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**PRELIMINARY DRAFT REPORT**  
**ON**  
**THE LOCAL ELECTIONS IN GEORGIA**  
**observed on 5 October 2006**

Rapporteur: Wim Van Gelder (The Netherlands, EPP/CD, R)

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## EXECUTIVE SUMMARY

Following an invitation by the Georgian authorities, the Congress monitored the local elections held on 5 October 2006 in Georgia.

Congress observers concluded that the elections were held in overall respect of fundamental freedoms and that they reflected the efforts made to carry out the election process in a professional, transparent and orderly manner. However, the Congress considers that significant progress must be made if Georgia is to fully meet its commitments regarding Council of Europe election principles and standards. In its report, the Congress addresses several issues of concern.

Regarding election legislation, the report draws attention to the fact that, in connection with the overall territorial reform in progress, an important share of recent amendments substantially revised the chapters of the Election Code concerning local elections; however, these amendments were not submitted to the evaluation of the Venice Commission before adoption and implementation.

The unexpected elections' announcement and the tight deadline set for elections confronted opposition parties, election administration and observer organisations with considerable difficulties.

Regarding the participation of political forces, the report notes that a relevant number of plurality (27.5%) and proportional (8.7%) races, voters were not presented with a real choice since only one candidate or list stood for election; in all but one of these cases, the candidate or list represented the governing party.

Moreover, campaigning was above all characterised by an unclear distinction between state activities and campaigning by the ruling party. Finally, the lack of party structures and platforms outside the capital is also seen in the Congress report as another crucial gap which must be addressed to ensure effective local democracy.

In its Recommendation XXX (2006), the Congress invites the Georgian Authorities to take a number of measures aiming at:

- improving election legislation and making sure that, in the future, amendments to the election code are adopted as part of an inclusive process and submitted to the evaluation of the Venice Commission and the ODIHR before adoption and implementation.
- ensuring that, in the future, elections are announced as part of an inclusive process giving political parties and candidates enough time for a meaningful election campaign.
- taking appropriate measures to avoid misuse of administrative resources for partisan electoral purposes in future elections.
- improving election administration in particular by making sure that for future elections the borders of electoral constituencies' boundaries are delimited at least one year ahead of the elections and improving the voters' registry in time for the forthcoming parliamentary elections.

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## 1. Introduction

1. By a Decree signed on 26 August 2006, the President of Georgia, H.E. Mr. Mikheil Saakashvili, set October 5 as the official date for local elections.
2. Following an invitation by H.E. Mr Gela Bezhuashvili, Minister of Foreign Affairs of Georgia<sup>1</sup>, the Bureau of the Congress of Local and Regional Authorities of the Council of Europe decided to send a delegation to observe the local elections<sup>2</sup>.
3. The delegation, headed by Mr Wim Van Gelder (Netherlands, EPP/CD, R), was composed of Mrs Susan Bolam (UK, EPP/CD, R), Mr Joseph Borg (Malta, EPP/CD, R), Mrs Myriam Constantin (France, SOC, L), Mr Gintautas Geguzinskas (Lithuania, EPP/CD, R), Mr Ott Kasuri (Estonia, ILDG, L), Mrs Marie-Rose Koro (France, SOC, R), Mr Günther Krug (Germany, SOC, R), Mr Lars Molin (Sweden, EPP/CD, L), Mr Petru Radu Paun-Jura (Romania, ILDG, L), Mr Fabio Pellegrini (Italy, SOC, L), Mrs Mariacristina Spinosa (Italy, NR, R), Mr Nikolajs Stepanovs (Latvia, EPP/CD, R) and Mr Roger Kaliff (Sweden), Vice-President of the Committee of the Regions of the European Union. The delegation was joined by Ms Mirjana Lazarova ("The former Yugoslav Republic of Macedonia"), member of the Venice Commission and Mr Pierre Garrone, Secretariat of the Venice Commission, as legal advisors, as well as by Ms Inkeri Aarnio-Lwoff and Ms Olena Petsun, Secretariat of the Directorate General of Political Affairs of the Council of Europe as political advisors. On Election Day, ten teams were deployed in Tbilisi, Poti, Batumi, Kutaisi, Akhalkalaki, Zugdidi and Rustavi. The delegation was accompanied by Mrs Pilar Morales and Ms Elena Piscopo of the Congress Secretariat.
4. The Congress wishes to thank Ambassador Geert Ahrens, Head of the OSCE/ODIHR Limited Election Observation Mission, for the excellent cooperation. The Congress is convinced that the pooling of efforts in the monitoring of the elections has been beneficial for both the OSCE/ODIHR and the Council of Europe in terms of enhanced co-ordination, technical capability and consistency of findings. The joint statement presented during a press conference held in Tbilisi on 6 October is set out in Appendix I.
5. The Congress also wishes to express its thanks to the Venice Commission and the Directorate General of Political Affairs of the Council of Europe for their helpful advices throughout the mission as well as to Mr Igor Gaon, Special Representative of the Secretary General to Georgia, and his staff for their support during the preparation and the whole duration of the observation mission.
6. For practical reasons, on the days preceding the elections Congress members were divided into two delegations and attended a series of parallel briefings with: national authorities, in particular with the President of Georgia, the Minister of Foreign Affairs, the Minister of conflict resolution issues, the Chairperson of the Parliament and the Mayor of Tbilisi, the Chairman of the Central Election Commission and the members of

