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

**NEWSLETTER №18**  
**March, 2021**

**Tbilisi, 2021**

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This newsletter was made possible by the generous support of the American People through the United States Agency for International Development (USAID). The contents of this newsletter are the sole responsibility of “Georgian Young Lawyers’ Association” (GYLA) and do not necessarily reflect the views of USAID or the United States Government.



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# INTRODUCTION

Since August 2019 Georgian Young Lawyers' Association (GYLA) started the implementation of the project Free, Fair and Equal Election electoral political cycle during 2019-2022 throughout Georgia. One of the goals of the project is to promote the improvement of the election environment through monitoring and evidence-based advocacy. In order to achieve this, the organisation will monitor ongoing policy processes and develop recommendations that will be communicated to the public and presented to decision-makers. At the moment we present Newsletter #18, which describes the events of March that have had an impact on the political environment.

## CONCLUSION OF THE OSCE OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS ON THE OCTOBER 31, 2020 PARLIAMENTARY ELECTIONS

The OSCE / ODIHR released the final report on the March 5 parliamentary elections in Georgia, based on monitoring made by its small-scale observation mission.<sup>1</sup>

The election campaign report stated that for the greater part the election environment was competitive and generally, human rights and freedoms were protected.<sup>2</sup> It is noted that the amendments to the electoral law in 2020 did not take into account part of the recommendations issued by the Venice Commission, including the implementation of the election campaign, election administration, campaign financing, media, as well as the process of complaints and appeals, and the normative errors in the counting of votes and the annulment of election results.<sup>3</sup> According to the OSCE / ODIHR, the implementation of such changes shortly before the elections was not in line with international best practice.<sup>4</sup> Furthermore, contrary to international obligations, the line between the ruling party and the state was often indistinct during the election campaign.<sup>5</sup>

According to the document, the dominant representation of the ruling party in the election administration, especially at low levels, had a negative influence on public perception of the impartiality and independence of election commissions.<sup>6</sup>

The mission noted on Election Day that party coordinators and activists were standing near polling stations, intimidating voters.<sup>7</sup> In addition, the control of the wish of the voters was influenced by the photo-video recording of the voting process by unknown persons without the consent of the voters.<sup>8</sup>

As for the post-election complaints, the report states that the main subject of the complaints was the recount of precincts and/or the annulment of the summary protocols of the Precinct Election Commission,<sup>9</sup> most of which were not satisfied.<sup>10</sup> In fact it was a superficial process, without substantive discussion, investigation and substantiation.<sup>11</sup> The report emphasised that the legal framework for resolving election

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<sup>1</sup> *Georgia Parliamentary Elections 31 October 2020: ODIHR Limited Election Observation Mission Final Report* (Warsaw: OSCE/ODHIR, 2021), available: <https://bit.ly/32QHQRh>, updated: 26.04.2021.

<sup>2</sup> *Ibid.*, p. 15.

<sup>3</sup> *Ibid.*, p. 3.

<sup>4</sup> *Ibid.*, p. 8.

<sup>5</sup> *Ibid.*, p. 3.

<sup>6</sup> *Ibid.*, p. 9-10.

<sup>7</sup> *Ibid.*, p. 28.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*, p. 31.

<sup>10</sup> *Ibid.*, p. 32.

<sup>11</sup> *Ibid.*

disputes was complex and overly restrictive, and the deadlines for review were very short.<sup>12</sup>

Separate chapters of the report focus on important issues such as: electoral system and legal framework, election administration, voter registration, party and candidate registration, election campaign, media, complaints, participation of national minorities in elections, post-election complaints, etc.<sup>13</sup>

The report includes 30 recommendations aimed at improving the electoral process, transparency and raising the level of public confidence in it. The OSCE / ODIHR is ready to assist Georgia in implementing the recommendations made in this and previous reports.<sup>14</sup>

## FINAL REPORT OF IRI ON THE INTERNATIONAL TECHNICAL ASSESSMENT MISSION FOR THE 2020 PARLIAMENTARY ELECTIONS

The International Republican Institute (IRI) released the final report of the International Technical Election Assessment Mission on March 11.<sup>15</sup> The IRI report covers the findings of 6 long-term analysts in Georgia during September-November 2020, both on election day and in the period before and after it.<sup>16</sup> In the IRI report, individual chapters are devoted to issues such as: the election administration, the election campaign and its finances, the involvement of underrepresented groups, the media and information space, the voting and counting process, complaints, and more.<sup>17</sup>

According to the organization, the pre-election period was a well-organized, transparent process, which, for the most part, was conducted in compliance with the law.<sup>18</sup>

According to the IRI report, although in 2020 legislative reforms to some extent have improved the electoral environment, mechanisms for resolving election disputes, staffing district and precinct administrations, and investigating campaign financial irregularities still remained problematic.<sup>19</sup> In particular, The report states that 1,483 members nominated by the Georgian Dream were elected to the executive positions of the Precinct Election Commission, while only 13 opposition members in total were appointed as precinct chairpersons, deputies and secretaries.<sup>20</sup>

According to the conclusion of the organization, on election day, the election administration acted within the framework of the law and mainly fulfilled its technical and administrative obligations effectively.<sup>21</sup> Violations related to voting procedures on election day were also minor.<sup>22</sup> According to the report, in order to avoid mathematical deficiencies in the summary protocols, it was important for the PECs to follow the procedures and recalculate the ballots in case of inaccuracies.<sup>23</sup>

According to an IRI report, irregularities that occurred during the previous election were repeated in the 2020 election.<sup>24</sup> In particular, electoral subjects and media representatives were overrepresented at polling stations, which indicates the abuse of the mechanism of non-party election observation by

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<sup>12</sup> Ibid.

<sup>13</sup> *Georgia Parliamentary Elections 31 October 2020: ODIHR Limited Election Observation Mission Final Report.*

<sup>14</sup> Ibid, p. 34.

<sup>15</sup> „IRI Final Georgia Election Report Reveals Increased Participation, Need for Continued Reforms”, International Republican Institute, 11 March 2021, available: <https://bit.ly/3nojnTL>, updated: 26.04.2021.

<sup>16</sup> *International Technical Election Assessment Mission: 2020 Parliamentary Elections* (IRI Georgia, 2021), p. 6, available: <https://bit.ly/3dV8AND>, updated: 26.04.2021.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid, p. 8.

<sup>19</sup> Ibid, p. 7.

<sup>20</sup> Ibid, p. 9.

<sup>21</sup> Ibid, p. 17.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid, p. 18.

