

Outlook on 2020 Elections in Georgia

Political Deadlock After Broken Promise on Electoral System Change



ISFED
INTERNATIONAL SOCIETY FOR
FAIR ELECTIONS AND DEMOCRACY

Georgia's ruling party's failure to adopt the promised constitutional amendment on transition to a fully proportional representation for the upcoming 2020 elections has caused a political deadlock in the country. The Georgian Dream (GD) backtracking on their promise has been largely viewed as an attempt to cling to power and maintain unfair advantage over the opposition in the critical 2020 Parliamentary elections. Therefore, the November 14 failed vote has triggered a series of street protests and has significantly damaged citizens' trust in the political process.

Georgia's parliamentary electoral system¹ has long been criticized for enabling single-party dominance over the country's institutions and inefficient checks and balances by producing disproportionate results to the advantage of incumbent larger parties². Transition to a fully proportional electoral system of parliament has been a longstanding demand of Georgian civil society organizations and political parties. ISFED, one of the oldest CSOs and election watchdogs in Georgia, regards the move to a proportional electoral system as an effective mechanism to reduce polarization, increase the role of smaller parties in decision making, and encourage cooperation and consensus-based political culture among the parties.

The demand of electoral system change was picked up by youth-led demonstrations following the violent dispersal of the protest rally on the night of June 20-21, 2019 after Russian MP Gavrilov's speech in the Georgian Parliament. In an unexpected response to the wave of protests, the GD chairman Mr. Ivanishvili promised the move to a fully proportional system ahead of the 2020 parliamentary elections instead of 2024. A relevant constitutional amendment was initiated by 93 GD MPs followed by nationwide public discussions. The GD majoritarian MPs who voted down the constitutional amendment during the plenary vote have never voiced their criticism of the proposed changes in nearly five months since the change was announced on June 24. Some of them were among the initiators of the bill and some have defended the bill in their majoritarian constituencies during public debate meetings³. For this reason, the unexpected resistance by some majoritarian MPs to the constitutional amendments was largely perceived as a "puppet show" and staged pretext to reject the bill⁴.

After the broken promise, opposition parties as well as youth-led activist groups have taken protests to the streets. Government has chosen to respond to the political criticism with police force and harsh crack-downs of the protests. Tens of demonstrators were detained, in some cases without sufficient grounds, and had their rights violated during trial, which left the impression of a biased and politicized process against youth protest leaders⁵. Furthermore, GD has mobilized its supporters and budgetary employees to stage counter rallies to opposition protests, which has resulted in clashes and physical confrontation⁶. Such developments are dangerous for the stability of the country and contain risks of further polarization.

To provide a potential solution, opposition parties have jointly proposed a modification to the existing mixed electoral system with introduction of multi-member majoritarian districts (73 mandates) along with list PR (77 mandates) and the seat allocation method that takes the overall proportionality of results into account. The proposed model, while not an ideal alternative to the fully proportional representation, could provide an important sub-optimal solution and a ground for consensus as it does not require constitutional amendments.

Regardless, the ruling party seems reluctant to deescalate the situation and offer solutions to the current political deadlock. GD representatives have been dismissing opposition proposals as unconstitutional, claim that the "issue is closed" and maintain that 2020 elections will be held with the existing electoral system.

¹ In the current electoral system in Georgia, out of 150 mandates of a single-chamber parliament, 77 seats are distributed through proportional vote in a nationwide constituency, and 73 seats are contested in single-mandate majoritarian districts.

² For example: the last 2016 parliamentary elections produced a super constitutional majority when ruling Georgian Dream party obtained 77% of the mandates despite only receiving 49% of the votes. The disproportionate representation is due to the fact that single-mandate majoritarian mandates are, as a rule, won by larger incumbent parties at the disadvantage of smaller ones with less resources.

³ For example, in this video Majoritarian MP Khundadze, who became one of the leading critics of the constitutional amendment in November 2019, is pictured supporting the move to a fully proportional system in June 2019. [video in Georgian] <https://www.facebook.com/watch/?v=3210121489061121>

⁴ The GD played similar game during the 2017 Constitutional Reform process when they unexpectedly delayed the transition to a fully proportional electoral system from 2020 to 2024. GD swapped the constitutional draft on June 19, 2017 after alleging that majoritarian MPs opposed the proposed change even though those very MPs had already voted in favor of the amendment in the Constitutional Commission meeting on April 22, 2017.