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<sup>1</sup> Letter addressed by Mr. Gela Bezhuashvili, Minister of Foreign Affairs of Georgia, to Mr Terry Davis, Secretary General of the Council of Europe, on 1 May 2006.

<sup>2</sup> CG BUR(13)DEC1

the Georgian delegation the Congress. The delegate members also met with the OSCE/ODHIR core team, a number of Ambassadors of Council of Europe member states, representatives of opposition parties, domestic observer organisations as well as international long term observers in deployment areas. The final programmes of the meetings as well as the composition of the two delegations are shown in Appendix II.

7. The Congress extends its thanks to all those included in the programme who, by providing very useful information, facilitated the observers' task on 5 October.

## **2. Background**

### **2.1. Territorial organisation of Georgia**

8. Although the Constitution of Georgia clearly states the principle of local self-government, it does not define the administrative and territorial organisation of the country, pending the re-establishment of Georgia's jurisdiction over the whole of its territory<sup>3</sup>. Secessionist conflicts are still unresolved in the autonomous entities of South Ossetia and Abkhazia.
9. Georgia ratified the European Charter of Local Self-Government (ECLSG) on 8 December 2004, as part of its commitments to the Council of Europe. Shortly before Georgia endorsed the ECLSG, the Congress had invited the Georgian authorities to address a number of key issues aiming at improving the situation of local and regional democracy<sup>4</sup>. Since then, a number of positive developments relating to local democracy have been taking place in Georgia. Yet, significant steps are needed to ensure full compliance with the Charter and other Council of Europe standards.
10. The 2006 local elections were held in the course of a comprehensive reorganization of the system of local self-governance, which is being carried out in close co-operation with the Council of Europe. As compared to previous local elections, the voters were invited to directly elect the members of *Sakrebulo*s. Under the new provisions, all city mayors and municipality *Gamgebelis* are to be elected by the relevant *Sakrebulo*s, including in Poti and Tbilisi where the mayors were previously appointed and dismissed by the President of Georgia. It is worth noting that these new provisions take into account previous Congress recommendations based on Article 3 of the ECLSG.

### **2.2. Legal background**

11. The legal framework for the local elections is the Unified Election Code of Georgia (UEC), which has been amended numerous times since its adoption in 2001. The Election Code and part of its subsequent amendments have been assessed by the Venice Commission and the ODHIR. Besides the positive steps made with the latest amendments, the Joint Opinion adopted in June 2006<sup>5</sup> noted that significant progress is still needed to fully meet international standards for democratic elections. It is worth noting that the latest amendments were not submitted to the Venice Commission's

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<sup>3</sup> Article 2.3 of the Constitution.

<sup>4</sup> Recommendation 157 (2004) on Local and Regional Democracy in Georgia.

<sup>5</sup> CDL-EL(2006)017rev.

assessment before their adoption. Moreover, it is regrettable that the amendments were introduced at such a late stage before elections were held. A new joint Venice Commission/ODHIR Opinion addressing those changes is under preparation and should be adopted by the end of 2006.