<sup>24</sup> Ibid, p. 23.

political parties.<sup>25</sup> According to the report, the excessive number of observers at and around the polling stations contributed to the creation of a chaotic election environment and raised questions about the control of the will of the electorate.<sup>26</sup> In addition, observer organizations reported cases of physical violence, including against independent observers, violations of health safety, as well as pressure on voters inside and outside polling stations, and violations of the secrecy of the ballot.<sup>27</sup>

The IRI report on complaints states that despite the large number of complaints requesting a recount and or annulment of the results, only a small proportion were satisfied.<sup>28</sup>

In order to support international support and further improve the electoral process, the IRI has developed 45 key findings and recommendations. The organization calls on the newly elected government to work to address the shortcomings identified by observers and to take into account their recommendations for improving future electoral processes.<sup>29</sup>

## FINDINGS OF VENICE COMMISSION AND OSCE / ODIHR ON AMENDMENTS TO ELECTION LEGISLATION

On March 20, the Venice Commission and the OSCE / ODIHR released two conclusions on amendments to the Electoral Code, the Law on Political Associations of Citizens and the Parliamentary Rules of Procedure.<sup>30</sup> The organizations called on the Parliament of Georgia to reconsider the disputed draft laws on the termination or suspension of state funding for parties in the parliamentary boycott mode, as well as the abolition of party registration. These initiatives were introduced by the Georgian Dream MPs in the Parliament in December last year.<sup>31</sup> According to the documents, the party's election registration would be annulled if the agitation in its favour was carried out by a person without an active electoral right; Furthermore, state funding for the party would be temporarily suspended if it did not seize at least half of its seats as a Member of Parliament, or if half of the members of parliament elected by its appointment miss plenary sessions for unreasonable reasons.<sup>32</sup> Prior to the publication of the final reports of the Venice Commission and ODIHR, GYLA submitted a report to Parliament on both draft laws, in which the organization sharply criticized them.<sup>33</sup>

The reports of the Venice Commission and the OSCE/ODIHR emphasized the need to discuss the proposed changes through a transparent, accountable, inclusive and democratic process.<sup>34</sup> As for the content, the document states that the draft laws did not comply with the principle of the rule of law,

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<sup>25</sup> Ibid.

<sup>26</sup> Ibid, p. 23-25.

<sup>27</sup> Ibid, p. 23.

<sup>28</sup> Ibid, p. 26.

<sup>29</sup> Ibid, p. 5.

<sup>30</sup> Venice Commission, OSCE/ODIHR, *Joint Opinion on the Amendments to the Election Code, the Law on Political Associations and the Rules of Procedure of the Parliament of Georgia*, CDL-AD(2021)008 (Strasbourg: Council of Europe, 2021), available: <https://bit.ly/3gGBSkV>, updated: 26.04.2021; Venice Commission, OSCE/ODIHR, *Joint Opinion on the draft Article 79' of the Election Code of Georgia*, CDL-AD(2021)009 (Strasbourg: Council of Europe, 2021), available: <https://www.osce.org/files/f/documents/a/3/482089.pdf>, updated: 24.03.2021.

<sup>31</sup> Latsabidze M., Newsletter №15 January, 2021 (Tbilisi: Georgian Young Lawyers' Association, 2021), p. 6, website of Georgian Young Lawyers' Association, available: [https://gyla.ge/files/2020/15\\_geo.pdf](https://gyla.ge/files/2020/15_geo.pdf), available: 26.04.2021.

<sup>32</sup> Kapanadze N., 'Another negative conclusion from the Venice Commission and ODIHR', website of Georgian Young Lawyers' Association, March 30, 2021, available: <https://bit.ly/3alhPPk>, updated: 26.04.2021.

<sup>33</sup> "According to GYLA, the purpose of cutting state funding for parties due to political protests is to punish the opposition", website of Georgian Young Lawyers' Association, December 23, 2020, available: <https://bit.ly/2PjUknU>, updated: 26.04.2021; "GYLA negatively assesses the initiative to cancel the election registration of parties due to the involvement of a stateless leader in the election campaign", website of Georgian Young Lawyers' Association, March 18, 2021, available: <https://bit.ly/3skE11Y>, updated: 26.04.2021.

<sup>34</sup> Venice Commission, OSCE/ODIHR, *Joint Opinion on the Amendments to the Election Code, the Law on Political Associations and the Rules of Procedure of the Parliament of Georgia*, para. 27.

<sup>35</sup> and for political parties the complete cessation of state funding and withdrawal from the party due to the foreign citizenship of the leader was an excessive and disproportionate measure.<sup>36</sup> Regarding the definition of the term “political leader”, the Venice Commission and the OSCE/ODIHR expressed concern about the lack of objective criteria for its definition.<sup>37</sup> The authors of the report also pointed out that the cessation of state funding for the parties posed a threat to their ability to continue their activities.<sup>38</sup>

**GYLA believes that funding the parties from the state budget primarily serves to ensure the effectiveness of the parties and not just to promote their parliamentary activities. According to the project initiated by the ruling team, deprivation of state funding for parties is perceived by the organization as an arbitrary punishment imposed by the government on the opposition.**

**As for the cancellation of registration for election subjects, according to GYLA, it is necessary that the measure of liability selected for the violation be restrictive, proportionate and directly related to the violation. It is not like that for the party to cancel the election registration without an alternative rule.**

**According to the organization, the parliament should take into account the purpose of the parties and as well as the goals of state funding, in order to prevent the emergence of disproportionately restrictive, unreasonable norms in the legislation. In addition, the legislatures should not allow the emergence of general, disproportionately restrictive, unjustified and arbitrarily threatening political associations in the Code. Consequently, GYLA calls on the Parliament not to adopt the initiated bills.<sup>39</sup>**

## POST 2020 ELECTION DEVELOPMENTS

On March 2, the co-chairs of the electoral reform group, Georgian Dream, and citizens’ deputies Shalva Papuashvili and Levan Ioseliani registered a package of amendments to the Electoral Code in parliament.<sup>40</sup>

On March 4, the next meeting of the working group on electoral reform was held. The meeting was attended by representatives of international and local organizations, as well as the CEC leadership.<sup>41</sup> The participants presented and discussed the recommendations regarding the draft law.<sup>42</sup>

GYLA Recommendations:

- 1) The deadline for appealing the PEC decision should have been set at 3 days instead of the current 2 days. This should also have been applied to appeals against the DEC decision in the city court. At the same time, the term for appealing the decision of the latter should have been changed to 2 days instead of one;

<sup>35</sup> Venice Commission, OSCE/ODIHR, *Joint Opinion on the draft Article 79<sup>1</sup> of the Election Code of Georgia*, para. 32.

<sup>36</sup> Ibid, para. 13; Venice Commission, OSCE/ODIHR, *Joint Opinion on the Amendments to the Election Code, the Law on Political Associations and the Rules of Procedure of the Parliament of Georgia*

<sup>37</sup> Venice Commission, OSCE/ODIHR, *Joint Opinion on the draft Article 79<sup>1</sup> of the Election Code of Georgia*, para. 14.

<sup>38</sup> Venice Commission, OSCE/ODIHR, *Joint Opinion on the Amendments to the Election Code, the Law on Political Associations and the Rules of Procedure of the Parliament of Georgia*, paras. 12, 42.

<sup>39</sup> “According to GYLA, the purpose of cutting state funding for parties due to political protests is to punish the opposition, Georgian Young Lawyers’ Association; “GYLA negatively assesses the initiative to cancel the election registration of parties due to the involvement of a stateless leader in the election campaign”, the Georgian Young Lawyers’ Association.

