

Report from the Observation of the Presidential Elections in the Republic of Georgia 9 April 2000

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PREFACE

This report is based on observation of the presidential elections in the Republic of Georgia 9 April 2000. The conclusions of the report are based on election day observations made by the representatives of the Norwegian Helsinki Committee, as well as information gathered in Georgia from international observers and experts and local NGO-representatives and journalists prior to and after the elections.

Our thanks to the OSCE Office for Democratic Institutions and Human Rights, which provided invaluable assistance and background information. We would also like to thank the Norwegian Ministry of Foreign Affairs, which sponsors the Norwegian Helsinki Committee's election monitoring activities.

The report is written by Helge Blakkisrud and Tomasz Wacko.

Oslo, May 2000.

Bjørn Engesland
Secretary General

EXECUTIVE SUMMARY

These were the third multi-candidate presidential elections in Georgia since independence was re-established in 1991. The Norwegian Helsinki Committee, which for several years has supported the development of civil society in Georgia, also took active part in monitoring the 1995 presidential (and parliamentary) elections in Georgia.

A delegation from the Norwegian Helsinki Committee, consisting of Helge Blakkisrud and Tomasz Wacko, observed the elections as part of the OSCE/ODIHR Observer Mission. The two observers visited a total of 16 polling stations during opening hours on election day and one polling station during the count.

The elections took place against a backdrop of transitional problems that plague most post-Soviet states (a difficult economic situation, lack of democratic experience, etc.). In Georgia, this situation is further aggravated by the fact that the country recently has been through a period of civil war. Two regions, Abkhazia and South Ossetia, remain de facto independent from the central government, and were not taking part in the current elections.

During the pre-election period, fundamental freedoms were generally respected and candidates were able to express their views. The media campaign was not, however, very balanced and especially state media were biased in their coverage. On election day, election procedures were in general adhered to in the polling stations visited by the observers from the Norwegian Helsinki Committee. During the count, however, procedural breaches serious undermined the security against fraud. This observation was consistent with the findings of about half of the OSCE/ODIHR observer teams.

In an overall assessment, the current elections cannot be said have fully met the OSCE election-standards and other standards to which Georgia has committed itself.

INTRODUCTION

The delegation of election observers from the Norwegian Helsinki Committee consisted of Helge Blakkisrud and Tomasz Wacko, and was sent as a response to an invitation from the Government of the Republic of Georgia to the participating states of the Organisation for Security and Co-operation in Europe (OSCE).

The observers were part of the international delegation co-ordinated by the OSCE/ODIHR Observer Mission to Georgia, led by Mr. Nikolai Vulchanov. The OSCE observation corps consisted of 18 long-time observers (LTOs) and 147 short-term observers (STOs). In addition to the OSCE/ODHIR observers, nine other international organisations were accredited to observe the presidential election, including the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe.

METHOD AND ORGANISATION OF THE ELECTION OBSERVATION

The observers from the Norwegian Helsinki Committee followed the procedures outlined in the OSCE/ODIHR Election Observation Handbook. This handbook provides guidelines for preparation, monitoring and reporting. Prior to their departure for Georgia, the observers were issued with the Presidential Election Law of Georgia and other relevant material and this gave the observers valuable background information on the electoral procedures as well as on the political climate. In addition, the observers could draw on the Norwegian Helsinki Committee's experiences from monitoring the 1995 presidential (and parliamentary) elections in Georgia.

Upon arrival, further information was provided by the OSCE/ODIHR Mission to Georgia. The mission organised a joint briefing prior to the elections as well as a joint de-briefing afterwards. During the briefing in Tbilisi, the STOs were provided with relevant preparatory material and checklists. In addition, the STOs were briefed on the regional situation by the OSCE/ODIHR regional co-ordinators/LTOs.

On election day the observers were split into different teams; two observers in each. The OSCE/ODIHR observers were deployed throughout Georgia to observe voting in the polling stations as well as the counting in representative sites. However, due to the fact that voting

would not take place in Abkhazia and South Ossetia, which are currently not under the central government's control, no observers were deployed in these two regions.

The two observers from the Norwegian Helsinki Committee were deployed together with another team to cover district no. 32–Gori in Central Georgia, a district with 92,700 registered voters. During opening hours the Norwegian team visited a total of 16 polling stations and they returned to one of the previously visited stations to monitor the count. In addition, the observers followed the aggregation process at the District Election Commission in Gori.