12. In connection with the overall territorial and administrative reform in progress in Georgia, an important share of recent amendments substantially revised chapters XV to XVII of the Election Code concerning local elections<sup>6</sup>. According to the new provisions, *Sakrebulo* members are elected through a mixed electoral system (ten members through a proportional system with a threshold of 5 % and the rest through a plurality system within single member wards). In the case of self-governing city's *Sakrebulo*, five members are elected through the plurality system, whilst in the case of municipalities *Sakrebulo* the plurality system is used to elect "one member from each community and city on the corresponding territory of the given district", not taking into account the population of the different communities.
13. A new system was also introduced to elect the members of the Tbilisi City Council, according to which, out of the 37 City Council members, 25 seats are awarded through a block party list "winner takes all" system in 10 wards with 2 or 3 representatives each, whereby the list which comes first in the ward takes all the seats allocated to that ward. The rest of the seats are distributed proportionally among those parties having obtained at least 4% of the votes in all ten Tbilisi's wards. Contrary to what happens in other municipalities, the voter has only one vote (and not two separate votes for the plurality and the proportional parts of the election). The election of the Tbilisi Mayor from among the members of the City Council for a four-year term needs the support of at least 2/3 of the votes (i.e. 25 out of 37 members)<sup>7</sup>.
14. The revision of the election legislation was severely criticized by the opposition and was passed without the opposition's presence in Parliament. Opposition parties particularly contested the election system of Tbilisi on the ground that the plurality system would entail the coalition of political forces not only to enter the city council but also to form opposition factions.
15. Regarding the announcement of elections, it is worth noting that Article 129<sup>1</sup> of the Election Code, as amended on 23 June 2006, authorizes the President to call elections within 40 days. The Decree appointing the local elections was signed by the President of Georgia on 26 August, precisely 40 days prior to the elections. Though they could be considered as called within the legal timeframe, their unexpected appointment and the tight deadline<sup>8</sup> confronted opposition parties, election administration and observer organisations with considerable difficulties. Opposition parties faced problems to respect deadlines regarding the registration of candidates and the nomination of their representatives in precinct electoral commissions (PECs). It also obliged the Central

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<sup>6</sup> Amendments adopted by the Parliament on 9 December 2005 (for Tbilisi City Council) and on 23 December 2005 (for other 'Representative bodies of local self-government – *Sakrebulo*s').

<sup>7</sup> These amendments were assessed by the Venice Commission, without participation of OSCE/ODIHR [Opinion no. 358 / 2005- CDL-AD(2005)042].

<sup>8</sup> The Decree was signed on 26<sup>th</sup> August, made public in the evening of Sunday 27<sup>th</sup> August; 28<sup>th</sup> August was a bank holiday in Georgia. There are good arguments for saying that the Decree should have been made public on 26<sup>th</sup> August, or even on 25<sup>th</sup>, taking into account the fact that 26<sup>th</sup> was a Saturday.

Election Commission (CEC) to put off a number of legal deadlines (e.g. setting-up of PECs, announcement of preliminary number of registered voters, etc)<sup>9</sup>.

16. Under the new provisions, members of local self-government bodies wishing to run for the local elections had first to resign from their positions<sup>10</sup>. However, such a requirement did not extend to the Mayor and the members of the Tbilisi City Council. Accordingly, Gigi Ugulava, previously appointed by the President, was the only incumbent Mayor running for the elections.
17. Regarding observation modalities, the Congress considers important to underline that, according to Article 69 of the UEC, in order to register their observers, international observer organisations are requested to indicate (...) “the election districts where they will observe the elections”. Though after raising this issue with the CEC Congress observers were requested to mention that they would observe “in the whole of the territory” without specifying the districts, the Congress considered that such a provision is contrary to the principles underlying election observation.

### **3. The elections**

18. On 5 October 2006, 3.229.658 voters<sup>11</sup> were invited to directly elect the members of 69 *Sakrebulo*s (local councils) in 60 municipalities, four self-governing cities, four communities not incorporated into a district and the capital city of Tbilisi, where approximately one-third of the Georgian population and of all voters do reside<sup>12</sup>. Local elections took also place in the Autonomous Republic of Adjara. Since the Government took control over Kodori Gorge (Upper Abkhazia) at the end of July 2006, elections took also place in this new electoral district for the first time in history. Elections did not take place in South Ossetia nor in and the rest of Abkhazia.
19. The local elections were managed by a three level administration including the Central Electoral Commission (CEC), 76 District Electoral Commissions (DEC) and around 3000 precinct electoral commissions (PEC). In Adjara, a Supreme Election Commission of the Republic was also set up.
20. Precinct electoral commissions were composed of 9 members: three members elected by the majority of the full superior district commission and two members (and two deputies) appointed by each of the parties ranking first three places in the last parliamentary elections. In practice, there were 4 representatives of the opposition in the election commissions, but they did not always represent the parties which came second and third during the last parliamentary elections.
21. According to Article 112 of the Unified Election Code, the CEC is entrusted with determining the borders of local election districts within a few days from calling the elections. This provision is in contradiction with the Code of Good Practice in Electoral Matters which stipulates that “the drawing of constituency boundaries, should not be

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<sup>9</sup> OSCE/ODIHR Limited Election Observation Mission – Georgia, Municipal Elections 2006 - Interim report (8-27 September 2006).