<sup>40</sup> “Electoral System Reform Group Presented Draft Amendments”, Information Portal “Civil.ge”, March 3, 2021, available: <https://bit.ly/2S1QalP>, updated: 26.04.2021.

<sup>41</sup> “Parliament to send the draft law on electoral reform to OSCE / ODIHR”, information portal “PalitraNews”, March 4, 2021, available: <https://bit.ly/3gUwET1>, updated: 26.04.2021.

<sup>42</sup> Ibid.



- 2) Recounting of voting results should have been taken place in cases when the summary protocol was not accompanied by an amendment protocol, the votes received by the persons were corrected, the number of voters and/or the number of invalid ballots, and/or an imbalance was recorded in the summary protocol;
- 3) The quorum for resolving personnel issues at the election commission session should have been increased by 2/3 of the list;
- 4) The competition commission nominated by the CEC members for the President of Georgia was to be staffed with parties that overcame the threshold. The commission should have guaranteed equal representation of the majority and the opposition;
- 5) When appointing / electing a member of the commission, it had been taken into account the fact of the disciplinary responsibility of the candidate for member of the commission in the last elections, its nature and seriousness;
- 6) The members of the Precinct Election Commission shall be elected by a majority of the members of the relevant district election commission, provided that they are supported, including by a majority of the members appointed by the parties in the relevant district election commission;
- 7) Election agitation should have been banned on the entire territory of Georgia 24 hours before the voting day, including the broadcasting of video and/or audio material containing pre-election campaigning on television and radio;
- 8) Municipal elections were to be conducted under a proportional electoral system, rather than a mixed one.

Within the framework of the working group, the European Socialists also presented recommendations on the bill. A mixed model of the election commission was acceptable to them. In their view, the procedure for selecting a CEC member on a professional basis should have been possible through a deliberative body set up with the President, staffed by representatives of both the non-governmental sector and political parties. A political entity that exercised its parliamentary mandate based on the results of the last parliamentary elections and had at least one representative in parliament should have profited from state funding. The party also supported maintaining the composition of the Precinct Election Commission on a mixed principle. The European Socialists also supported the holding of an experiment in Tbilisi based on the principle of electronic counting.

The International Society for Fair Elections and Democracy and Transparency International Georgia issued a joint statement on the draft law.<sup>43</sup> According to them, the initiated document side-stepped several key issues.<sup>44</sup> In particular, boycotted opposition parties will still be unable to appoint election officials, because under the changes, only those parties that had at least one incumbent MP and received state funding would be able to have a representative in the commissions. The recommendations of the organizations also referred to the rules of staffing of election commissions, the electoral system, the use of administrative resources for elections, and etc.<sup>45</sup>

The Bureau of the Parliament considered the initiated draft law on March 9 and submitted it to the Committee on Legal Affairs.<sup>46</sup> However, on March 26, the committee requested the Bureau to extend the consideration of the draft law, which was granted and extended until April 30.<sup>47</sup>

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<sup>43</sup> "Evaluation of Electoral Reform 2021", Official Website of the International Society for Fair Elections and Democracy, March 16, 2021, available: <https://bit.ly/3ey4biL>, updated: 26.04.2021.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Draft Organic Law of Georgia: Draft Law "On Amendments to the Organic Law of Georgia" Electoral Code of Georgia ", draft Law "On Amendments to the Organic Law of Georgia", Election Code of Georgia, Draft Law "On Amendments to the Organic Law of Georgia" and the Draft Regulations of the Parliament of Georgia "On Amending the Regulations of the Parliament of Georgia", *Official Website of the Parliament of Georgia*, March 9, 2021, available: <https://bit.ly/32TTG3U>, updated: 26.04.2021.

<sup>47</sup> Decision of the Bureau of the Parliament of Georgia, *Official Website of the Parliament of Georgia*, March 29, 2021, available: <https://bit.ly/3gGCxTr>, updated: 26.04.2021.

# CONSTITUTIONAL AMENDMENTS REGARDING THE ELECTION THRESHOLD

The parliamentary majority has begun preparations for the initiation of constitutional amendments, which envisages for the reduction of the 5% threshold for parliamentary elections to 3%.<sup>48</sup> In addition, it is planned to reduce the minimum number of deputies required to form a faction in parliament from 7 to 4.<sup>49</sup> It is important to note that amendments to the Constitution require the support of at least 113 MPs, which is more than the number of MPs currently serving in Parliament.<sup>50</sup> These changes are envisaged in the memorandum signed between the Georgian Dream and the Citizens party. **The proposed version is better than the current one, however, in order to finally ensure the fairness of the electoral system, GYLA believes that all subsequent parliamentary elections should be conducted under in a fully proportional system with a proximity to the natural threshold.**

## EU RESPONSE TO GEORGIA'S POLITICAL CRISIS

On March 1, the President of the European Council Charles Michel met with representatives of the government and opposition parties during his visit to Georgia.<sup>51</sup> On behalf of the government, Charles Michel held meetings with the President - Salome Zourabichvili,<sup>52</sup> the Prime Minister - Irakli Gharibashvili<sup>53</sup> and the Speaker of the Parliament - Archil Talakvadze.<sup>54</sup> After meeting with the Prime Minister in the Government Administration, the President of the European Council invited representatives of the government and the opposition to a meeting on the same day and said that the EU was ready to move from facilitation to mediation.<sup>55</sup> The parties accepted Charles Michel's offer and organized a meeting of government and opposition representatives at the Orbeliani Palace.<sup>56</sup> At the meeting, the President of the European Council introduced the parties to a six-point plan, which included "ambitious electoral reform" and "potential early elections and preparations for local elections".<sup>57</sup> According to statements by opposition leaders after the meeting, the parties only exchanged positions at the meeting.<sup>58</sup> Charles Michel noted that the dialogue between the political parties has recommenced<sup>59</sup> and an important step

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<sup>48</sup> "Georgian Dream is preparing to initiate constitutional changes, within the framework of which it is planned to reduce the 5% threshold for parliamentary elections to 3%", *Information portal "Interpressnews"*, March 25, 2021, available: <https://bit.ly/3gL3S70>, updated: 26.04.2021.

<sup>49</sup> Ibid.

<sup>50</sup> „96 MPs, more than 90 draft laws -" We will not allow anyone to disrupt this Parliament“, *Information portal "Radiotavisupleba"*, March 25, 2021, available: <https://bit.ly/3dWvnsk>, updated: 26.04.2021.

<sup>51</sup> "Today President of the European Council Charles Michel will meet with representatives of the Georgian government and opposition parties", *Information portal "Interpressnews"*, March 1, 2021, available: <https://bit.ly/3eCSV4G>, updated: 26.04.2021.

<sup>52</sup> "Charles Michel - EU wants to stay with Georgia - I want to send you another message of friendship from the EU", *Information portal "Interpressnews"*, March 1, 2021, available: <https://bit.ly/3dSFHSc>, updated: 26.04.2021.

