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PRESIDENTIAL ELECTIONS IN GEORGIA

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Challenges and Opportunities in the Wake of Georgia's Presidential Elections

By Martha Beard, Washington

Abstract

The election of Giorgi Margvelashvili as Georgia's next president in free and fair elections marked a key milestone in Georgia's political evolution. Over the past year, the parliament has become a stronger institutional player, the courts have exerted greater independence, and the media and civil society remain pluralistic. But challenges remain in the year ahead as Georgia prepares for local elections. Chief among these is the future roles of Georgia's current out-sized leaders, Mikheil Saakashvili and Bidzina Ivanishvili.

A Pivotal Year

The October 27 presidential election marked the end of a pivotal year for Georgia's political development. In this year, the reins of government were transferred to new leaders through peaceful elections first for parliament, then president. However the transition is still incomplete. Next year, Georgia adjusts to the departure of the two personalities who have dominated politics for the last decade. Mikheil Saakashvili—the sitting president and a towering figure in Georgian politics since he and the United National Movement (UNM) came to power during the 2003 Rose Revolution—was prevented by term limits from seeking reelection. Bidzina Ivanishvili—the current Prime Minister who came to power during last year's parliamentary elections thanks to the victory of the Georgian Dream (GD) coalition he orchestrated and financed—has announced his intention to stand aside in favor of sitting Minister of Internal Affairs and personal ally, Irakli Garibashvili. Without these two defining personalities, and with local elections scheduled for the spring, Georgian politics is certain to evolve over the next year in ways that will shape the development of the political system in the future.

Overall, the changes of the last year have enhanced democracy in Georgia. The system's commitment to democratic principles is stronger now than it was before last October's elections, and there are opportunities for continued consolidation in the coming year. However, the past year has also seen several important failures, and many structural weaknesses remain. Looking back now at the past year's successes and failures will help illuminate the opportunities and obstacles for further democratic consolidation in the year to come.

Looking Back: Lessons from the Last Year

In the year between the 2012 parliamentary and the 2013 presidential elections, Georgian voters took government out of the hands of practiced, technocratic leaders who worked within a disciplined party, and passed it to a coalition that had not yet consolidated itself or its rul-

ing vision and which—although still in large part run by experienced and capable politicians—was led by an inexperienced (and often brusque) businessman. This process has opened up considerable political space in the country, but simultaneously has helped clarify existing weaknesses, such as opaque state institutions and processes; weak political parties; and a winner-take-all understanding of state power. However, there have been many positive developments, and the basic improvements remain undeniable.

The most significant of these successes has been the advances in parliament, which has already become a much more important institution, even prior to constitutional amendments that will increase its power once President-Elect Giorgi Margvelashvili is inaugurated in November. Whereas UNM enjoyed a comfortable constitutional majority in the previous parliament, GD took only 85 of the 150 seats—short of the necessary 100 for constitutional amendments—with UNM retaining 65 seats, a significant minority. This parliament has proven its ability to work in a multiparty fashion, and has passed some significant legislation: reform of the High Council of Judges, increasing the transparency with which new judges are appointed, and improving its independence;¹ removal of the prosecutor's office from the Ministry of Justice and separating it from political office-holders; improvements to the election code;² improvements to the media law, including reform of the composition of the Georgian Public Broadcaster board;³ and a greatly improved labor code.⁴ It even managed to overcome a difficult fight over proposed constitutional amendments, and was able to attract the participation of UNM members.⁵

The judiciary is more independent. Most of the sitting judges were named during Saakashvili's tenure,

1 <<http://civil.ge/eng/article.php?id=26012>>

2 <<http://civil.ge/eng/article.php?id=26299>>

3 <<http://civil.ge/eng/article.php?id=26136>>

4 <<http://civil.ge/eng/article.php?id=25974>>

5 <<http://civil.ge/eng/article.php?id=25887>>

whereas the prosecutor's office is now staffed with Georgian Dream appointees. These different political affiliations have already led to a marked "decrease in concordance between the opinions of the prosecutors and judges, and more and more citizens win cases against the state," according to a report by Thomas Hammarberg, the EU special advisor on human rights in Georgia.⁶ That's not an ideal basis for judicial impartiality, but it is an improvement, and hopefully one that allows for further growth.