<sup>10</sup> Paragraph 4 and paragraph 5 of Article 129.

<sup>11</sup> Overall population of Georgia: 4.474.000 in 2005 – United Nations Population Information Network (POPIN).

<sup>12</sup> According to CEC, 889.905 voters were registered in the ten Tbilisi districts.

open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law”<sup>13</sup>. The Venice Commission has recommended amending this provision.

22. Four opposition parties, a coalition of two political forces and the ruling party contested the local elections held on 5 October. The National Democratic Party and the New Rights Party decided to withdraw from the race in September. In public declarations announcing boycott of the elections, they alleged unfair competition conditions created by the National Movement and mentioned amongst others the unexpected appointment of the elections, obstacles to candidate registration and the election system for the Tbilisi City Council.
23. Every political force running for elections was not actually present at the local and regional level. In a large number of plurality (27.5%) and proportional (8.7%) races, voters were not presented with a real choice since only one candidate or list stood for election; in all but one of these cases, the candidate or list represented the governing party. In this regard, the Congress took also note of the accusation (and in certain cases documented proof presented by opposition parties) on threats to candidates to withdraw from the elections.

### **3.1. Electoral campaign**

24. Under the Election Code, the electoral campaign starts on the date of the elections’ appointment. Yet, parties and independent candidates can effectively start campaigning only after having registered. As mentioned above, the procedure followed for announcing elections further shortened the limited time available for the opposition to campaign.
25. The campaign overall respected fundamental freedoms. Positive features comprise free air-time allocated to political parties in public and private TV channels as well as public debates which were regrettably held without the participation of the ruling party. Opposition and domestic observers denounced that since free air time was allocated during off-peak hours therefore their visibility was quite limited. In the meantime, the ruling party - by buying advertisement spaces during peak hours - had a greater visibility.
26. According to the OSCE/ODIHR and to the many domestic observer organisations having assessed the pre-election period, campaigning was above all characterised by an unclear distinction between state activities and campaigning by the ruling party. This ambiguity was also appreciated by Congress observers on the days preceding elections and on election day. Congress members noticed in particular that the use made of logos and slogans in ruling party’s print campaign material still visible in Tbilisi and other areas conveyed messages blurring the distinction between ruling party’s and

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<sup>13</sup> CDL-AD(2002)023rev, II.2.b; CDL-AD(2005)043, which underlines that such a principle should not be invoked to maintain a situation contrary to the norms of the European electoral heritage, or to prevent the implementation of recommendations by international organisations.



government's activities. As way of example, instead of candidates to local elections, the President appeared on ruling party's campaign posters in Batumi. Observers also reported on cases where voters showed up in polling stations with print campaign of National Movement received at home, thinking that such material was an official convocation to vote.

27. Domestic and international long-term observers also reported on the extensive use made by the ruling party of its position and advantages for election purposes. The project carried out by Transparency International Georgia<sup>14</sup> on misuse of administrative resources in Tbilisi provides with detailed information about the use made of public funds for electoral purposes. Misuse of resources included, amongst others, highly visible social aid programmes carried out during the campaign, including issuing of vouchers, payment of pension bonuses and the launching of temporary employment schemes for young people.
28. Long-term observers also reported to the Congress on low-key active campaign by political forces other than the ruling party. Even in Tbilisi, which concentrated most campaigning efforts, political forces started actively campaigning only shortly before the end of the official campaign period. The lack of party structures and platforms outside the capital was also seen by the Congress observers as another crucial gap which must be addressed to ensure effective local democracy.

### **3.2. Voters' Register**

29. Georgia's recent experience shows how crucial is the accuracy of the voters' register for the conduct of elections. CEC priorities before the local elections included updating of the voters' registry and improving the quality of the electoral roll. In order to achieve this goal, "special groups" entrusted with checking voter data "door-to-door" were created. However, the unexpected appointment of the elections at the end of August resulted in the termination of these groups' work shortly after they had effectively started. Their task was handed over to the PECs, which were requested to carry out this task within a very limited period of time.
30. During the Congress briefings before election day, opposition parties and observer organisations pointed out a huge number of mistakes in the voters' registry which for one domestic organisation would even go up to 60% of incorrect data. According to the Chairman of the CEC, the lists would only include around 3% of inaccurate information.
31. It is for observers unfeasible to determine how many voters did not turn up on election day simply because they were not registered, and thus to judge on the overall correctness of the voters' register. However, based on election day observation, Congress members considered that voters' lists were more up-to-date and correct than they had expected.