<sup>53</sup> "Irakli Gharibashvili met with Charles Michel", *Information portal "Interpressnews"*, March 1, 2021, available: <https://bit.ly/3eFngzU>, updated: 26.04.2021.

<sup>54</sup> Ibid.

<sup>55</sup> "Charles Michel - I invite everyone to meet tonight - it's time to move from facilitation to mediation", *Information portal "Interpressnews"*, March 1, 2021, available: <https://bit.ly/3tUG6cE>, updated: 26.04.2021.

<sup>56</sup> "A meeting between the government and the opposition is being organized by Charles Michel", *Information portal "Interpressnews"*, March 1, 2021, available: <https://bit.ly/3aHbYdg>, updated: 26.04.2021.

<sup>57</sup> "Radiotavisupleba became aware of 6 issues discussed in the Orbeliani palace", *Information portal "Radiotavisupleba"*, March 2, 2021, available: <https://bit.ly/3aJspWd>, updated: 26.04.2021.

<sup>58</sup> "The meeting of representatives of the government and the opposition in the Presidential Administration with the participation of Charles Michel is over", *Information portal "Interpressnews"*, March 1, 2021, available: <https://bit.ly/3ey4vxZ>, updated: 26.04.2021.

<sup>59</sup> "Radiotavisupleba became aware of 6 issues discussed in the Orbeliani palace", *Information portal "Radiotavisupleba"*.



has been taken in the right direction.<sup>60</sup> According to him, the EU would monitor the progress made on this “difficult topic” in two weeks at the next meeting of the Association Council in Brussels.<sup>61</sup>

Following a meeting with the President of the Council of Europe, opposition parties spoke of holding a plebiscite as a compromise to mitigate the political crisis in the country.<sup>62</sup> However, opponents of this idea also appeared in the opposition.<sup>63</sup>

The resumption of the dialogue between the political parties was welcomed by NGOs and civil society, who expressed their readiness to submit proposals to both the government and the opposition and to take an active part in the implementation of democratic reforms.<sup>64</sup>

### Debates in the European Parliament

Debates on the political crisis in Georgia were held in the European Parliament on March 9.<sup>65</sup> Members of Parliament called on the parties to the crisis for dialogue and compromise. EU High Representative for Foreign Affairs and Security Policy Joseph Borrell noted that the current situation posed a threat to democracy and the future of the Georgia-EU Association Agreement.<sup>66</sup> David McAllister, a member of the European People’s Party, called on the parties to pursue ambitious electoral and judicial reforms, as well as to solve the problem of politicized justice, to redistribute power in parliament, to establish a commission of inquiry into the 2020 elections, and to prepare for local elections.<sup>67</sup> Anna Fotiga, a member of the European Conservative and Reformist Group, expressed concern about the current situation in Georgia and hoped that President Charles Michel’s mediation would work.<sup>68</sup> Viola von Cramon-Taubadel, a member of the Greens, emphasized that politicians in both camps were to blame for the deepening crisis, as they put their own egos above the interests of the country and chose to polarize cooperation. According to her, special elections were only an extreme solution and not a long-term solution to the issue. She called on the parties to carry out electoral and judicial reforms and to improve parliamentary control mechanisms.<sup>69</sup> A member of the same group, member of European Parliament Marketa Gregorova, emphasized the need for electoral and judicial reforms. At the same time, she called Nika Melia and Giorgi Rurua “political prisoners” and called on the authorities to release them.<sup>70</sup>

### Appointment of a mediator by the President of the European Council

The President of the European Council, Charles Michel, in agreement with the EU High Representative for Foreign Affairs and Security Policy, Josep Borrell, has appointed Christian Danielsson as the

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<sup>60</sup> „Remarks by President Charles Michel after his meeting in Georgia with Prime Minister Garibashvili and representatives of opposition political parties”, European Council, 1 March 2021, available: <https://bit.ly/2S1QxNf>, updated: 26.04.2021.

<sup>61</sup> Ibid.

<sup>62</sup> “Guest of the Day”, *the official “Facebook” page of the Mtavari Channel*, February 18, 2021, available: <https://bit.ly/2QxFOK4>, updated: 26.04.2021.

<sup>63</sup> Such parties were, for example, the Citizens and the United National Movement, see “Levan Ioseliani - Plebiscite is a trap and if the opposition divides in it, it will definitely be defeated”, *Information portal “Interpressnews”*, March 5, 2021, available: <https://bit.ly/32NRDhY>, updated: 26.04.2021; „Gigi Ugulava - “I had a conversation with Mikheil Saakashvili and we agreed that now it is wrong to address the issue of the plebiscite.” *Information portal “Interpressnews”*, March 5, 2021, available: <https://bit.ly/3xryJLI>, updated: 26.04.2021; “According to Giorgi Baramidze, the opposition’s demand is not a plebiscite, but early parliamentary elections”, *Information portal “Interpressnews”*, March 4, 2021 available: <https://bit.ly/3exuK7L>, updated: 26.04.2021.

<sup>64</sup> “NGOs - There are often politically motivated investigations, a clear illustration of which is the arrest of Nika Melia”, *Information portal „Interpressnews”*, March 5, 2021, available: <https://bit.ly/2S5QvEi>, updated: 26.04.2021.

<sup>65</sup> “Debates on the crisis in Georgia were held in the European Parliament”, *Information portal „Civil.ge”*, March 9, 2021, available: <https://civil.ge/ka/archives/404672>, updated: 26.04.2021.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> „Marketa Gregorova - “Georgia can return to the right path - release political prisoners such as Giorgi Rurua and Nika Melia”, *Information portal „Interpressnews”*, March 9, 2021, available: <https://bit.ly/3aKqAZj>, updated: 26.04.2021.

mediator of the EU-supported political dialogue in Georgia.<sup>71</sup> President Michel and High Representative Borrell called on all political parties to engage in constructive dialogue.<sup>72</sup>

Christian Danielsson visited Georgia on March 12 and his visit was supposed to end on March 14.<sup>73</sup> On the same day, he met with President Salome Zourabichvili<sup>74</sup> and Prime Minister Irakli Gharibashvili.<sup>75</sup> After the meetings, Christian Danielsson noted that a compromise is needed to resolve the crisis and that the role of him and his team, along with US Ambassador Kelly Degnan, was to assist the parties in reaching an agreement, as it ultimately depended on them.<sup>76</sup> He also met with representatives of non-governmental organizations.<sup>77</sup>

On March 13, the Special Representative of the President of the Council of Europe held separate meetings with representatives of the Georgian Dream, the United Opposition,<sup>78</sup> as well as representatives of the other opposition parties that passed the 1% threshold in the October 2020 elections.<sup>79</sup> At the meetings, the parties shared their positions on the six-point plan with mediator Charles Michel and expressed readiness to reach an agreement.<sup>80</sup>

On March 14, Christian Danielsson again held separate meetings with representatives of the opposition and the majority.<sup>81</sup> The parties could not discuss the details of the meetings, but according to Zurab Japaridze, leader of the Girchi-More Freedom party, this time they discussed the issues in more detail, which gave him hope for an agreement.<sup>82</sup> The chairman of the Georgian Dream, Irakli Kobakhidze,

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<sup>71</sup> „President Michel mandates Christian Danielsson to engage as personal envoy, in EU-mediated political dialogue in Georgia”, European Council, March 8, 2021, available: <https://bit.ly/3gI95fK>, updated: 26.04.2021.