The election environment has improved, as demonstrated by both the parliamentary and presidential elections. In the latter case, the progress may be thanks at least in part to the less-charismatic (and provocative) personalities of the candidates, helping to calm what can be a melodramatic political culture. OSCE/ODIHR's interim assessment noted widespread improvements, stating that the elections were "efficiently administered, transparent and took place in an amicable and constructive environment."⁷ Within the general improvements, there were negatives: the State Audit Agency lacked capacity to fully investigate campaign finances and there was isolated violence against UNM members participating in primaries in Zugdidi and Batumi, with only mild sanctions against the perpetrators. Nevertheless, with two elections in a row that were broadly accepted as free and fair, the habit of electoral democracy will be more difficult to shake in the future.

Outside of government, media and civil society have taken advantage of the political opening and consolidated their positions. The media remains pluralistic, and Georgians have greater access to a variety of opinions, giving voters the information they need to make decisions. Civil society remains active and engaged, advocating for serious reforms while maintaining its watchdog role over the procedures.

Most of the failures of the past year have been missed opportunities and failures to act, rather than active missteps by the new government. However, failure to act now may in some cases make it more difficult to act in the future. Although many in the government argue that their reform efforts will be easier after Margvelashvili is inaugurated and one party controls the most important political offices, the inertia established over the past year could prove a stubborn obstacle.

The most prominent issue is that of transitional justice. This is a highly contentious issue, with complaints on both sides: either, that the new government hasn't

done enough to address the citizens' complaints against former government officials; or, that the process is purely political. So far the task has been taken up piecemeal, largely focused on the high-profile cases against former UNM officials. There has not yet been a systematic effort to deal with the tens of thousands of complaints filed after the change in government by citizens seeking redress for miscarriages of justice during the previous government's tenure. Meanwhile, those piecemeal high-profile cases are dragging slowly along, with many officials in pre-trial detention for dubious reasons. It is unclear yet to what degree the cases will be able to meet the high standards of the many international observers closely following them, although so far no serious procedural issues have been flagged by these groups. Beyond these individual trials, the government has yet to come up with a coherent solution to the dilemma of how to move the country forward while ensuring justice and ending impunity.

Perhaps the biggest issue in light of upcoming local government elections is the "spontaneous" change in party affiliation for local governments throughout the country immediately after the parliamentary elections. According to NGO reports, more than 50 mayors and 25 city council chairs resigned from their posts after the parliamentary elections, and more than 1,800 civil servants have left their positions.⁸ In some cases, there were protests from voters demanding the resignations. Nevertheless, allowing this sort of extra-electoral change in elected positions is inappropriate, and a sign that Georgia's political culture remains mired in a winner-take-all mentality. These developments ensure that in many places Georgian Dream candidates will enjoy an incumbency advantage going into the local government elections that they would not otherwise have.

The past year has seen increasing mobilization among conservative, intolerant segments of society. This trend is exemplified by the events of May 17, wherein a small number of advocates promoting the International Day Against Homophobia were met by a large and violent counter-protest from Orthodox believers, including some priests. Over the summer, there were also several protests that prevented Muslim groups from conducting services, and in these cases, government response has been mixed. Ivanishvili spoke out very clearly against such tendencies, but legal sanctions against perpetrators have been mild or nonexistent. The government has made early steps towards addressing these issues by creating a new oversight body, but needs to take a much more comprehensive approach in ensuring that Geor-

6 <http://eeas.europa.eu/delegations/georgia/documents/virtual_library/cooperation_sectors/georgia_in_transition-hammarberg.pdf>

7 <<http://www.osce.org/odihr/elections/107509>>

8 <<http://www.isfed.ge/main/155/eng/>>

gia's national and religious minorities are fully empowered to participate in the democratic system.