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<sup>14</sup> Report on "Monitoring misuse of administrative resources 2006 Local Government Elections – Tbilisi, Georgia".

32. The main inaccuracy problem observed related to many voters who were not registered in the correct polling station, due in particular to the new delimitation of local electoral precincts. However, the voters concerned could in most cases find about the place where they had to vote, with the assistance of PEC members who contacted the relevant DEC case-by-case. Internally displaced voters who had moved from one district to another since the last elections seemed to be particularly confronted to this obstacle since they were often registered in polling stations located very far away from their places of residence. This was, for example, the case observed by the Congress in a polling station in Tbilisi where around 15% of the voters shown on the lists were IDPs who, according to those lists, would still be residing in hotel Iberia.
33. Congress observers welcomed the recent withdrawal of the possibility to register on election day, following Venice Commission's recommendations. They also considered that the use made of special lists of voters and mobile voting was transparent and in accordance with law.
34. Voters seemed overall to be informed about voting procedures. Apart from very informative communications provided in TV, information material was available in every polling station, including the info-poster for voters produced by the Council of Europe<sup>15</sup>. Election material was also available in minority languages in relevant polling stations, though observers often underlined inaccuracy of translations.

### **3.3 Election Day**

35. Election day was carried out in an orderly and calm manner though Congress reported on activists of the National Movement trying to influence voters in a few polling stations. The Congress positively assessed the presence of domestic observers in every polling station.
36. On election day, most PECs seemed to be composed in accordance with law, or at least comprised as many members appointed by the opposition as provided for in the law, including representatives of the political parties boycotting the elections, which was welcomed by Congress observers. Commission members acted overall in a professional manner. Congress observers also appreciated the high number of women sitting (and in many cases acting as chairpersons) in PECs. National minorities were also represented in PECs in the relevant areas.
37. The late opening of some polling stations showed that, despite their good will, certain PEC members were not always fully acquainted with the procedures. Similar confusing situations were reported by observers after the closing of polling stations and during the counting. The interference of domestic observers in counting process in certain polling stations only added to this confusion.
38. The number of voters listed in certain polling stations went above 2 000, the maximum foreseen by law. As a matter of fact, certain polling stations were overcrowded at peak hours, even though the overall participation was not very high. Congress observers

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<sup>15</sup> Informative poster for voters sponsored by Venice Commission, Congress and DGAP.

considered, to avoid overcrowding in future elections, that this issue should be addressed.

39. With very few exceptions, police forces were not present in polling stations but were largely present around and nearby the entrances. Though policemen behaved properly, observers thought that their presence could intimidate voters. The same goes for the cameras placed in polling stations in most districts. In general, PEC members and voters did not have a clear picture of the purpose of such cameras. Moreover, exit polls were often conducted inside the building where the polling station was located.
40. Most polling stations were inaccessible to persons with disabilities, an issue which, in spite of the good overall functioning of mobile voting, should also be addressed.
41. Finally, Congress observers welcomed the withdrawal, shortly before the elections, of the second stamping procedure of the ballot paper (after the ballot had been filled out by the voter). However, they considered that introducing the ballot paper in an envelope once filled out and after leaving the polling booth could undermine the secrecy of the vote. They reported in particular on cases where PEC members helped elderly persons put their ballots in the envelopes; they also underlined that the transparency of the paper, combined with the clear and very visible logos of certain political forces, made it theoretically possible to see what was the choice of the voter.

### **3.4 Results**

42. According to Central Election Commission, the average turnout of the local elections in the whole Country was of 33 % and 34.42 % in Tbilisi. The National Movement obtained the overwhelming majority of the valid votes throughout the country (77.08%). A few opposition parties obtained a small share of the votes: Coalition of Republicans and Conservatives (8.56%), Labour Party (6.42%), Industrialists Party (3.79%) and Georgia's Way (1%). The results of parallel vote tabulation, unveiled by election watchdogs, comply with the official data.
43. In Tbilisi, the National Movement also came first and obtained 34 out of the 37 seats in the City Council. Representatives of the Coalition of Republicans and Conservatives, Labour Party and Industrialists obtained each one of the remaining seats. The Tbilisi City Court turned down a complaint filed by the Republican and Conservative's party bloc demanding the annulment of the CEC decision regarding the distribution of seats in Tbilisi City Council and according to which this bloc should have obtained two seats.
44. According to the CEC, serious violations were reported in six electoral districts; results in the Abasha ward (Western Georgia) were annulled and elections re-run on 17 October. In addition, second Ballots were also organised on the same day in the following precincts: #13 and #21 precinct of #18 Akhmeta DEC, #58, #64, #28 precinct of Gardabani DEC, #49 precinct of #28 Dusheti DEC.

