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

**NEWSLETTER №36**  
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**Supervisor:**

Nanuka Kruashvili

**Author:**

Irakli Jojua

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# INTRODUCTION

Since August 2019, Georgian Young Lawyers' Association (GYLA) started implementing the project "Free, Fair and Equal Election electoral political cycle during 2019-2022", throughout Georgia. One of the goals for the project is to promote election environment improvement through monitoring and evidence-based advocacy. 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 #36, which describes the events of September, that have had an impact on the political environment.

## PARLIAMENTARY WORKING GROUPS ESTABLISHED TO IMPLEMENT 12 EU RECOMMENDATIONS

A group of opposition MP's, which are not involved in the working groups established by the "Georgian Dream" party, regarding recommendations of the European Union, stated that they had already prepared an independent document related to said recommendations. According to them, the draft law has been prepared and would be submitted to the Parliament in the near future, in relation to almost all the issues which the 12 recommendations encompass.<sup>1</sup> Opposition forces additionally criticized work of the ruling party in relation to the recommendations, stating that the "Georgian Dream" party developed a plan for addressing points related to de-oligarchization, judicial reform and depolarization which do not meet requirements of the European Commission.<sup>2</sup>

On September 6, after the 7th session of the Georgia-EU Association Council, Prime Minister Gharibashvili held a press conference together with European Commissioner Oliver Varhelyi and the High Representative of the European Union, Josep Borrell.<sup>3</sup> According to him, an inclusive process has begun to accomplish the 12 points set out by the commission, however, he noted with disappointment that some political parties did not participate in said process.<sup>4</sup> On the other hand, in the opinion of the European Commissioner, Oliver Varhelyi, time and active involvement of all parties and civil society members, was needed for the implementation of the Association Agreement.<sup>5</sup>

Representatives of the parliamentary opposition responded to the statement made by the Prime Minister of Georgia, Irakli Gharibashvili in Brussels. The MP of the "Strategy Aghmashenebeli" party, Teona Akubardia, pointed to the government as the party responsible for ensuring an inclusive process.<sup>6</sup> Khatia Dekanoidze, one of the leaders of the "National Movement" party, explained that polarization existed between citizens of Georgia supporting the European Union and government authorities.<sup>7</sup> According to her, "in any case" they ["National movement" party] would support all reforms related to the fulfilment of 12 points.<sup>8</sup> Opposition MP Tamar Kordzaia explained her non-involvement in working groups by the fact that they [working groups] could not fulfil the function for which the "Georgian Dream" party had created them.<sup>9</sup>

<sup>1</sup> "The parliamentary opposition met with non-governmental organizations to discuss the 12 points of the European Commission", information portal "Radio Tavisupleba", September 3, 2022, available: <https://www.radiotavisupleba.ge/a/32016944.html>, updated: 12.10.22; "A part of the opposition will address the Parliament with initiatives in September to fulfil the recommendations of the European Commission", information portal "Radio Tavisupleba", September 5, 2022, available at: <https://www.radiotavisupleba.ge/a/32018715.html>, updated: 12.10.22.

<sup>2</sup> "Opposition Criticizes Ruling Party Work on European Commission's Recommendations", information portal "Civil.ge", September 5, 2022, available at: <https://civil.ge/archives/507163>, updated: 12.10.22.

<sup>3</sup> "Joint Press Release After EU-Georgia Association Council Meeting", information portal "Civil.ge", September 7, 2022, available at: <https://civil.ge/archives/507450>, updated: 12.10.22.

<sup>4</sup> Ibid.

<sup>5</sup> "Commissioner Olivér Várhelyi: Push Ahead with Reforms", information portal "Civil.ge", September 7, 2022, available at: <https://civil.ge/archives/507436>, updated: 12.10.22.

<sup>6</sup> "The government's responsibility is inclusiveness" - what is the opposition's response to Gharibashvili's inclusion in the working groups?", information portal "Radio Tavisupleba", September 7, 2022, available at: <https://www.radiotavisupleba.ge/a/32022434.html>, updated: 12.10.22.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

The new ambassador of the European Union to Georgia, Pavel Harçik, addressed the topic of working groups and spoke about the need for inclusivity.<sup>10</sup> According to him, it was necessary to involve both the ruling party and the opposition to fulfil the 12 points.<sup>11</sup> On the one hand, the ambassador noted that the government should conduct the process in an inclusive manner, and on the other hand, he emphasized the need for a constructive approach from the opposition. “The opposition must work together with the government in order to ensure progress”, - the ambassador noted.<sup>12</sup> It should also be emphasized that the President of the European Commission, Ursula von der Leyen, in her annual report to the European Parliament, recognized Georgia as part of the EU family.<sup>13</sup>