Apart from observations at the polling stations on election day, the on-site observation was limited to the period immediately prior to and after the elections, during which the observers conducted meetings with the electoral administration, candidate representatives, local journalists, and local NGO-representatives. We realise that the sample of polling stations, the limited geographical coverage and the short duration of the observation make it difficult to generalise about the Georgian presidential elections as such. Bearing these reservations in mind, we still feel that the conclusions presented in this report reflect not only the impressions of the observers from the Norwegian Helsinki Committee, but also the general consensus among the international observers monitoring these elections.

POLITICAL BACKGROUND

The current elections were the third multi-candidate presidential elections/elections of Head of State in Georgia after independence was re-established in 1991. However, Georgia being one of the frontrunners in the struggle to break loose from the Soviet Union in the late 1980's, the first Georgian presidential election took place even before independence.

Gorbachev's reform policy, which opened up for more public debate within the Soviet Union, provided an important impetus to a Georgian national re-awakening in the form of a linguistic, ethnic and environmental debate. Gradually, demands were politicised and radicalised. When Soviet special forces carried out a violent clampdown on Georgian demonstrators in Tbilisi in April 1989, in which 21 Georgians were killed, this further alienated the Georgians from the Soviet system. In the wake of the killings, leading party officials resigned, signalling the beginning of the end of the Communist Party's rule (the Party's monopoly on power was finally lifted in March 1990).

In October/November 1990 the first multi-party elections took place. These resulted in a clear victory to the Roundtable-Free Georgia Alliance and the nationalist leader Zviad Gamsakhurdia was elected Speaker of Parliament. In May the following year Georgian authorities conducted a referendum on the question of independence. With a 95% turnout, 93% voted in favour of restoring Georgian independence. On 9 April 1991 (the two-year anniversary of the Tbilisi massacre) Georgia formally seceded from the Soviet Union, although this was not recognised by Soviet or international authorities at the time. In May 1991 Zviad Gamsakhurdia was elected President. De jure independence and international recognition came with the break-up of the Soviet Union. At this point, however, the young state was already embroiled in violent internal conflicts.

In 1990, in order to consolidate power, Gamsakhurdia had abolished the autonomous status of the South Ossetian oblast. This step prompted the South Ossetian legislature call for secession and seek union with North Ossetia (which is located within the Russian Federation). A subsequent Georgian invasion resulted in a large number of casualties, as well as refugees and IDPs, before a ceasefire finally was reached with Russian mediation in 1992.

In the meantime, Gamsakhurdia had grown increasingly unpopular in Georgia, and he was eventually forced to flee the country in January 1992. Gamsakhurdia was replaced by a military council consisting of Tengiz Sigua (former Prime Minister), Tengiz Kitovani (Commander of the National Guard), and Jaba Ioseliani (leader of the Mkhedrioni paramilitary group). In March 1992, the three invited former Soviet Foreign Minister (and former First Secretary of the Georgian Communist Party) Eduard Shevardnadze to return to Georgia to take up a position in the new State Council Presidium (the State Council replacing the Military Council in legislative and executive matters). In an attempt to normalise the political situation, parliamentary elections were held in October 1992, which subsequently lead to the election of

Eduard Shevardnadze as Chairman of the Parliament (in effect Head of State, as the post of President had been abolished after Gamsakhurdia's escape).

The political situation was still volatile, and it was further destabilised through a new ethnic conflict, this time in Abkhazia. In the summer of 1992 the Abkhaz Supreme Soviet had voted to restore Abkhazia's 1925 constitution (at this point Abkhazia had been a separate union republic within the Soviet Union). When Georgian authorities sent in troops, Abkhaz authorities declared state sovereignty and a new war broke out. Not until April 1994 were the warring parties willing to sign a UN-sponsored ceasefire agreement. In the meantime, Abkhaz forces (which were supported by the Russian Federation) drove more than 250,000 Georgians out the region (most of these are still IDPs).

Parallel to this conflict, Gamsakhurdia, who continued to enjoy widespread support in his home region Mingrelia in Western Georgia, launched a military offensive against the central authorities. Only after Shevardnadze persuaded the Parliament to approve of a Georgian membership of the CIS were the Georgian authorities able to defeat the so-called "Zviadists" (the CIS membership led the Russians to change sides in the Abkhaz conflict, as well as to support the Georgian offensive against Gamsakhurdia's forces).