<sup>72</sup> Ibid.

<sup>73</sup> „Christian Danielsson, personal representative of Charles Michel, is already in Georgia”, *Information portal „Interpressnews“*, March 12, 2021, available: <https://bit.ly/3aH9lrL>, updated: 26.04.2021.

<sup>74</sup> „Salome Zourabichvili meets with Christian Danielsson, personal representative of Charles Michel”, *Information portal „Interpressnews“*, March 12, 2021, available: <https://bit.ly/3eyrSaS>, updated: 26.04.2021.

<sup>75</sup> „Christian Danielsson meets with Irakli Gharibashvili”, *Information portal „Interpressnews“*, March 12, 2021, available: <https://bit.ly/3nqio5F>, updated: 26.04.2021.

<sup>76</sup> „EU Mediation: Danielsson Meets with Georgian Authorities”, *Information portal „Civil.ge“*, March 12, 2021, available: <https://bit.ly/2R3cWti>, updated: 26.04.2021.

<sup>77</sup> The meeting was attended by: GYLA, Transparency International-Georgia, International Society for Fair Elections And Democracy, see „Christian Danielsson meets with representatives of the non-governmental sector”, *Information portal „Interpressnews“*, March 12, 2021, available: <https://bit.ly/3gGDmM1>, updated: 26.04.2021.

<sup>78</sup> „Christian Danielsson meets with representatives of the” National Movement “and the parties in the bloc with him”, *Information portal „Interpressnews“*, March 12, 2021, available: <https://bit.ly/3sPwgr2>, updated: 26.04.2021.

<sup>79</sup> „Christian Danielsson continues meetings in Tbilisi”, *information portal „Civil.ge“*, March 13, 2021, available: <https://civil.ge/ka/archives/405774>, updated: 26.04.2021; „Christian Danielsson meets Archil Talakvadze, Irakli Kobakhidze and Kakha Kuchava”, *Information portal „Interpressnews“*, March 12, 2021, available: <https://bit.ly/3gUxrmX>, updated: 26.04.2021.

<sup>80</sup> „Irakli Kobakhidze - “When you know neither the authenticity of the recordings, nor the content, and you talk about disrupting the dialogue, it means that disrupting the dialogue was an end in itself for them, but they failed”, *Information portal „Interpressnews“*, March 12, 2021, available: <https://bit.ly/3nsRdam>, updated: 26.04.2021; Salome Samadashvili - “There are points that both the Georgian Dream and the opposition will have to agree on in order for the negotiation process to end successfully”, *Information portal „Interpressnews“*, March 12, 2021, available: <https://bit.ly/3tUwFd2>, updated: 26.04.2021; „Khatuna Samnidze - “No one enters the parliament without a specific agreement.” *Information portal „Interpressnews“*, March 12, 2021, available: <https://bit.ly/3xq4DZd>, updated: 26.04.2021; „Archil Talakvadze - “We will take steps within the framework of fair principles to reach an agreement”, *Information portal „Interpressnews“*, March 12, 2021, available: <https://bit.ly/3veu6Tw>, updated: 26.04.2021.

<sup>81</sup> He “met separately with the representatives of the Georgian Dream on the one hand, and the United National Movement bloc on the other, and at the third meeting with the representatives of Lelo, Strategy Builder, Girchi, Girchi - More Freedom and European Georgia.” See „EU mediation: “Danielsson once again met with the ruling party and the opposition.” *Information portal „Civil.ge“*, March 14, 2021, available: <https://civil.ge/ka/archives/405841>, updated: 26.04.2021; „Christian Danielsson meets with some of the leaders of the opposition parties”, *Information portal „Interpressnews“*, March 14, 2021, available: <https://bit.ly/3tWt0vr>, updated: 26.04.2021.

<sup>82</sup> „Zurab Japaridze - “We went into much more detail when discussing the issues. I expect that we may finally reach an agreement - the proposals come from the mediator himself”, *information portal „Interpressnews“*, March 14, 2021, available: <https://bit.ly/3dV5dXe>, updated: 26.04.2021.

noted that the party would sign only what it considered fair.<sup>83</sup> In addition, he said that at this stage the negotiations were over and he would continue after Irakli Gharibashvili's visit to the Association Council meeting in Brussels.<sup>84</sup> Nevertheless, that same evening, Christian Danielsson decided to extend his visit by one day.<sup>85</sup> According to him, it was clear that the parties needed more time as they failed to reach an agreement.<sup>86</sup> Mamuka Mdinardze, the chairman of the Georgian Dream faction, called that decision of Danielsson "unexpected".<sup>87</sup>

The next day, the Special Representative of the President of the European Council met again with President Zourabichvili.<sup>88</sup> The sides discussed the ongoing negotiation process between the government and the opposition.<sup>89</sup>

On March 15, Danielsson resumed meetings with representatives of the majority.<sup>90</sup> These processes took place in parallel with Irakli Gharibashvili's visit to Brussels. In particular, On March 15, the Prime Minister left for Brussels on a three-day visit together with the Ministers of Foreign Affairs, Economy and Justice, as well as the EU Ambassador to Georgia, Carl Hartzel.<sup>91</sup> During the visit, Irakli Gharibashvili met with the President of the European Council, Charles Michel, and the Prime Minister of Belgium, Alexander de Croo.<sup>92</sup> And on March 16 attended the meeting of the Georgia-EU Association Council.<sup>93</sup> According to Irakli Gharibashvili, during a long meeting with the President of the Council of Europe, he shared the position of the Georgian Dream regarding the political crisis with Charles Michel, noting that the party was committed to finding a solution, but not at the expense of state interests.<sup>94</sup>

After the meeting with Danielsson, the chairman of the Georgian Dream, Irakli Kobakhidze, and the chairman of the parliament, Archil Talakvadze, expressed hope that a final agreement would be reached.<sup>95</sup> In addition, Irakli Kobakhidze noted that the opposition's demand for early elections was groundless, as evidenced by the findings of the OSCE-ODIHR, as well as the IRI, according to which the 2020 parliamentary elections were held in a competitive environment and in accordance with basic principles.<sup>96</sup> He added that there was a difference of opinions between the parties regarding the political prisoners, because according to the majority, there were no political prisoners in Georgia, but there were criminals in politics.<sup>97</sup>

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<sup>83</sup> "EU Mediation: Danielsson met again with the ruling party and the opposition", *information portal „Civil.ge“*.

<sup>84</sup> „Irakli Kobakhidze - "Negotiations will continue after the visit - the meetings are over today", *information portal „Interpressnews“*, March 14, 2021, available: <https://bit.ly/3vqk41t>, updated: 26.04.2021.