## **4. Conclusions**

45. Elections were held in overall respect of fundamental freedoms. According to Congress observers, the conduct of elections on 5 October reflected the efforts of the authorities

to carry out the election process in a professional, transparent and orderly manner. Though the Congress' assessment of the elections is exclusively based on its observations on 5 October, the Congress delegation underlined the significant progress made in conducting the elections in accordance with international standards as compared to the local elections monitored in 2002.

46. However, the Congress considers that significant progress must be made if Georgia is to fully meet its commitments regarding international and Council of Europe election principles and standards. In this regard, it invites the Georgian Authorities to take full account of its recommendations based on the observation of the 5 October local elections as well as of relevant recommendations made by the Parliamentary Assembly, the Venice Commission and other international organisations. It also reiterates the importance of such recommendations in view of the upcoming legislative elections.
47. For the Congress, local elections are decisive to appraise the degree of priority conferred by governmental authorities and political forces to local matters as well as the citizens' awareness of local issues and involvement in public life. In this regard, Congress observers noted the low turnout of the local elections. In their view, these figures reflect the need to take measures to ensure broader participation of citizens and political forces in local affairs.
48. Positive developments have been taking place in Georgia since it ratified the European Charter of Local Self-Government, as reflected in the creation of the National Association of Local Authorities of Georgia (NALAG) in 2004, recent legislative amendments and current work on the country's territorial reform. However, the Congress also considers that significant steps need to be made by the Georgian Authorities to ensure that democracy is built on the full respect of local democracy principles. The Congress, as part of the Council of Europe, and as forum for over 200 000 local and regional authorities in Europe, reiterates its willingness to accompany the Georgian authorities in this process.

**The recommendations of the Congress to the Georgian authorities based on the observation of the local elections are presented in document CG/BUR (13) 40, Recommendation.**

## **APPENDIX I**

### **JOINT PRESS STATEMENT ISSUED BY THE CONGRESS and OSCE/ODIHR AND PRESENTED DURING A PRESS CONFERENCE HELD IN TBILISI ON 6 OCTOBER 2006**



#### **Elections in Georgia: Fundamental freedoms generally respected but insufficient distinction between State and governing party**

TBILISI, 06.10.2006 – The 5 October 2006 municipal elections in Georgia were conducted with general respect for fundamental freedoms, however, the blurred distinction between the authorities and the governing party reinforced the advantage of the incumbents. Those are the conclusions of international observers from the OSCE Office for Democratic Institutions and Human Rights and the Congress of Local and Regional Authorities of the Council of Europe.

“We appreciate the efforts of the authorities to conduct the process in a professional and inclusive manner and welcome the readiness of Georgia to continue international co-operation on bringing further improvements to the electoral practice to fully meet all OSCE and other international commitments”, said Ambassador Geert Ahrens, who headed the Limited Election Observation Mission from the OSCE/ODIHR, deployed a month prior to the elections.

Wim van Gelder, Head of Delegation of the Congress emphasized: “We have observed significant progress in the conduct of voting.” Referring in particular to the fact that following these elections, mayors of large cities will no longer be appointed by the central government, he added: “Georgia has also taken encouraging steps towards effective local democracy in accordance with its commitments to the Council of Europe. However, preliminary turnout figures show that progress is still to be made to ensure broader participation of citizens and political forces in local affairs.”

Five political parties, one electoral bloc and a number of independent candidates contested the 2006 municipal elections, although two political parties announced a boycott of election. Parties and electoral blocs did not face problems in the registration process. However, regrettably, in 27.5 per cent of majoritarian races and 8.7 per cent of proportional races only one candidate or party list appeared on the ballot, in all but one case representing the governing party. Furthermore, 30 per cent of all independent candidates were not able to register, largely due to the failure of the election administration to provide clear instructions on the establishment of campaign funds. Consequently, in some districts voters were not presented with a choice.

Contestants had the opportunity to present their views to the electorate without impediments in a campaign environment that was characterized by a general respect for fundamental rights and freedoms. However, the campaign remained low-key until the last week prior to the elections. It mainly involved door-to-door canvassing, small scale meetings and use of free

airtime. Political parties, except for the governing United National Movement (UNM), did not develop comprehensive campaign programs, and their outreach to voters in the regions was limited.

The media offered voters a plurality of views and provided them with a basic reflection of main election events, devoting significant attention to the activities of authorities. The broadcasters mostly respected the legal requirements for allocation of free airtime and organization of debates. Regrettably, the UNM governing party chose not to engage in these debates.