Since 1994, the situation has become more stable. In Mingrelia, there have been no violent clashes except for an abortive military mutiny in October 1998. The conflict in South Ossetia has been dormant since spring 1994. Although the territorial issue remains unresolved (Georgia even refuses to recognise South Ossetia as an administrative entity), the peacekeeping operation has contributed to a reduction in tension and a partial normalisation of cross-border traffic. The most problematic region is undoubtedly Abkhazia. The presence of an UN Observer Mission (UNOMIG) and a CIS peacekeeping force has not prevented the outburst of sporadic violence between Abkhaz forces and Georgian partisans in western Georgia. As a result of the above-mentioned conflicts, Georgia still has about 288,000 internally displaced people (IDPs).

After a turbulent start, Shevardnadze has largely managed to normalise the political situation. In August 1995 a new constitution reintroduced the presidency. According to the new constitution, the powers of the President include the conduct of foreign policy and ratification of treaties, the declaration of state of emergency, the calling of referenda and the dissolution of regional representative bodies. The President appoints the Minister of State (Prime Minister) and the Council of Ministers, which is directly responsible to the President. The President also appoints regional governors and district governors. The system envisaged was thus a strong presidential vertical (as has been the option most post-Soviet republics have chosen when reorganising the executive structure).

In November 1995 Shevardnadze won the presidential elections with almost 75% of the votes and a 68% turnout (Abkhazia and South Ossetia boycotted the elections). Shevardnadze saw the presidential elections as a vote on confidence and moved to outmanoeuvre his rival Jaba Ioseliani and disband the Mkhedrioni. Subsequently also a second member of the 1992 Military Council, Tengiz Kitovani, was arrested. Despite two attempts on Shevardnadze's life over the last five years (in 1995 and February 1998 respectively, allegedly carried out by "Zviadists"), Shevardnadze seems to have consolidated his position as Georgia's strong man during the second half of the 1990's.

One of the reasons for the post-independence instability in Georgia is the ethnic composition and the central government's partial lack of recognition of the ethnic diversity. According to the 1989 census, the Georgian population consisted of approximately 70.1% Georgians, 8.1% Armenians, 6.3% Russians, 5.7% Azeris, 3% Ossetians, 1.9% Greeks, 1.8% Abkhazians and 3% of other nationalities. In addition, the Georgians themselves are divided into a dozen distinctive regional groups, including the Kartlians, Kakhetians, Mingrelians, Gurians, and Imeretians. With the exception of the Russians, all the major ethnic groups live in relatively compact settlements. As a result of the multi-ethnic composition, Soviet authorities established three autonomies within the borders of Georgian union republic: Abkhazia, Ajara and South Ossetia. Independent Georgia, however, recognises only the autonomy of the two former, in the Abkhaz case based on ethnic and religious differences and in the case of Ajara on religious differences.

Another reason for the instability is the severe economic problems Georgia has been facing since re-establishing independence. Soviet Georgia enjoyed a relatively high living standard and had a highly educated workforce. After the break-up of the Soviet Union, Georgia has lived through the same transitional problems that plague most post-Soviet states (sharp falls in production, high inflation, etc.). In Georgia, however, this development was further aggravated by the afore-mentioned period of civil war. The current elections were thus taking place against a backdrop of serious economic problems.

THE ELECTORAL SYSTEM

This section summarises the electoral procedures as regulated by the Presidential Election Law of Georgia adopted in 1995 and last amended on 25 February 2000 and the Parliamentary Election Law adopted in 1995 and last amended 23 March 2000.

Basic Principles

The President of the Republic of Georgia is elected for a term of 5 years by universal, equal, and direct suffrage with secret vote. The same candidate cannot serve more than two consecutive terms. Presidential candidates must have reached 35 years of age, lived in Georgia for at least 15 years, and been resident in Georgia for the last two years prior to the day of the elections.

All citizens of Georgia who have reached 18 years of age have the right to vote, except persons who are recognised as incompetent by a court of law or who are convicted by a legal court verdict.