Finally, there are many longstanding challenges that as yet remain unaddressed. Major reform is still needed in the judiciary, the criminal justice system, penitentiaries, oversight of the police, minority rights, labor law implementation, and education. What's more, many of the most important issues for Georgian citizens are different from the question of their government's democratic credentials. By failing to address the most pressing bread-and-butter concerns for Georgia's struggling population, the government faces the threat of losing popular support, and eroding public faith in the democratic process.

The final assessment of the successes and failures of the past year shows us a much more open political society, dealing with very difficult baggage and doing so with mixed success. Some of the failures described are understandable, because of the enormous challenges, but others can be ascribed to failures of leadership and to the distraction caused by the tense political atmosphere reigning during the cohabitation. Therefore, it is reasonable to assume the Georgian government's ability to capitalize on the progress made and address the challenges before it will depend in large part on leadership and politics.

Looking Forward

What comes next? Both Ivanishvili and Saakashvili will continue to influence their respective parties in informal capacities. Hopefully, this influence will wane over time as the parties form their own identities and Ivanishvili and Saakashvili define their own roles more concretely, promoting the emergence of new leaders. But it is also possible that they will continue to maintain significant authority over both of their blocs, greatly affecting the opportunity for real political party development, which is essential for the long-term health of democracy in Georgian. UNM candidate Davit Bakradze's 21.9% showing was poorer than his party might have hoped, but a better figure than they could have feared. The party still has a constituency, and strong fundamentals to build on, but they will need to do some serious soul-searching to win back the trust of Georgian citizens. This will be more difficult for them to do if Saakashvili remains the public face of the party. Likewise, the Georgian Dream coalition will face the difficult

task of defining itself in the absence of both Ivanishvili, its leader, and Saakashvili, its nemesis. The coalition is otherwise loosely held together, and remaining united will depend on skillful politics—and the mutual benefit of maintaining the still-popular “Georgian Dream” identity. Garibashvili had an even less prominent public persona before entering politics with Ivanishvili in 2011, than did Margvelashvili, and his record at the MIA provides little insight as to what sort of leader he will be. If Ivanishvili continues to exert undue influence behind the scenes, it will have a detrimental effect on government accountability, and the ability of Georgian Dream to develop as an independent entity.

There are several political scenarios that could negatively affect the opportunity for further democratic consolidation. In the most likely of these, the departure of Ivanishvili will prompt a continued political upheaval within Georgian Dream, as various factions within the coalition vie for influence with the new government. This process will likely intensify during the local government elections to be held next spring. This sort of continued political factiousness will slow down the pace of reform and provide a continued distraction from the business of governing. And it is vital that the business of governing continue and be successful, so that Georgian citizens can see positive results from their election of a new government. Less likely, but still possible, is that the coalition's weaknesses are less salient than the mere fact of its possession of both executive and parliamentary authority, allowing the current government to indulge in the sort of state overreach that ultimately undermined UNM's democratic pretensions.

The dynamism of the past year has greatly expanded the opportunities for Georgian democratic development. Georgians established the practice of peaceful, free and fair elections that can result in significant changes. It's difficult to imagine Georgian citizens accepting anything less in the future. A great deal of difficult work remains to be done, and there are many obstacles to further progress. However, despite these difficulties, and despite the nasty nature of much of Georgian politics, the past year has seen positive developments and much of what has been gained would be very difficult to reverse. If over the next year the current top leaders play a lesser role, and the government and its citizens maintain the slow but steady pace of reform, Georgia's democracy will continue to consolidate.