<sup>85</sup> „Christian Danielsson - In order for the process to move forward, I will stay in Tbilisi tomorrow as well", *information portal „Interpressnews“*, March 14, 2021, available: <https://bit.ly/3xAK1h5>, updated: 26.04.2021.

<sup>86</sup> *Ibid.*

<sup>87</sup> "It was unexpected" - Mdinardze on Danielson's stay in Georgia", *information portal „Netgazeti“*, March 15, 2021, available: <https://bit.ly/3eB3WUa>, updated: 26.04.2021.

<sup>88</sup> "Christian Danielson met with Salome Zourabichvili after the opposition leaders", *the information portal „Interpressnews“*, March 15, 2021, available: <https://bit.ly/3dV9KZv>, updated: 26.04.2021.

<sup>89</sup> "According to the Presidential Administration, Salome Zourabichvili discussed the process of negotiations with Christian Danielson", *the information portal „Interpressnews“*, March 15, 2021, available: <https://bit.ly/3eysixY>, updated: 26.04.2021.

<sup>90</sup> "Christian Danielsson Meets Georgian Dream Leaders", *information portal „Interpressnews“*, March 15, 2021, available: <https://bit.ly/3sYo3Rk>, updated: 26.04.2021.

<sup>91</sup> "The Prime Minister left for Brussels", *information portal „Civil.ge“*, March 15, 2021, available: <https://civil.ge/ka/archives/406052>, updated: 26.04.2021.

<sup>92</sup> "The Prime Minister of Georgia is holding meetings in Brussels", *information portal „Civil.ge“*, March 16, 2021, available: <https://civil.ge/ka/archives/406228>, updated: 26.04.2021..

<sup>93</sup> "The Prime Minister left for Brussels", *information portal „Civil.ge“*.

<sup>94</sup> "The Prime Minister of Georgia will hold meetings in Brussels", *information portal „Civil.ge“*.

<sup>95</sup> „Irakli Kobakhidze - We hope that the negotiations will end with the signing of the agreement", *information portal „Interpressnews“*, March 15, 2021, available: <https://bit.ly/3dSGUsU>, updated 26.04.2021; „Archil Talakvadze- "I think the clauses of the agreement are already being formed in the form that it is possible to bring the positions closer", *information portal „Interpressnews“*, March 15, 2021, available: <https://bit.ly/2R6gwmw>, updated: 26.04.2021.

<sup>96</sup> „Irakli Kobakhidze - On one side are we and our international partners, on the other side is the opposition, which claims what did not happen in nature", *information portal „Interpressnews“*, March 15, 2021, available: <https://bit.ly/2QZMwIX>, updated: 26.04.2021

<sup>97</sup> „Irakli Kobakhidze - There are no political prisoners in Georgia, there are criminals in politics", *information portal „Interpressnews“*, March 15, 2021, available: <https://bit.ly/3nsRMB0>, updated: 26.04.2021.

At the same time, the meeting between Irakli Gharibashvili and the President of the European Council Charles Michel was held twice in a row in Brussels.<sup>98</sup> Finally, with regard to the meetings, Gharibashvili noted that he shared with President Michelle the position of the Georgian Dream regarding the crisis. According to him, in recent days the opposition has been trying to obstruct the negotiations in a destructive manner.<sup>99</sup> Gharibashvili also added that the ultimate goal of Europe was for political parties to continue their activities in parliament.<sup>100</sup>

### Meeting of the Association Council in Brussels

The meeting of the EU-Georgia Association Council was held on March 16 in Brussels.<sup>101</sup> The meeting was chaired by EU High Representative for Foreign Affairs and Security Policy Josep Borrell, and the Commission was also chaired by Oliver Varhelyi, European Commissioner for European Neighbourhood and Enlargement.<sup>102</sup> At the meeting of the Association Council, the participants discussed Georgia-EU relations, including issues related to political dialogue and reforms, political unions, justice, freedom and security.<sup>103</sup> A joint press conference was held after the meeting, where Josep Borrell noted that the ruling party and the government had a special responsibility to find a solution.<sup>104</sup> Regarding the opposition's demand for early elections, Borrell said that it was not up to him to decide whether to hold new elections.<sup>105</sup> However, he said that the OSCE described the elections as "free and independent".<sup>106</sup> Borrell also pointed out that the responsibility for reaching an agreement lied with both parties.<sup>107</sup>

### The first meeting between the opposition and the Georgian Dream within the framework of EU mediation

On the sixth day of EU mediation, facilitated by Christian Danielsson, representatives of the majority and the opposition met for the first time after several months of pause at the negotiating table.<sup>108</sup> Shalva Natelashvili, the leader of the Labour Party, left the meeting as a sign of protest. As the reason, he named the ignoring of early elections and the release of political prisoners and noted that he will return to dialogue as soon as these two issues become priority.<sup>109</sup> According to the other participants of the meeting although the parties could not reach an agreement, the negotiation process went in the right direction.<sup>110</sup> Christian Danielsson evaluated the meeting positively.<sup>111</sup>

The parties resumed negotiations on March 18.<sup>112</sup> However, after a 10-hour meeting, no agreement

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<sup>98</sup> "Gharibashvili meets Michel for the second time after the Prime Minister of Belgium", *information portal „Netgazeti“*, March 15, 2021, available: <https://netgazeti.ge/news/526914/>, updated: 26.04.2021.

<sup>99</sup> "Irakli Gharibashvili - the ultimate desire and task of all civilized Europe and Charles Michel is that we, the government, continue to work with the opposition in parliament", *information portal „Interpressnews“*, March 15, 2021, available: <https://bit.ly/3dTUvA8>, updated: 26.04.2021.

<sup>100</sup> *Ibid.*

<sup>101</sup> „EU-Georgia Association Council, 16 mars 2021“, European Council, March 16, 2021, available: <https://bit.ly/3gIXzRs>, updated: 26.04.2021.

<sup>102</sup> *Ibid.*

<sup>103</sup> *Ibid.*

<sup>104</sup> "Josep Borrell - the ruling party and the government have a special responsibility to find a solution, but a boycott of parliament will not help the functioning of democracy", *information portal „Interpressnews“*, March 16 2021, available: <https://bit.ly/3xr91a9>, updated: 26.04.2021.

<sup>105</sup> "Josep Borrell - It is not up to me to decide whether there should be new elections in Georgia - what I can tell you is that the OSCE considers the elections to be free", *information portal „Interpressnews“*, March 16, 2021, available: <https://bit.ly/3gL5zRU>, updated: 26.04.2021.

<sup>106</sup> *Ibid.*

<sup>107</sup> „EU-Georgia Association Council, 16 mars 2021“, European Council.

<sup>108</sup> "Natelashvili left the current meeting with Danielsson mediation as a sign of protest", *information portal „Netgazeti“*, March 17, 2021, available: <https://bit.ly/2R3dJKM>, updated: 26.04.2021.