Electoral Procedures

For an election to be considered valid, a minimum turnout of 50% of the voters is required. If an election is valid and one candidate receives more than 50% of the votes cast he or she is considered elected president. If no candidate receives 50% of the votes, the two candidates who received the largest number of votes will enter a second round of elections. In this case the second round must be held within 2 weeks. For the second round to be valid, a minimum turnout of one third of the voters is required. The candidate that receives the largest number of votes in the second round (but a minimum of one fifth of the total number of votes) shall be considered elected.

If the elections are not considered held due to low turnout, or no candidate was able to collect the necessary number of votes in the second round of a valid election, new elections shall be held within 2 months.

Electoral Bodies

The Central Election Commission (CEC) is the supreme electoral body, responsible for the preparation and conduct of elections. The CEC is responsible for the national aggregation and publishing of results, as well as for organising second round and new elections. The CEC has no less than 15 and no more than 21 members. Five members are presidential appointees, nine are appointed by the Georgian parliament, one each by the Supreme Councils of Abkhazia and Ajara, and one each by the five parties that received the best results in the last parliamentary elections.

The CEC enjoys broad powers, although recent amendments to the Parliamentary Election Law transferred some powers from the Commission to its Chairman. The CEC establishes the election districts and the District Election Commissions and decides on appeals related to the elections. The Chairman is responsible for registering parties and election blocs and for announcing the results.

The District Election Commissions (DECs) are responsible for supervising the precinct electoral commissions and organising the elections in their district. The DECs are also responsible for publishing the district election result. The DECs consist of no less than 9 and no more than 13 members. Six members, including the Chairman, are appointed by the CEC and up to seven members are appointed by political parties. According to the Parliamentary Election Law, Georgia should be divided into 85 DECs. Due to the situation in South Ossetia

and Abkhazia, however, only 75 DEC's were operational during the April 2000 presidential elections.

The Precinct Electoral Commissions (PEC) are responsible for the practical arrangements in polling stations on election day, the compilation of the lists of voters at the polling station, and the counting of ballot papers. The PECs consist of no less than 5 and no more than 13 members. Up to six members, including the Chairman, are appointed by the DEC and up to seven members are appointed by political parties.

Nomination of Candidates

Both political parties and initiative groups have the right to nominate presidential candidates. For a candidate to be registered, a list containing no less than 50,000 signatures in support of the candidacy must be submitted to the CEC no later than 40 days prior to the election. Each party and initiative group has the right to nominate only one presidential candidate.

Election Campaigning

According to the electoral law, the presidential candidates have the right to freely campaign within the framework set by the laws of the Republic of Georgia. All registered candidates have the right to equal and free of charge access to the state mass media. Candidates also have the right to arrange electoral meetings with the voters. On the day of the elections all campaigning at or around polling stations is prohibited.

Polling Station Activities

Polling stations are open from 07.00 a.m. to 08:00 p.m. on the day of the elections. Before voting, each voter must show his or her passport or another document substituting a passport (a Georgian ID card, a military card, a residence registry card, an IDP card, a pensions certificate, a driver's licence or a former Soviet passport). The voter signs in the space next to his or her name and is supplied with a ballot paper by the polling station officials.

Voting shall be done in secret. Voting on behalf of another person is not allowed. Voters unable to cast their vote may, however, request the assistance of another person (although not a member of the electoral commission or a representative of one of the candidates). Voters who are unable to vote in person due to health or any other reason, may request the PEC to bring a mobile ballot box.

The counting of votes takes place in the polling station, and shall commence immediately after the closing of the polling station. When the counting is completed, the PEC shall prepare a protocol summarising the election results, and then deliver this and all other electoral documents to the DEC.

OBSERVATIONS AND ASSESSMENT OF THE ELECTIONS

The following points summarise the main findings of the observers from the Norwegian Helsinki Committee:

The Electoral System

The Norwegian Helsinki Committee Delegation considers the Georgian electoral system, outlined in the previous section, in most cases to meet international standards for free and fair elections. The electoral legislation provides a legal framework that on principle ensures the citizens' right to vote freely, provides for a non-discriminatory although not necessarily fully transparent registration of candidates, and a fair election campaign. Most of the problems noted below are therefore not due to the shortcomings of the electoral legislation, but rather a lack of implementation.

The substantial amendments to the electoral legislation that were adopted three weeks before the election partly addressed a number of concerns previously addressed by the OSCE. However, based on our interviews of PEC representatives as well as the Head of Campaign of the main opposition candidate in district no. 32–Gori, the short period between the adoption of the new legislation and the elections created confusion among election

administration and parties alike. According to a representative of the DEC in Gori “everything is changing all the time”.

