-parlamenti-datova/>, updated: 10.08.2021.

the country's Euro-Atlantic future.<sup>36</sup> His decision to take the parliamentary mandate was part of the obligation under the April 19th agreement, and since the agreement was annulled, there was no longer an obligation to remain in the Parliament.<sup>37</sup>

The decision of the Georgian Dream was criticized by both non-governmental organizations and international partners.

On July 29, the US Embassy in Georgia announced in a statement that the United States was “deeply disturbed and exasperated” by the party’s decision.<sup>38</sup> This decision created even more political instability and called into question the Georgian Dream’s commitment to achieving Georgia’s democratic goals.<sup>39</sup> The embassy stressed that the agreement was an important guide for the reforms to be carried out in Georgia. The reforms carried out as a result of the unilateral action of only one party could not protect the interests of Georgia.<sup>40</sup>

US Senators Jeanne Shaheen, Ron Johnson, Jim Risch, Ben Cardin, Rob Portman, Chris Van Hollen, and John Barrasso have issued a joint statement criticizing the ruling party’s move.<sup>41</sup> According to them, the responsibility for conducting an inclusive and multi-party process in the Parliament was primarily on the Georgian Dream.<sup>42</sup> They stressed the need for free and fair local elections, as well as the need to strengthen the rule of law and carry out crucial electoral and judicial reforms.<sup>43</sup> Finally, the senators noted that halting the progress of democracy threatened Georgia’s aspirations to join the European Union and NATO and damaged US-Georgian relations, and only the Kremlin has benefited from that.<sup>44</sup>

On July 29, the President of the European Council, Charles Michel, announced that after the withdrawal of the Georgian Dream from the April 19th agreement, he would begin consultations with Georgian political parties.<sup>45</sup> He said he was still convinced that the April 19th agreement was the best way to strengthen Georgia’s democratic institutions and improve its reform agenda.<sup>46</sup> He called on the parties to put the interests of Georgian citizens first and to take care of improving political discourse within democratic institutions.<sup>47</sup>

MEPs Marina Kaljurand, Sven Mikser, and Viola von Cramon issued a joint statement on July 29 expressing frustration with the Georgian Dream’s decision and calling on it to rescind it and return to the agreement.<sup>48</sup> They noted that the opposition political parties that did not sign the April 19th agreement were also responsible for the delay in the political process.<sup>49</sup>

MEP Viola von Cramon told the media that this was not the first time the Georgian Dream had broken its promise.<sup>50</sup> She said the withdrawal from the EU-mediated agreement had made the ruling party an unreliable partner.<sup>51</sup>

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<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Statement of the US Embassy, US Embassy in Georgia, *official Facebook page*, July 29, 2021, accessible: <https://bit.ly/3xAsGDA>, updated: 10.08.2021.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> „Shaheen, Johnson Lead Bipartisan Statement on Breakdown of Georgian April 19th Agreement“, *official website of Senator Jeanne Shaheen*, July 28, 2021, accessible: <https://bit.ly/2XfHIX2>, updated: 10.08.2021.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> „Statement by President Charles Michel on the political situation in Georgia“, European Council, 29 July 2021, accessible: <https://bit.ly/3INObhQ>, updated: 10.08.2021.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> “Joint statement by the Chair of the Delegation for relations with the South Caucasus, MEP Marina KALJURAND, the European Parliament’s Standing Rapporteur on Georgia, MEP Sven MIKSER, and the DEG Lead Member on Georgia, MEP Viola VON CRAMON-TAUBADEL on Georgian Dream’s decision to withdraw unilaterally from the 19 April agreement“, European Parliament, 29 July 2021, accessible: <https://bit.ly/3xLmKrD>, updated: 10.08.2021.

<sup>49</sup> Ibid.

<sup>50</sup> “MEP: EU will have to reconsider relations with Georgian government“, *information portal Civil.ge*, July 31, 2021, accessible: <https://civil.ge/ka/archives/435071>, updated: 10.08.2021.

<sup>51</sup> Ibid.

More than twenty non-governmental organizations responded to the withdrawal of the Georgian Dream from the April 19th agreement with a joint statement.<sup>52</sup> According to the organizations, the ruling party's decision served the desire to retain power, and it further deepened the political polarization.<sup>53</sup>

GYLA criticized the decision of the Georgian Dream. **The organization noted that by signing the document, the ruling team committed itself to implement the agreement and to pursue ambitious democratic reforms, which was not only its goodwill but also its duty as a political force in power.**<sup>54</sup> Although the agreement was not signed by some parties, including the largest opposition force, which GYLA has always criticized, it did not justify the Georgian Dream's decision, which would increase the degree of polarization in the society, exacerbate the pre-election environment and deepen a political crisis.<sup>55</sup> According to GYLA, by annulling the agreement, the Georgian Dream refused to strengthen democratic institutions and overcome the political crisis.<sup>56</sup>

## NOMINATION OF MAYORAL CANDIDATES BY POLITICAL PARTIES

On July 23, Nika Melia, chairperson of the United National Movement, announced that he would run for mayor of the capital in the October local elections.<sup>57</sup> He also noted he would combine forces with Elene Khoshtaria, the founder of the political movement "Droa," who in turn will be a candidate for the chairperson of the Tbilisi City Council.<sup>58</sup> According to Nika Melia, Zurab Girchi Japaridze will be the candidate for a vice-mayor, while the National Movement will support the majoritarian candidates of the opposition in Tbilisi.<sup>59</sup> The candidacies of Nika Melia and Elene Khoshtaria were supported by the opposition parties European Georgia and Girchi - More Freedom.<sup>60</sup>

On July 30, the Georgian Dream nominated mayoral candidates for the October elections at a briefing at the party's headquarters.<sup>61</sup> Incumbent mayor Kakha Kaladze has been nominated as the mayoral candidate of the capital.<sup>62</sup>

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<sup>52</sup> "Georgian Dream's decision threatens Georgia's stability and future", official website of *Transparency International Georgia*, July 28, 2021, accessible: <https://bit.ly/3yAEcju>, updated: 10.08.2021.

<sup>53</sup> Ibid.

<sup>54</sup> "The government's decision to annul the April 19th agreement is against the interests of Georgia's democratic development", *official website of the Georgian Young Lawyers' Association*, June 28, 2021, accessible: <https://bit.ly/2X8EiY9>, updated: 10.08.2021.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> "Nika Melia will run for Tbilisi mayor", *information portal Civil.ge*, July 24, 2021, accessible: <https://civil.ge/ka/archives/433836>, updated: 10.08.2021.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> "Georgian Dream Nominated Candidates for Mayor", *information portal Civil.ge*, July 30, 2021, accessible: <https://civil.ge/ka/archives/434839>, updated: 10.08.2021.

<sup>62</sup> Ibid.