About the Author

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Presidential Elections in Georgia: Enter the Non-Charismatic Leader

By Tornike Sharashenidze, Tbilisi

Abstract

The recent presidential elections in Georgia took place in an unusually calm atmosphere. No one seriously questioned the final outcome and international observers appeared more satisfied than ever. This is good news for Georgia—the country no doubt has made significant progress. However, it still remains to be seen whether this positive atmosphere was the product of political maturity or the simple fact that the presidential elections no longer are as important as they once were and that the favorite had no real rivals. The elections also resulted in one big change: both charismatic President Mikheil Saakashvili and widely admired Prime Minister Bidzina Ivanishvili are out and Georgia is going to be ruled by rather ordinary leaders (just like in normal European democracies). If this progress is sustainable and if Georgians are already prepared for such a development, then soon the country will enter an age of true parliamentary democracy.

The Background—Major Players

The Georgian parliamentary elections of 2012 resembled a civil war more than a democratic procedure. There was no violence on election day, but the campaign was replete with arrests, harassment, bitter mutual accusations, and leaks of video and audio recordings denouncing and demonizing the opposite camp. It was a milestone election in Georgia's history not only because it ensured the constitutional transfer of power, but also because it unleashed a level of aggression, conspiratorial theorizing, and paranoia unusual even for post-Soviet politics.

After that experience, many people expected that the presidential elections would produce something similar—if not a full-blown scandal, then at least some dirty videos. However everything ended peacefully. The issues that dominated the campaign were harmless: Would the candidate of the ruling coalition win in the first round or would everything be decided in the run-off? How many votes would the main opposition party candidate get? How many would the openly pro-Russian candidate get?

The first question was the most topical one. The candidate of the Georgian Dream party, Giorgi Margvelashvili was a riddle for many Georgians. Even though he was the former rector of a successful university, a close friend to Zurab Zhvania (the former Prime Minister and one of modern Georgia's most outstanding politicians who died in murky circumstances), and an outspoken opponent of Saakashvili, these qualities did not seem enough to make him presidential. The majority of Georgians learned about Margvelashvili only when Georgian Dream leader Bidzina Ivanishvili made him minister of education the previous year. No matter how much Ivanishvili praised Margvelashvili after making him his candidate for the presidency, many people still remained dubious. Of course Ivanishvili still enjoyed huge popularity and people trusted him. Moreover, some people would vote for Ivanishvili's protégé without knowing anything about him or her. But not everyone showed

such loyalty. Georgia was not the same country it once had been.

Soon after nominating Margvelashvili, Ivanishvili issued the ultimate coup de grace: he announced his retirement.¹ His planned exit was a shock for Ivanishvili's supporters both within and outside government—the former came to power thanks to Ivanishvili and the latter regarded him as a messiah. There were fears that by announcing his departure Ivanishvili would seriously endanger Margvelashvili's chances for the presidency (people would not vote for the messiah's protégé if the messiah himself was no longer around) but nothing could make Ivanishvili change his mind. Later, in explaining the reasons behind his decision, he stressed that Georgians would have to learn to live without a messiah and therefore his exit would be beneficial in the end.²

Suspicious and fears began to disappear in October when Margvelashvili started to overcome his initial difficulties and appeared increasingly convincing and self-assured. If at first Margvelashvili seemed to be overshadowed by his main opponents (and be sustained mainly by Ivanishvili's support), he dominated the last week of the campaign and it became clear that he was going to win in the first round (as he did). The only thing that complicated Margvelashvili's campaign was Ivanishvili's further shocking statement that if Margvelashvili did not win in the first round then he would advise him simply to ignore the run-off.³ The election watchdogs criticized Ivanishvili for this statement, considering it to be a form of pressure on the voters, but one can only wonder what motivated the leader of Georgian Dream to give his candidate such "advice."

1 <<http://civil.ge/eng/article.php?id=26204&search=>>

2 <<http://dfwatch.net/ivanishvili-explains-reasons-for-leaving-georgian-politics-83472>>

3 <<http://civil.ge/eng/article.php?id=26554&search=>>

As for Margvelashvili's opponents, only two of them counted. David Bakradze, the candidate from the former ruling party, the United National Movement, consistently ran in second place according to most of the polls. Bakradze, a former career diplomat who joined Saakashvili's team soon after the Rose Revolution of 2003, had a rather difficult task to accomplish. The United National Movement was discredited and its survival depended on how Bakradze would do. He was a logical choice for his party. After the loss of 2012, Bakradze became the leader of the parliamentary minority (represented by the United National Movement) and he was one of the few United National Movement leaders whose personal rating increased during the last year. Using his diplomatic skills, Bakradze avoided personal conflicts with opponents, admitted the mistakes made by his party, and offered to cooperate with the new ruling coalition. This strategy was much more valid than confrontation with the new authorities, who enjoyed great support among the voters. The public was ready to tolerate criticism of the Georgian Dream, but definitely not from the United National Movement.