The Campaign and Pre-Election Period

At the outset, altogether 17 candidates applied for registration. Two withdrew, one was rejected due to the fact that he did not fulfil the residency requirement, and another for allegedly holding a Russian citizenship (the latter, Yevgenii Djughashvili, is a grandson of Joseph Stalin). Two failed to submit the required number of signatures. This reduced the number of candidates registered by the CEC to eleven. Of these, two were in pre-trial detention.

Following the verification of signatures, however, a further four candidates were rejected by the CEC (the most well-known of which was Igor Giorgadze, former Georgian Security Chief, accused of masterminding the 1995 assassination attempt on Shevardnadze). The OSCE characterised the verification procedures as “not fully transparent”. Two of the candidates that were denied registration appealed to the Supreme Court, but the court upheld the decision of the CEC.

On 10 March, the CEC approved the registration of seven candidates:

- 1) Eduard Shevardnadze (nominated by the Citizens Union of Georgia)
- 2) Avtandil Jogleidze (nominated by the National and State Political Union of Georgia “Mdzleveli”)
- 3) Vazha Zhgenti (nominated by the Progressive Party of Georgia)
- 4) Tengiz Asanidze (nominated by a group of electors)
- 5) Kartlos Garibashvili (nominated by a group of electors)
- 6) Aslan Abashidze (nominated by Revival of Georgia)
- 7) Jumber Patiashvili (nominated by a group of electors).

The incumbent, Eduard Shevardnadze campaigned under the slogan “From stability to Prosperity”, playing on the widespread belief that only he can maintain stability in the country. His image as an international statesman was boosted by a string of state visits on the eve of the elections (Ukraine’s President Kuchma, Azerbaijan’s President Aliyev, Armenia’s President Kocharian and Germany’s Chancellor Schröder).

Among the other registered candidates, not all were necessarily seeking a political role. One of them, Tengiz Asanidze, former mayor of Batumi, was in an Ajarian pre-trial detention centre on charges of “terrorist acts”, and Aslan Abashidze, Chairman of the Supreme Council of Ajara had refused to release him in spite of Shevardnadze having granted him an amnesty last year. Asanidze’s registration was therefore seen as an attempt to draw attention to his case (He attempted to withdraw his candidacy the day before the elections, but the CEC refused to accept his withdrawal). Another registered candidate, Vazha Zhgenti, chairman of an organisation representing former political prisoners, declared that he would not spend money on campaigning. The only two candidates that were seen as able to pull some votes from the incumbent were Jumber Patiashvili, Shevardnadze’s successor as Georgian Communist Party First Secretary, and the afore-mentioned Aslan Abashidze.

Jumber Patiashvili got almost 20% of the votes in the 1995 presidential elections. In these elections, he made the lack of economic progress and the social degradation of large parts of the Georgian population his main issues, campaigning under the slogan “We can and will give people back a better, dignified life”. Patiashvili’s former position as First Secretary of the Georgian Communist Party can be seen both as an advantage and a major drawback: He can point to the stability and relative prosperity of Georgia under his rule, but at the same time he is still compromised by the lack of clarity around his role in the attack on Georgian demonstrators in Tbilisi in April 1989. Patiashvili campaigned actively, but was not happy with the media coverage his campaign got in state media.

Aslan Abashidze did not campaign outside his home region of Ajara, ostensibly for security reasons (although he has been elected to every Georgian parliament after independence, he has never taken up his seat in Tbilisi). This time his campaign under the slogan “Powerful regions – powerful state” was relatively low key even in Ajara. Moreover, it was widely

expected that he would withdraw from the presidential race before the elections (in the end he did so on the very eve of the elections, leaving the number of presidential contesters at six).

A call for a boycott of the presidential elections by an alliance of 25 (mostly marginal) political parties did not seem to have much effect. Neither did the election campaign itself. As a result of the de facto lack of political alternatives, the campaign's main characteristic was its degree of voter apathy.