⁵ 18 NGOs: Trials of Detained Demonstrators Were Held with Grave Violations, 21 November 2019 <https://isfed.ge/eng/gantskhadebebi/dakavebuli-demonstrantebis-sasamartlo-protsesebi-mdzime-darghvevebis-fonze-chatarda>

⁶ The Increasing Number of Political Clashes Takes Dangerous Forms for the Country, Transparency International Georgia, 6 December 2019, <https://transparency.ge/en/post/increasing-number-political-clashes-takes-dangerous-forms-country>

A dialogue between the ruling party and the opposition has been initiated by the EU Ambassador and other diplomats. While the first meeting on November 30 did not result in any breakthrough, it is important that these mediated talks continue to find a solution to the electoral system issue in order to ensure a peaceful process ahead of the crucial 2020 vote.

Election Code and Political Party Finance Reform

In parallel to the electoral system discussions, the Parliament of Georgia had been discussing changes to the Election Code and the Law on Political Union of Citizens with the aim of addressing OSCE/ODIHR recommendations. The relevant working group had been a generally inclusive platform for political parties and civil society to voice their views on the necessary changes to the electoral legislation. However, many of the recommendations both from the OSCE/ODIHR and domestic observers remain to be addressed.

ISFED welcomes the proposed changes in the political party finance regulations, which will reduce the imbalance in state funding to political parties as the so-called regressive model will be adopted to determine the amount of funding each party received from the state budget. The amendments should result in a more fair allocation of state funding to political parties after the 2020 parliamentary elections.

The draft proposed changes to the Election Code, however, it failed to address the serious challenges and shortcomings identified by observer organizations, such as:

- Rule of composition of election administration which allows dominant representation of ruling party representatives at all levels of electoral commissions together with a lack of transparency in the selection of so called “professional” non-party-affiliated election commissioners and allegations of political influence in the process undermining trust towards election administration;
- Practice of misuse of administrative resources and general blurring of the line between the state and the ruling party;
- Inadequate investigation and follow-up by law enforcement authorities to cases of intimidation on alleged political grounds, vote-buying and other electoral violations;
- Inconsistent and poor practice of election dispute resolution which fails to remedy, address and prevent electoral violations.

The working group discussions on Election Code and party finance regulation amendments have been on hold following the failure of the constitutional amendments on the electoral system. Regardless, however, even if the process resumes, the amendments to the Election Code or the Law on Political Union of Citizens discussed thus far in the working group will be insufficient to rebuild trust among political parties and provide an equal playing field for them unless a breakthrough on the electoral system is achieved.

What should be done?

The Georgian Dream must show readiness and engage in dialogue with the opposition parties to find a way forward from the current stalemate. The introduction of a proportional electoral system or modification of the existing electoral system in a way that ensures distribution of mandates reflecting the will of the voters is key for rebuilding trust and continuing the democratic process in the country.

What can the EU do?

- **EEAS and the EU Delegation:** Continue diplomatic efforts to bring together the ruling party and the opposition and facilitate dialogue for achieving a compromise solution on the electoral system for the 2020 elections.
- **EP, EC, and EEAS:** Increase engagement with the Georgian authorities to ensure that the pre-election environment provides for an equal playing field and necessary safeguards for democratic conduct of the 2020 parliamentary elections. During communication with the stakeholders in Georgia underscore the importance of conduct for democratic, free and fair elections.
- **European Parliament:** Closely monitor Georgia’s commitment to free and fair elections and the implementation of necessary reforms; use EURONEST, EU-Georgia Parliamentary Association Committee and other formats, including debate and resolution on Georgia to highlight progress and shortcomings (if any) in Georgian authorities’ efforts to ensure the protection of human rights, a pre-election environment free from intimidation, vote buying, and misuse of administrative resources.
- **EEAS, DG-NEAR, EP:** Continue support to civil society, particularly election observer groups ahead of the 2020 parliamentary elections in Georgia.

For more information, please visit: www.isfed.ge/eng

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