



OSCE ELECTION OBSERVATION MISSION
GEORGIA
PARLIAMENTARY ELECTION
31 OCTOBER 1999

PRELIMINARY STATEMENT

Tbilisi, 1 November 1999 -- This is the Preliminary Statement of the Organization for Security and Co-operation in Europe (OSCE) Election Observation Mission for the 31 October 1999 parliamentary election in Georgia. The Election Observation Mission is a joint effort between the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly.

The Preliminary Statement is released before the completion of the tabulation of results. No final assessment can be drawn until the aggregation of the results of the vote count has been completed and the official results have been publicly declared and verified. A Final Report will be issued by the ODIHR approximately one month after elections which will include recommendations and a detailed analysis of the findings from all phases of the election process.

SUMMARY OF CONCLUSIONS

The conduct of the 1999 parliamentary election represents a step towards Georgia's compliance with OSCE commitments. Despite some irregularities, it appears that Georgian voters were generally able to express their will. Regrettably voting could not take place in Abkhazia and parts of South Ossetia.

The election-related laws established an adequate framework to conduct genuine multiparty elections, provided that the legal provisions were applied in a uniform and transparent manner.

During the pre-election period, fundamental freedoms were generally respected. The heated competition between the leading political parties and election blocs confirms that political pluralism exists in Georgia, with a clear distinction between competing political interests. Occasionally the tone of the campaign went beyond acceptable limits of political competition. In particular, it is cause of deep concern that a few instances of violence and intimidation marred the pre-election period.



Freedom of movement was at times restricted, and on occasions these restrictions prevented political parties and observers from exercising their rights.

Principally, the political parties were able to present their platforms to the electorate through the media providing the voters with sufficient information to make an informed choice. However, the media gave some advantage to incumbents.

Some aspects of the performance of the election administration lacked transparency, thus diminishing trust for some in the process.

Most of the above problems were particularly pronounced in the Autonomous Republic of Adjara.

In general, the Supreme Court acted impartially in processing registration appeals.

On election day, the vote was conducted in a relatively peaceful manner and voters had a chance to freely cast their ballots in a substantial number of polling stations visited by international observers. During their visits, observers noted that the elections were conducted in overall accordance with legal provisions. These observations are backed so far by reports from 200 OSCE observers in more than 800 polling stations.

Further progress is necessary to increase the confidence in the election process. The Election Observation Mission encourages the Georgian authorities to investigate violations of the law, to improve the electoral legislation and to address the inadequacies of the electoral administration in order to enhance public confidence in the elections process.

PRELIMINARY FINDINGS

The heated competition between the leading political parties and election blocs confirms that political pluralism exists in Georgia, with a clear distinction between competing political interests. Despite isolated infringements, in general, fundamental freedoms were respected in Georgia during the pre-election period.

The election campaign was mainly conducted through the media and publicity, with only a small number of large-scale meetings organized by the main parties. Regrettably, a few acts of violence against individuals and the property of political parties, as well as instances of intimidation, marred the pre-election period. In relation to political campaigning, the Election Observation Mission received a number of complaints from different parties and blocs regarding freedom of movement. The OSCE calls upon the



Georgian authorities to complete their investigations of all such acts following internationally recognized principles of due process of law and take action when necessary.

Generally, all political parties were able to present their platforms to the electorate through the media providing the voters with sufficient information to make an informed choice. However, the Election Observation Mission identified an advantage for the Citizens Union Georgia at the national level, and in particular for the Revival Party in the Autonomous Republic of Adjara, where incumbents used their positions to gain privileged access to the media and to campaign in support of their parties. This was particularly visible in the election coverage of the electronic media and state owned newspapers.

The election-related laws established an adequate framework to conduct genuine multiparty elections, provided that the legal provisions were applied in a non-selective and transparent manner. However, the election law is vague and needs clarification in a number of important areas and the quality of the election depends on the spirit with which it is implemented. The law allowed the ruling party to enjoy a dominant position in the election administration at all levels which, regrettably, contributed to a politically polarised election administration.

As the Central Election Commission (CEC) is endowed a wide range of powers to clarify the law and regulate its implementation, it was imperative for the CEC to act in an impartial, transparent and timely manner. Regrettably, on a number of occasions the CEC did not follow these principles, thus diminishing confidence in the election process. In particular:

- The criteria for refusing registration to candidates and the procedures for their implementation were issued at a very late stage, denying candidates sufficient time to prepare their applications properly or correct minor technical omissions. The CEC processed registration appeals often without reviewing the relevant documentation.
 - On a number of occasions, representatives of opposition parties in the CEC did not have access to the documentation of the CEC.
 - The adoption of special holograms failed to enhance ballot security and confidence due to their late introduction and a lack of transparency, resulting in non-uniform implementation.
 - At this time, the arrangements for the preliminary vote tabulation at the central level make it difficult for the political parties to verify data acquired at lower levels of the election administration. Public access to preliminary results for the proportional ballot is restricted to the national level.
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On a number of occasions, the election administration at the district and precinct levels failed to perform all their duties in a uniform, transparent and timely manner. It appeared to the Election Observation Mission that in a limited number of cases representatives of the opposition parties were not actively involved in the decision-making process.

In general, the Supreme Court considered appeals against CEC decisions in a timely and impartial manner and in line with principles of due process of law. One third of appeals against CEC decisions were upheld, indicating reasons for increased confidence in the judiciary following recently introduced reforms.

ELECTION DAY

Based on the observer report forms that have been reviewed at the time of this statement, the Election Observation Mission concludes that in general polling was conducted in a calm and orderly manner. Observers reported that a significant number of the PECs appeared unaware of the correct ballot counting procedures and did not fully comply with the legal provisions. The Election Observation Mission is concerned about a few reported cases where the number of ballot papers issued did not correspond with the number of votes cast.

However, it is apparent that differences exist between quality of polling across the various regions. The majority of observers reported polling was well conducted in Tbilisi, whereas polling in some other regions, notably in Samtskhe-Javakheti, Kvemo Kartli were less than satisfactory. Polling in Ajara was regarded as unsatisfactory. In an isolated number of cases, serious violations were reported including intimidation of voters and a lack of thorough scrutiny of voter's identification. It is an additional concern that the presence of unauthorized persons was observed in a number of instances.

The Election Observation Mission calls upon the election authorities to fully investigate all complaints on the conduct of polling and the counting of ballots and the tabulation of results at higher levels of the election administration.

In response to an invitation from the Ministry of Foreign Affairs of Georgia, the OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission in Tbilisi on 23 September 1999. The OSCE Election Observation Mission would like to thank the Ministry of Foreign Affairs and the Ministry of Defence for their co-operation and assistance throughout the duration of its Mission.

Mr. Bruce George, Vice-President of the OSCE Parliamentary Assembly and Member of the UK House of Commons, was appointed as Special Representative of the OSCE Chairman-in-Office to lead the short-term observation. Mr. Nikolai Vulchanov was appointed as Head of the ODIHR Election Observation Mission established in Tbilisi on 23 September 1999.



The Preliminary Statement consolidates the findings of 20 core staff and long-term observers from the ODIHR Election Observation Mission and the election day findings of 177 short-term observers from 27 participating States, including 20 Parliamentarians from the OSCE Parliamentary Assembly. On election day the observers visited more than 800 polling stations.

The Election Observation Mission assessed compliance of the election process in Georgia with OSCE commitments formulated in the 1990 Copenhagen Document and appraised the uniform and impartial application of relevant Georgian legislation.

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