In general, the pre-election campaign proceeded relatively smoothly. Fundamental freedoms were by and large respected during the campaign and candidates were able to express their views. According to media monitors, however, the media campaign was not very balanced. In the state run Channel 1, about 56% of the election coverage was given to the incumbent. If the free time allotted to each candidate was subtracted, however, Shevardnadze's share of the coverage rose to 84% (with almost no negative coverage). If editorial comment was subtracted from this, and only the candidate's own speaking time in news reels were measured, Shevardnadze's share rose to 98%! The degree to which media are controlled by the executive power can be further illustrated by the campaign coverage of TV-Ajara in which Shevardnadze's share outside the designated free time only amounted to 10% of the total, and Ajara's own Aslan Abashidze got 80% of the coverage and 98% of the speaking time. The private newspapers remained more balanced in their coverage, but at the same time these are a less important source of information for most of the population in present day Georgia.

As regards the local campaign in district no. 32–Gori, the observers from the Norwegian Helsinki Committee delegation received complaints from representatives of Jumber Patiashvili's campaign office about unfair campaigning, intimidation, and disruption of opposition candidate rallies (Patiashvili's election rally in Gori had allegedly been disrupted by sirens, loud music and cars hooting). The Head of the local Patiashvili campaign also complained about the accreditation process, but informed us that previous complaints about irregularities in connection with the 1999 parliamentary elections had not been acted upon neither in Gori, nor in Tbilisi. We were not, however, in position to verify these claims.

Election Day

The observer team from the Norwegian Helsinki Committee was welcomed at all polling stations and given the possibility to carry out its duties without interference from the PECs.

Campaigning and agitation at polling stations

We did not find posters or campaign-material representing candidates inside the voting premises. Neither did we see rallies or campaigning on polling day or observe open attempts at intimidating or in other ways pressurising voters.

Security against fraud

Although the sealing of ballot boxes was not uniform, we did not encounter boxes that were not properly sealed or where the seal appeared to have been tampered with. In most cases observed, the boxes were openly placed within sight of the proxies, local observers, and the commission, making it virtually impossible to change the content of the ballot box without involving a large number of people.

Election observers/candidate proxies

Two national NGOs, the International Society for Free Elections and Democracy and the International Centre for Civil Culture, were accredited to observe the elections, but the observers from the Norwegian Helsinki Committee came across only a couple of such independent observers in the city of Gori and none in the more rural areas. The local observers we met did not report of any violations having taken place in their polling stations.

According to the election law, each nominating body or candidate may have an authorised representative (proxy) in each polling station. In all PECs visited by the observers from the Norwegian Helsinki Committee, there were proxies present (almost always for the incumbent, and in several cases for Jumber Patishvili).

Voters' registers

A major concern of the OSCE before the elections had been the inaccuracy of the voters' registers. The observer team from the Norwegian Helsinki Committee did not, however, come across instances of very high numbers of voters being added at the supplementary lists.

The district 32–Gori included an estimated 1,500 IDP voters originating from neighbouring South Ossetia. As far as we could observe, this did not cause any problems. At the last polling station before the demarcation line between Georgia and South Ossetia we also ran into people having crossed over from South Ossetia to participate in the elections. During election day we crossed the demarcation line between Georgia and the breakaway republic at three different places without running into any difficulties.

Secrecy of voting

In general, voting procedures for enhancing the secrecy of the vote as laid down in the law were followed in the polling stations visited by the observers from the Norwegian Helsinki Committee. Almost no instances of voting outside the booths were recorded, and we did not observe family voting.

Aggregation and Publishing of Results

The observers from the Norwegian Helsinki Committee followed the count of ballot papers at precinct level (PEC No 2, DEC 32–Gori). The counting seemed to be done without serious problems. We did not notice any overt attempts at manipulation of the counting process. However, the Chairwoman and four members of the PEC did all the counting while the six other PEC members, as well as the national and the international observers, were told to sit in the far end of the room (there were no candidate proxies present during the count). It was thus not possible to verify the accuracy of the count.

Furthermore, a number of procedures, aiming at reducing the chances of electoral fraud, were not adhered to. For instance was the number of voters' signatures in the voters' register not counted before the opening of the ballot box, and it was made public only after all the votes were counted. Another example is that several PEC members signed the protocol and left the polling station before the end of the count. There was thus an apparent lack of understanding of the importance of some of the safety procedures as well as the counting mechanisms.

On the positive side, it should be mentioned that the PEC Chairwoman refused to give in to pressure from representatives of the Gamgeoba (the local administration) when they first tried to get access to the polling station to be present during the count, and second, demanded that the international observers should be thrown out of the polling station.