## RELATIONS BETWEEN GEORGIA AND THE EUROPEAN UNION

### The 7th regular meeting of the Association Council

On September 6, the 7th meeting of the Georgia-EU Association Council was held in Brussels, where the parties discussed progress achieved since the last meeting of the Association Council in 2021.<sup>14</sup> This was the first meeting after the European Union recognized Georgia’s European prospects.<sup>15</sup> The session of the Association Council was chaired by High Representative of the European Union for Foreign Affairs and Security Policy, Josep Borrell, and the Georgian delegation was led by Prime Minister Irakli Gharibashvili.<sup>16</sup> The European Commissioner for Neighbourhood Policy and Enlargement, Oliver Varhelyi, also attended the meeting.<sup>17</sup> At the press conference, Josep Borell called on Georgian political parties to unite.<sup>18</sup> According to him, the Georgian nation will be able to make its European ambitions a reality only through dialogue and cooperation between political parties.<sup>19</sup> The Prime Minister, on his part, expressed hope that as a result of fulfilling the obligations, Georgia would be granted the candidate status.<sup>20</sup>

After the meeting, the joint statement of the European Union-Georgia Association Council was published. The European Union emphasized that Georgia’s European path was a merit-based process.<sup>21</sup> The joint text stated that the European Union welcomed work initiated in the Parliament of Georgia and called on the ruling party to engage in an inclusive process together with civil society and parliamentary opposition groups.<sup>22</sup> Apart from the fact that he positively evaluated a number of “complex reforms” carried out in Georgia and the general convergence of legislation with European Union directives and regulations,<sup>23</sup> he expressed “significant concern” in several key areas. In particular, the European Union called on Georgia to reduce polarization,<sup>24</sup> increase respect for human

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<sup>10</sup> “Ambassador Herczynski on EU Recommendations, Deoligarchization, Anti-EU Narrative”, information portal “Civil.ge”, September 20, 2022, available at: <https://civil.ge/archives/508647>, updated: 12.10.22.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> “Ursula von der Leyen: Associated Trio, Western Balkans Part of EU Family”, information portal “Civil.ge”, September 14, 2022, available at: <https://civil.ge/archives/508123>, updated: 12.10.22; “2022 State of the Union Address by President von der Leyen”, Official website of the European Commission, September 14, 2022, available at: <https://ec.europa.eu>, updated: 12.10.22.

<sup>14</sup> “Joint statement to the press after the 7th session of the Association Council between Georgia and the European Union”, Representation of the European Union in Georgia - Official website, September 7, 2022, available at: <https://www.eeas.europa.eu>, updated: 12.10.22.

<sup>15</sup> Ibid.

<sup>16</sup> “Joint Press Release After EU-Georgia Association Council Meeting”, information portal “Civil.ge”, September 9, 2022, available at: <https://civil.ge/archives/507450>, updated: 12.10.22.

<sup>17</sup> Ibid.

<sup>18</sup> “Josep Borell: Georgia’s European ambitions also come with responsibilities”, information portal, “Radio Tavisupleba”, September 6, 2022, available at: <https://www.radiotavisupleba.ge/a/32021484.html>, updated 12.10.22.

<sup>19</sup> Ibid.

<sup>20</sup> “The Prime Minister expresses his hope that as a result of fulfilling the obligation, Georgia will receive the status of a candidate”, information portal, “Radio Tavisupleba”, September 6, 2022, available at: <https://www.radiotavisupleba.ge/a/32021297.html>, updated: 12.10.22.

<sup>21</sup> “What is written in the joint statement of the EU-Georgia Association Council”, information portal “Radio Tavisupleba”, September 7, 2022, available at: <https://www.radiotavisupleba.ge/a/32022555.html>, updated: 12.10.22.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> “Joint statement to the press after the 7th session of the Association Council between Georgia and the European Union”, Representation of the European Union in Georgia – official website, September 7, 2022, available at: <https://www.eeas.europa.eu/>, updated: 12.10.22.

rights and freedoms<sup>25</sup> and ensure involvement of civil society in political processes.<sup>26</sup>

On September 22<sup>nd</sup>, the 11th session of the EU-Georgia Parliamentary Association Committee was additionally held in Parliament.<sup>27</sup> Permanent delegations of the Georgian parliament as well as European Parliament participated.<sup>28</sup> Consolidation of democratic reforms and protection of fundamental freedoms in Georgia were mainly discussed at the session.<sup>29</sup>

## ASSESSMENT OF GEORGIA'S COOPERATION WITH THE EUROPEAN UNION

The European Union published a report on its cooperation with Georgia during the years 2014-2020, according to which, in the reporting period, it provided assistance to Georgia in the amount of almost one billion euros.<sup>30</sup> The evaluation was carried out by the European Commission's Directorate-General for Neighbourhood Policy and Enlargement Negotiations, between March 2021 and September 2022 and was based on nine questions.<sup>31</sup> The evaluation consisted of data gathering, and analysis, which included a review of more than 2,000 documents and interviews with 95 individuals.<sup>32</sup>

According to the report, conditions of agriculture, system of public administration, justice and rule of law, economic development and mobility have improved.<sup>33</sup> In relation to the judicial system, it is further indicated that the growth rate for degree of independence is small.<sup>34</sup>