The third relevant candidate, Nino Burjanadze, was once an ally of Saakashvili and Zhvania and herself one of the heroes of the Rose Revolution. She had been demonized a few years earlier for her overt ties with the Kremlin and was considered a political corpse. But surprisingly Burjanadze made a come-back. She capitalized on widespread sentiments seeking the "restoration of justice," which meant prosecution, or even persecution, of United National Movement leaders. The Georgian Dream brought several former officials to justice but Burjanadze claimed it was not enough and promised she would see that Saakashvili and all of his lieutenants would be put in jail. Another thing Burjanadze tried to do was capitalize on relations with Russia. She believed that the restoration of ties with Russia was the number one priority for many Georgians and, if it came to this, no one else could persuade the Russians as she could (she openly had met with Vladimir Putin a few times after the 2008 war). Finally, she hoped to outshine all the other presidential candidates in terms of charisma and political experience; in fact she was the last charismatic leader of Georgia, the last remaining one of the Rose Revolution trio (with Zhvania dead and Saakashvili on his way out). Taking an aggressive stance, Burjanadze promised not to accept defeat and fight, by which she meant street rallies—something that used to be the number one tool in Georgian politics.

Thus, rather paradoxically, Margvelashvili and Bakradze—candidates of rival parties—had something in common that united them against someone else. They shared foreign policy goals, both were rather

peaceful and neither was "charismatic." Moreover, neither of them was going to fight since both of them were realistic. Margvelashvili aspired to victory in the first round and Bakradze simply wanted to be number two and thus ensure the survival of his party.

Elections and Their Implications

Election day started and ended in a calm atmosphere. The tranquility was hardly a surprise since the election campaign was peaceful and there was no reason to predict any disturbance at the end. Turnout was less than 50 percent. The relatively low participation rate meant that many people did not consider these elections as important as the previous one. Also it meant that many people (mostly the supporters of the Georgian Dream) believed that Margvelashvili would win anyway and so they remained inactive. Margvelashvili won by some 62%. Bakradze scored 22%. Thus both of them achieved their goals: Margvelashvili won in the first round and Bakradze not only became number two, but also secured enough votes to assert that the United National Movement remained a serious political player.

No doubt many Georgians—among them members of the ruling coalition—were annoyed by Bakradze's success. However, no matter what kind of sentiments people may have about the United National Movement, the presence of a strong opposition is crucial for the still fragile Georgian democracy. Besides, the Georgian Dream should learn a lot from the mistakes made by the United National Movement. The UNM suppressed the opposition and, as a result, isolated itself from the constituency which contributed to its decline and ultimate loss. The bitterest opponents of the United National Movement may explain Bakradze's success by the fact that many supporters of the Georgian Dream simply ignored the elections while most supporters of the United National Movement went to vote. But the coin has two sides—no matter how few supporters the United National Movement has, it still manages to mobilize its voters and this is an obvious strength of Saakashvili's party.

As for Burjanadze, she won approximately 10 percent. In the end she was able to capitalize mainly on her promise to "restore justice" (it somehow did not matter much that even if elected she would not have been able to accomplish this goal since presidential authorities are significantly reduced according to the new constitution). As for her promises to "convince Putin," it did not prove good enough for several reasons. First of all, the Georgian Dream already had achieved a lot with the Kremlin—the Russian market was reopened for Georgian goods and the bilateral tension started to recede. It was just enough—Georgians did not have any desire to restore diplomatic ties with Russia given the fact that Moscow still recognizes

Georgia's rebel provinces. Georgians had no illusion that Russia would reconsider its recognition of Abkhazia and South Osetia. Burjanadze obviously realized the depth of her defeat and did not protest against the outcome. Thus another election in Georgia ended without street rallies.