The results at PEC No 2, DEC 32–Gori were as follows: Eduard Shevardnadze 90.1%, Jumber Patiashvili 4.9%, invalid votes 3.9%, other candidates 0.3%.

The observer team followed the protocols and ballot papers to the DEC (located in the Gamgeoba building!) The aggregation of results was carried out efficiently (data from PEC 2 were processed within 20 minutes from our arrival at the DEC) and summarising/categorising errors made by the PEC were corrected (e.g. ballots that did not show the intention of the voter had erroneously been classified as "false ballot papers"). With only the Chairwoman of the PEC present at the DEC, the results from PEC 2 were, however, obviously changed without the PEC being able to give their consent.

According to the official results at the national level, the incumbent, Eduard Shevardnadze, won 79.8% of the votes by a 75.8% turnout, thus securing an outright victory in the first round. The runner-up was, as in the 1995 presidential election, Jumber Patiashvili with 16.7% of the votes. The four other candidates all got less than 0.4% each.

CONCLUSIONS

Judged by the observations made by the two STOs from the Norwegian Helsinki Committee, the voting process itself was generally carried out in accordance with the law and in an orderly manner. The main problems encountered were all linked to the counting and tabulation process, where several basic regulations were ignored and it became apparent that the PEC did not understand the importance of the prescribed security procedures. The

fact that the Chairwoman of the PEC refused to obey the request from the Gamgeoba representatives must nevertheless be seen as a positive demonstration of the independence of the commission vis-à-vis the Gamgeoba.

The findings of the observers from the Norwegian Helsinki Committee are of course not necessarily representative for Georgia as a whole. Nevertheless, during the debriefing session in Tbilisi it became clear that about half of the OSCE observer teams had come across irregularities during the counting process. It thus seems as lack of transparency and deficient understanding of the procedures has been a widespread problem (in a few cases, OSCE observers had even been forced to leave the polling station during the count).

The other observers could also report about ballot stuffing, multiple voting, and irregularities in the military voting. The general feeling was that this kind of electoral engineering was aimed at boosting the incumbent's result. From the onset of the campaign, there was no doubt that the incumbent would win, and electoral irregularities of the type reported by the OSCE STOs were hardly necessary to secure a landslide victory. It is our impression that the sort of election engineering that was attempted in many places during the vote as well as the count might just as well reflect the wish of local authorities to "deliver" a good result for the incumbent, as some sort of order from the central authorities.

Compared with the 1995 presidential elections, which also were observed by one of the two current observers from the Norwegian Helsinki Committee, it is our impression that the number of instances of outright and overt falsification has been reduced. The electoral process also appeared to be better organised (e.g. while voting outside the polling booths and collective voting were widespread during the 1995 elections, we observed almost no such instances this time).

Although thus undoubtedly an improvement over prior presidential elections, we still share the preliminary overall conclusion of the OSCE Election Observation Mission that the 2000 Georgian presidential elections demonstrated that "considerable progress is necessary for Georgia to fully meet its commitments as a participating state in the OSCE".

RECOMMENDATIONS

The Norwegian Helsinki Committee would encourage the Georgian government to consider the following measures to improve the electoral process in forthcoming elections:

The power of the chairperson should be circumscribed

Although several of the recent amendments to the electoral law addressed concerns previously voiced by international observers, the move to increase the powers of the chairpersons at all levels at the expense of the electoral commissions as such give new reasons for concern. This latter step reduces the value of expanding the number of representatives of the opposition in the commission. The Georgian government should therefore reconsider this decision.

The independence of electoral commissions should be stressed

During the current campaign no clear line was drawn between state affairs and state structures on the one hand and the incumbent's campaign on the other. Further steps should be taken to strengthen the image of the CEC, DEC and PECs as bodies independent from the regime currently in power. One simple step would be to further disassociate the DEC from the Gamgeoba structure through barring DEC from being located in the Gamgeoba-building. The government should also consider other structural measures to enhance the independence of the CEC, DEC and PECs.

The level of professionalism in the PECs must be increased

Bearing the current shortcomings in mind, the government should facilitate increased professionalism at PEC level, as well as provide the PECs with clear and detailed administrative instructions so as to ensure the transparency and security of the counting and tabulation process.