## THE "UNITED NATIONAL MOVEMENT" PARTY DEMANDED SPECIAL ELECTIONS

The leader of the opposition party "United National Movement", Nika Melia, once again called for snap parliamentary elections.<sup>35</sup> According to him, snap elections should have been called to alleviate the exponential crisis in the country, meaning disagreement between opposition and ruling parties regarding implementation of the 12-point plan.<sup>36</sup> Nika Melia's statement was followed by a response from the ranks of the ruling party. According to Tbilisi Mayor Kakha Kaladze, the initiative to hold early elections was "absurd" and the next elections would be held in 2024.<sup>37</sup> He also brushed off claims related of general political tension in the country and noted that only the opposition, specifically the "United National Movement" has an intra-party crisis.<sup>38</sup>

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<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> "The parliament hosts the 11<sup>th</sup> session of the Georgia-EU Parliamentary committee", official website of the Parliament of Georgia, 21 September 2022, available at: <https://parliament.ge/>, updated: 12.10.22.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> "EU Evaluates Assistance to Georgia in 2014-2020", information portal "Civil.ge", September 20, 2022, available at: <https://civil.ge/archives/508545>, updated: 12.10.22.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> "Assessment of Georgia's cooperation with the European Union 2014-2020", Representation of the European Union in Georgia - Official website, September 19, available at: <https://www.eeas.europa.eu/>, updated: 12.10.22.

<sup>34</sup> Ibid.

<sup>35</sup> "Georgia-EU Parliamentary Association Committee Session", news portal "First Channel" - Official "YouTube" channel, September 21, 2022, available at: <https://www.youtube.com/watch?v=0fhfSdyngQc>, updated: 12.10.22.

<sup>36</sup> "Melia: "Snap elections should be scheduled in Georgia", information portal "Radio Tavisupleba", September 5, 2022, available at: <https://www.radiotavisupleba.ge/a/32018877.html>, updated: 12.10.22.

<sup>37</sup> Ibid.

<sup>38</sup> "Kaladze: Snap elections are absurd, the "National Movement" has a political crisis", information portal "Radio Tavisupleba", September 5, 2022, available at: <https://www.radiotavisupleba.ge/a/32019057.html>, updated: 12.10.22.

# LEGISLATIVE CHANGES

## The procedure for electing the Prosecutor General

“Georgian Dream” party presented new rules for the election of the Prosecutor General, according to which “the Parliament of the next two convocations will elect the Prosecutor General with a three-fifths majority for a 6-year term, and if the candidate does not receive three-fifths of the votes, the Prosecutor General will be elected by way of a simple majority, but only for a year”.<sup>39</sup> Interestingly, the chairman of the party presenting the bill, Irakli Kobakhidze, considered said changes to be unconstitutional, but even so, the “Georgian Dream” would have supported it as an exception, within the framework of the 12-point plan of the EU.<sup>40</sup> In accordance with the planned changes, a qualified majority vote of MP’s would be required in order to elect a prosecutor, instead of a simple majority.<sup>41</sup>

## ELECTRONIC ELECTIONS FORMAT

According to “Georgian Dream” leader Irakli Kobakhidze, the 2024 parliamentary elections will be held electronically in all cities.<sup>42</sup> According to Kobakhidze, the ruling party is going to register a draft law that will introduce further changes in the election code.<sup>43</sup> As a result, the 2024 parliamentary elections will be held electronically in cities and other large settlements.<sup>44</sup> The opposition responded to said initiative and in most cases, the attitude was positive, however, according to the “National Movement”, there was still a risk of electronic system manipulation by the Central Election Commission and the State Security Service, controlled by the ruling party.<sup>45</sup>

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<sup>39</sup> Ibid.

<sup>40</sup> “Ruling Party Initiates EU-Brokered Rule on Chief Prosecutor Selection, says GD Chair”, information portal “Civil.ge”, September 1, 2022, available at: <https://civil.ge/archives/506841>, updated: 12.10.22; “Georgian Dream presented a new rule for electing the Prosecutor General”, information portal „Radio Tavisupleba“, September 1, 2022, available at: <https://www.radiotavisupleba.ge/a/32014167.html>, updated: 12.10.22.

<sup>41</sup> Nanuka Kruashvili, Newsletter N19, April 2021, Young Lawyers Association of Georgia, p. 5, Official website of the Georgian Young Lawyers’ Association, available at: <https://gyla.ge/>, updated 12.10.22; “The President of the European Council, Charles Michel, publishes a new proposal that he offered to the political parties of Georgia today“, Representation of the European Union in Georgia, official website, April 18, 2021 available at: <https://bit.ly/3fAh8JI>, updated: 12.10.2022.

<sup>42</sup> “According to Irakli Kobakhidze, the 2024 elections will be held electronically in all cities”, information portal “Radio Tavisupleba”, September 13, 2022, available at: <https://www.radiotavisupleba.ge/a/32031137.html>, updated: 12.10.22.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> “Mixed Reactions from Opposition About Ruling Party’s e-Voting Proposal”, information portal “Civil.ge”, September 13, 2022, available at: <https://civil.ge/archives/508037>, updated: 12.10.22.