Supporters of Georgian democracy can congratulate themselves on several achievements—these elections were far better than previous ones and so the tendency of irreversible progress has been maintained; for the first time the former ruling party did not perish and its candidate performed reasonably well; the pro-Russian candidate did not get much support; and finally, people voted for a “normal,” non-charismatic leader (in the form of Burjanadze both the Russian idea and a reliance on charisma were defeated). Both Saakashvili and Ivanishvili are out and for the foreseeable future Georgian politics will be dominated by the likes of Margvelashvili. Georgian politics is entering a new stage, an age of parliamentary democracy, more turbulent than the semi-autocratic modernizing regime of Saakashvili, but at the same time more pluralistic and more legitimate.

Nevertheless, more cautious analysts may point to the other side of the elections. It is true that the non-charismatic, “normal” Margvelashvili was the winner. But it is also obvious that he won thanks to the “messiah’s” support. While the elections were conducted in an extremely constructive and peaceful atmosphere, maybe that was simply due to the fact that the final outcome was clear before the elections and that the new president will not enjoy the same authority he used to have. So the real tests (like the parliamentary elections of 2016) are still ahead.

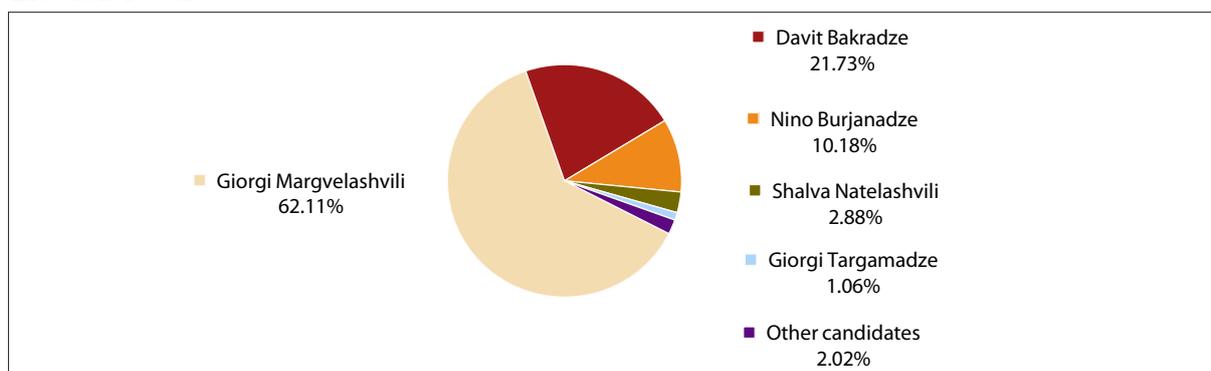
However, if we weigh both positives and persisting questions, it is obvious that the elections mark a degree of progress. And if Georgians generally do well in the coming years—namely if they do not fall prey to demagoguery, if they finally learn to adjust to a free market economy and to hold the government accountable from the very beginning instead of blindly trusting it—then the next elections will bring even greater success. Precedents create traditions and there are more than enough good precedents for Georgia.

About the Author

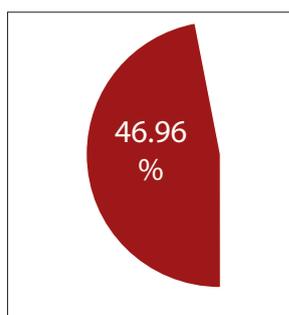
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Election Results of the Presidential Elections Conducted on October 23, 2013

Election Results



Voter Turnout



Source: Central Election Commission, <<http://www.results.cec.gov.ge/eng/>>

ABOUT THE CAUCASUS ANALYTICAL DIGEST

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