<sup>109</sup> *Ibid.*

<sup>110</sup> "EU Mediation: Meeting between the Ruling Team and the Opposition took place", *information portal „Civil.ge“*, March 17, 2021, available: <https://civil.ge/ka/archives/406794>, updated: 26.04.2021.

<sup>111</sup> "Christian Danielsson - we keep working, I think it goes very well", *information portal „Interpressnews“*, March 17, 2021, available: <https://bit.ly/3vnHy7z>, updated: 26.04.2021.

<sup>112</sup> "Round # 2 - efforts to reach an agreement on EU mediation continue", *information portal „Radio Tavisupleba“*, March 18, 2021, available: <https://bit.ly/2RWdD7Z>, updated: 26.04.2021.



was reached between the majority and the opposition.<sup>113</sup> Christian Danielsson said there had been significant progress on some points around President Michel's 6-point plan, but the parties could not agree on key issues.<sup>114</sup> According to Danielsson, ultimately the responsibility for resolving the crisis lay with Georgian political entities.<sup>115</sup> He left Georgia the same evening and travelled to Brussels to report to President Charles Michel on the progress of mediation.<sup>116</sup>

On March 22, European Council President Charles Michel announced that Christian Danielsson would return to Georgia for a second round of mediation.<sup>117</sup>

Prior to the arrival of the second mediation mission in Georgia, several NGOs issued a statement calling on the EU to be more transparent in its mediation process.<sup>118</sup>

### Second Mission of EU Mediation

A meeting of the EU External Relations Council was held in Brussels on 22 March, with the participation of the foreign ministers of all member states of the alliance.<sup>119</sup> It was exactly after this session that it was decided to return Christian Danielsson to Georgia,<sup>120</sup> who arrived in the country on March 27 and spent 3 days here.<sup>121</sup> During the visit, he again met with the Prime Minister and the President of Georgia, and later with representatives of the majority and the opposition.<sup>122</sup> Christian Danielsson held a video conference with EU Ambassador Carl Hartzel with members of the European Parliament.<sup>123</sup> The EU Mediator also held preparatory meetings with representatives of the non-governmental sector before the resumption of the mediation process.<sup>124</sup> At a briefing after the meeting, Danielsson emphasized that the responsibility for overcoming the crisis lay with the political parties, not the European Union, which in turn strongly expressed its readiness to assist Georgia.<sup>125</sup>

On the day before the meeting, GYLA, together with several non-governmental organizations, addressed with an open letter to the negotiating parties, calling for a constructive dialogue, and presenting their proposals for reforms and overcoming the crisis.<sup>126</sup> The appeal mentions the following issues:

#### 1. Conducting parliamentary and self-government elections in a proportional system;

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<sup>113</sup> "The 10-hour talks ended in vain - the agreement was not reached again", *information portal „on.ge”*, March 19, 2021, available: <https://bit.ly/2Qylk41>, updated: 26.04.2021.

<sup>114</sup> "There has been significant progress on some points around President Michel's six-point plan - Danielsson", *information portal „on.ge”*, March 19, 2021, available: <https://bit.ly/3x3pVeR>, updated: 26.04.2021.

<sup>115</sup> "Christian Danielsson - Ultimately, the responsibility for resolving the crisis lies with the Georgian political actors. This is important for the country's democratic consolidation and European aspirations", *information portal „Interpressnews”*, March 19, 2021, available: <https://bit.ly/3sWGje3> updated: 26.04.2021.

<sup>116</sup> *Ibid.*

<sup>117</sup> Charles Michel, Twitter post, 22 March 2021, 8:47 PM, available: <https://bit.ly/3tXJoeX>, updated: 26.04.2021.

<sup>118</sup> "Statement of Non-Governmental Organizations on the EU Mediation Process", Official Website of the Georgian Democratic Initiative, March 25, 2021, available: <https://bit.ly/2QYEHTG>, updated 27.04.2021.

<sup>119</sup> "Josep Borrell: All leaders must put the interests of the Georgian people first", *information portal „Radio Tavisupleba”*, March 22, 2021, available: <https://www.radiotavisupleba.ge/a/31164112.html>, updated: 26.04.2021.

<sup>120</sup> *Ibid.*

<sup>121</sup> "Christian Danielsson has returned to Georgia", *information portal „Netgazeti”*, March 28, 2021 available: <https://netgazeti.ge/news/530188/>, updated: 26.04.2021.

<sup>122</sup> "Christian Danielsson met with the President of Georgia", *information portal „Radio Tavisupleba”*, March 29, 2021, available: <https://bit.ly/2QxH9k4>, updated 26.04.2021.

<sup>123</sup> "Christian Danielsson and Carl Hartzel held a video conference with members of the European Parliament", *information portal „Interpressnews”*, March 28, 2021, available: <https://bit.ly/3aHFbok>, updated: 26.04.2021.

<sup>124</sup> The meeting was attended by: GYLA, Transparency International Georgia, International Society for Fair Elections and Democracy, Georgian Democratic Initiative and Human Rights Training and Monitoring Centre, see "Before the resumption of mediation, Danielsson held preparatory meetings", *information portal „Civil.ge”*, March 29, 2021, available: <https://civil.ge/ka/archives/409129>, updated: 26.04.2021.

<sup>125</sup> "Before the resumption of mediation, Danielsson held preparatory meetings", *information portal „Civil.ge”*, March 29, 2021, available: <https://civil.ge/ka/archives/409129>, updated: 26.04.2021.

<sup>126</sup> "Appeal to Politicians Involved in the Mediation Process", GYLA official website, March 27, 2021, available: <https://bit.ly/3aFVUrS>, updated: 26.04.2021.

2. Reforms related to the rules of appointment of judges. In particular, the decision on the appointment of judges of the first and second instance, as well a decision on the nomination of judges of the Supreme Court to the Parliament, the High Council of Justice must require a so-called double 2/3; In turn, non-judicial members of the High Council of Justice should be appointed to parliament with the support of the government and the opposition (so-called bilateral support);
3. Appointment of members of the Central Election Commission, judges of the Supreme Court, Auditor General and Prosecutor General with bilateral support;
4. Release of criminal cases of fundamental importance for the opposition from penitentiary institutions and temporary suspension of their cases. The final decision on these cases should be made by the reformed justice system;
5. Proportional distribution of important positions in parliament between the majority and the opposition;
6. Assimilation of mandates won by the opposition in the 2020 parliamentary elections.<sup>127</sup>

The second round of mediation between the political parties was held on March 30, but it still ended without any results.<sup>128</sup> As Christian Danielsson noted at a briefing after the meeting, none of the political parties accepted his proposals to the end and therefore they could not reach a compromise.<sup>129</sup> Following the meeting, the EU issued a document proposed for signing by the parties.<sup>130</sup>

In case the EU document is signed, it will oblige the opposition to enter parliament and participate fully in parliamentary activities.<sup>131</sup> It addresses five issues, namely:

1. *Responding to issues perceived as politicized justice*

Within a week of the signing of this agreement on the two issues perceived as politicized justice, a draft law on amnesty was to be submitted to the party represented in Parliament, which would address all violations and arrests related to the June 19-21, 2019 protests. In addition, the Rules of Procedure had to be amended accordingly to require the repeal of parliamentary immunity of a Member of Parliament by an absolute majority.