The ruling party has made extensive use of its advantage as incumbent and conducted highly visible social aid programmes including issuing of utilities vouchers, payment of pension bonuses and temporary employment schemes. These programmes, conducted in parallel to the election campaign and covered extensively by the media, blurred the line between state activities and the electoral campaign. The use of identical slogans, designs and images in electronic and print materials made it difficult to distinguish between PR materials paid for from the state budget and campaign material produced by the UNM. Furthermore, in some cases, local executive buildings hosted UNM branches, and some election commissions appeared to be involved in campaign activities of the governing party.

The election legislation provided an adequate framework for the conduct of democratic elections, however, it will benefit from further improvements in a number of areas. Changes introduced to the election system for local elections were adopted without broad consultations among the political actors and were criticized by the opposition parties. The OSCE/ODIHR and the Venice Commission of the Council of Europe will publish a comprehensive review of recent amendments at the end of 2006.

The election administration largely provided for an orderly electoral process, operating within a constrained timeframe. However the Central Election Commission did not meet all legal deadlines and allowed some ambiguity in its instructions to District Election Commissions. The right of ethnic minorities to receive election-related information in their preferred languages was not fully respected across the country.

Some parties questioned the impartiality of the election administration. However, international observers did not witness concrete instances of biased decision making. Political parties had an opportunity to appoint members of precinct level commissions and to nominate proxies to election commissions of all levels. Domestic and international observers as well as the media enjoyed a generally unimpeded access to all aspects of the electoral process.

On election day, international observers assessed voting and observed the count and tabulation processes in a limited number of polling stations throughout the country. Despite commendable efforts undertaken by the authorities to improve the accuracy of the voters' lists, a number of voters did not find their names on the register. In the polling stations visited, the election commissioners appeared reasonably well organized and trained, and procedures were widely followed. UNM observers and representatives were prominently present, and were at times seen interfering in the process. During the count, observers noted significant procedural problems in some areas, mainly minority areas.

The OSCE/ODIHR will issue a final report approximately two months after the completion of the process.

The Congress' recommendations based on this observation will be addressed to the Georgian authorities following their adoption at the Congress' Autumn Institutional Session in mid-November.

**For more information:**

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## **APPENDIX II**

### **PROGRAMME OF MEETINGS AND BRIEFINGS ATTENDED BY THE CONGRESS DELEGATION ON 2, 3 & 4 OCTOBER 2006**

#### **SMALL DELEGATION<sup>1</sup>**

##### **2 October 2006**

(Delegate members present in Tbilisi)

15:30-16:30 OSCE/ODIHR Ambassadors Working Meeting  
Venue: OSCE Headquarters

##### **3 October 2006**

9:00- 9:30 Delegation de-briefing & practical issues  
Venue: Hotel Marriott Courtyard

9:30-10:00 **Mr Igor GAON**  
Special Representative of the Secretary General of the Council of Europe to Georgia  
Venue: Hotel Marriott Courtyard

10:00-10:45 **Mr Gigi UGULAVA**  
Mayor of Tbilisi  
Venue: Mayor's office, City Hall

11:00-11:45 **Mr Merab ANTADZE**  
State Minister on conflict resolution issues of Georgia  
Venue: State Minister's Office

12:00-12:50 **Mr. Guram CHALAGASHVILI**  
Chairman of the Central Election Commission of Georgia  
Venue: Central Election Commission's Office

13:00-14:30 **Working lunch with Ambassadors of Council of Europe member states**  
Venue: Council of Europe Office, 7 Erekle II Lane, 0105 Tbilisi, Georgia

15:15-16:30 **H.E.Mr. Gela BEZHUASHVILI**  
Minister of Foreign Affairs of Georgia  
Venue: Ministry of Foreign Affairs of Georgia

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<sup>1</sup> The small delegation was composed as follows: Mr Wim Van Gelder, Mrs Myriam Constantin, Mr Ott Kasuri, Mr Günther Krug, Mr Lars Molin, Mr Roger Kaliff and Ms Mirjana Lazarova. The small delegation was accompanied by Mrs Pilar Morales.