2. *Ambitious electoral reform*

The next parliamentary elections were to be held in a fully proportionate manner. For the next two parliamentary elections, the threshold was set at 2% from usual. In addition, a group of at least four members of parliament should be able to form a parliamentary faction, which would include MPs from other parties. As for the draft law on electoral legislation, introduced to parliament on March 2, the parties should support it by making some changes to the document.<sup>132</sup> Furthermore, legislative changes had to be revised in line with the Joint Opinion on Party Registration and Funding of March 20, 2021 of Venice Commission and the OSCE / ODIHR.<sup>133</sup>

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<sup>127</sup> Ibid.

<sup>128</sup> "No agreement has been reached - Danielsson says none of the parties accepted proposal", *information portal „Radio Tavisupleba“*, March 30, 2021, available: <https://www.radiotavisupleba.ge/a/31178799.html>, updated: 26.04.2021.

<sup>129</sup> Ibid.

<sup>130</sup> "EU Mediator Christian Danielsson publishes a proposal he made to Georgian political parties today", EU Delegation to Georgia, Official Website, March 30, 2021, available: [https://eeas.europa.eu/delegations/georgia/96001/node/96001\\_ka](https://eeas.europa.eu/delegations/georgia/96001/node/96001_ka), updated: 26.04.2021.

<sup>131</sup> "Future Road for Georgia", EU Delegation to Georgia, Official Website, March 30, 2021, p. 1, available: <https://bit.ly/3dUmVKp>, updated: 26.04.2021.

<sup>132</sup> Ibid, p. 3.

<sup>133</sup> Ibid.



### 3. *Rule of Law / Judicial Reform*

To increase the independence, accountability and quality of the judiciary, there should be increased transparency and merit-based selection in the appointment of judges to the courts of first instance and appellate courts. All ongoing appointments to the Supreme Court should have been suspended and applications for new candidates resumed once the new law came into force. The High Council of Justice needs to be reformed in depth to increase transparency, good faith and accountability. The appointment of Attorneys General should have required the votes of a qualified majority of Members of Parliament. Lastly, the parties undertook obligation to continue judicial reform through an inclusive process, including assessing the effectiveness of the third and fourth waves of judicial reform.<sup>134</sup>

### 4. *Distribution of power in parliament*

Members of parliament from the opposition would direct five committees, from which two committees were elected from the list given in the document. In addition, members of parliament from opposition parties would hold one of the positions of chair of the parliamentary delegation in the parliamentary delegations representing Georgia in international forums. In the future, other positions would be distributed using an inclusive formula such as the D'Hondt method, and the parties would take care of creating a Jean Monnet Dialogue format with the European Parliament.<sup>135</sup>

### 5. *The upcoming elections*

Parties should have taken into account the OSCE / ODIHR assessment according to which the October 31 parliamentary elections were held in a competitive environment and in general with respect for fundamental freedoms. However, public confidence in the electoral process was undermined by widespread allegations of voter pressure and the clouding of the boundary between the ruling party and the state. Consequently, the parties acknowledged that they had different assessments of the 2020 parliamentary elections. According to the document, the authorities were required to send an international observation mission for the 2021 local elections.<sup>136</sup>

Lithuanian Foreign Minister Gabrielius Landsbergis expressed his frustration with the incident.<sup>137</sup> According to him, the failure to reach an agreement between the ruling party and the opposition was sending a bad signal to friends and partners.<sup>138</sup>

On March 31, Christian Danielsson left Georgia.<sup>139</sup> He returned to Brussels to present a report on the developments in Georgia to the President of the Council of Europe, after which the EU should envisage further steps.<sup>140</sup>

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<sup>134</sup> Ibid, p. 5-6.

<sup>135</sup> Ibid, p. 7.

<sup>136</sup> Ibid, p. 8.

<sup>137</sup> "Lithuanian Foreign Minister - I am alarmed and disappointed that the Georgian Dream and the opposition have not reached an agreement", *information portal „Interpressnews“*, March 31, 2021, available: <https://bit.ly/3dVb1Qh>, updated: 26.04.2021

<sup>138</sup> Ibid.

<sup>139</sup> "Christian Danielsson has left Georgia", *information portal „mtavari.tv“*, March 31, 2021, available: <https://mtavari.tv/news/38012-kristian-danielsonma-sakartvelo-datova>, updated: 26.04.2021.

<sup>140</sup> Ibid.

# HEARING ON THE POLITICAL CRISIS IN GEORGIA IN THE US SENATE

On March 23, Subcommittee of Europe and Regional Security in US Senate Foreign Relations Committee hosted a hearing on “Strengthening Democracy in Georgia,” which was chaired by the chairman of the subcommittee, Democrat Senator Jeanne Shaheen.<sup>141</sup> Second Deputy Secretary of State, George Kent and Deputy Assistant Secretary of State for Democracy and Human Rights, Kara MacDonald were invited as speakers.<sup>142</sup> The participants discussed important issues such as the political crisis, justice and electoral reform, as well as Georgia’s Euro - Atlantic aspirations.<sup>143</sup> Senator Jim Risch called on political parties to realize their responsibility to the country and to overcome their differences. He also noted that the Georgian Dream had a special responsibility to bring the country out of the crisis.<sup>144</sup> Kara McDonald and Republican member of the subcommittee, Ron Johnson stressed that resolving the conflict depended entirely on the will of the parties to the crisis and not on international partners.<sup>145</sup> At the Senate Subcommittee, at the initiative of Senator Ron Johnson, which was also endorsed by Senator Jeanne Shaheen, it was decided to adopt a resolution on Georgia that would strengthen the Senate’s support for Georgia.<sup>146</sup>

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<sup>141</sup> “Senators Shaheen & Johnson Reaffirm Bipartisan Commitment in Congress in Support of Georgia’s Democracy”, *U.S. Embassy in Georgia, Official web-page*, 24 March 2021, available: <https://bit.ly/32OOfmL>, updated: 26.04.2021.

<sup>142</sup> Subcommittee Hearing Bolstering Democracy in Georgia, U.S. Senate Committee on Foreign Relations, 23 March 2021, available: <https://bit.ly/3sXsHz7>, updated: 26.04.2021.

<sup>143</sup> *Ibid.*

<sup>144</sup> “Jim Risch - Political parties must understand their duty to the country and overcome disagreement - The Georgian Dream has a special responsibility to bring Georgia out of the crisis”, *information portal „Interpressnews”*, March 24, 2021, available: <https://bit.ly/32Tg7GG>, updated: 26.04.2021.

<sup>145</sup> Subcommittee Hearing Bolstering Democracy in Georgia, U.S. Senate Committee on Foreign Relations.

<sup>146</sup> “Senators Shaheen & Johnson Reaffirm Bipartisan Commitment in Congress in Support of Georgia’s Democracy”, *U.S. Embassy in Georgia, Official web-page*.