17:00-17:45 **H.E. Ms. Nino BURJANADZE**  
Chairperson of the Parliament of Georgia

**Mr.Pavle KUBLASHVILI**  
Chairperson and members of the Parliamentary Committee of  
Regional policies and Self-Government

**Mr. Vano KHUKHUNEISHVILI**  
State Commission on Decentralization/Parliamentary Committee  
on Regional Policy, self-government and highland issues

Venue: Parliament of Georgia

18:00-19:00 Delegation de-briefing of parallel programmes  
Venue: Hotel Marriott Courtyard

19:00-20:15 **Opposition parties**  
Venue: Hotel Marriott Courtyard

20:15-20:45 Meeting of teams with interpreters and drivers  
Venue: Hotel Marriott Courtyard

22:30-23:30 **H.E. Mr. Mikheil SAKASHVILI**  
President of Georgia  
Venue: President's Administration

### **Wednesday 4 October**

10:00- 11:00 **Georgian delegation to the Congress**  
Venue: Georgian National Association of Local Authorities Appt. 22, Entrance  
III, 2, Gamsakhurdia Avenue

12:00 Deployment of teams observing in Poti, Batumi, Kutaisi, Akhalkalaki and  
Zugdidi

### **Thursday 5 October**

Election day

### **Friday 6 October**

15:00 Press Conference  
Venue: Hotel Sheraton, Issani, 3803 Tbilisi

## **DELEGATION AT LARGE<sup>2</sup>**

### **Tuesday 3 October**

- 9:00- 9:30 Delegation de-briefing & practical issues
- 9:30-10:00 Mr Igor **GAON**  
Special Representative of the Secretary General of the Council of Europe to Georgia
- 10:00-10:50 OSCE Core team members / ODIHR long-term observers
- 11:00-11:50 Ms Tamar **ZHVANIA**  
Executive Director  
International Society for Fair and Democratic Elections (SFED)
- 12:00-12:50 Ms Tamar **KAROSANIDZE**  
Executive Director  
International Transparency Georgia
- 13:00-14:30 Working lunch with Ambassadors of Council of Europe member states  
Venue: Council of Europe Office, 7 Erekle II Lane, 0105 Tbilisi, Georgia
- 15:00-15:50 Ms Ana **DOLIDZE**  
Executive Director  
Georgian Young Lawyers Association
- 16:00-16:50 Mr Tim **BAKER**  
Director ad interim  
National Democratic Institute (NDI)
- 17:00-17:50 Mr Koki **IONATAMISHVILI**  
Chairman  
New Generation new Initiatives
- 18:00-19:00 Delegation de-briefing of parallel programmes  
Venue: Hotel Marriott Courtyard
- 19:00-20:15 **Opposition parties**  
Venue: Hotel Marriott Courtyard
- 20:15-20:45 Meeting of teams with interpreters and drivers  
Venue: Hotel Marriott Courtyard

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<sup>2</sup> The delegation at large was composed by Mrs Susan Bolam, Mr Joseph Borg , Mr Gintautas Geguzinskas, Mr Petru Radu Paun-Jura, Mr Fabio Pellegrini, Mrs Mariacristina Spinosa, Mr Nikolajs Stepanovs. The delegation was joined by Mr Pierre Garrone, Ms Inkeri Aarnio-Lwoff, Mrs Olena Petsun and Ms Elena Piscopo.

### **Wednesday 4 October**

10:00- 11:00 **Georgian delegation to the Congress**

Venue: Georgian National Association of Local Authorities, Appt. 22, Entrance III, 2, Gamsakhurdia Avenue

12:00 Deployment of teams observing in Poti, Batumi, Kutaisi, Akhalkalaki and Zugdidi

### **Thursday 5 October**

Election day

### **Friday 6 October**

15:00 **Press Conference**

Venue: Hotel Sheraton, Issani, 3803 Tbilisi

### APPENDIX III

#### DEPLOYMENT AREAS on 5 October 2006

Team	Deployment Areas	Team Composition
1	Tbilisi	Mrs Myriam CONSTANTIN Mrs Pilar MORALES
2	Tbilisi	Mrs Marie-Rose KORO Mr Günther KRUG
3	Tbilisi	Ms Mirjana LAZAROVA Mr Pierre GARRONE
4	Tbilisi	Mr Joseph BORG Mr Roger KALIFF
5	Poti	Mr Fabio PELLEGRINI Ms Elena PISCOPO
6	Batumi	Mr Lars MOLIN Mrs Inkeri AARNIO-LWOFF
7	Kutaisi	Mr Wim VAN GELDER Mrs Mariacristina SPINOSA
8	Akhalkalaki	Mr Nikolajs STEPANOV Mrs Susan BOLAM
9	Zugdidi	Mr Petru Radu PAUN JURA Mr Ott KASURI
10	Rustavi	Ms Olena PETSUN Mr Gingautas GEGUZINSKAS

## **APPENDIX IV**

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