GEORGIA

Georgian opposition leaders seek relationship with Moscow

Former Georgian Prime Minister Zurab Nogaideli’s For a Just Georgia party recently signed a cooperation agreement with United Russia, the party led by Russian Prime Minister Vladimir Putin. It is unclear precisely what sort of “cooperation” is envisioned by the document’s signatories, Nogaideli and United Russia Supreme Council Chairman Boris Gryzlov. The former Georgian prime minister hailed the document as having possibly historic consequences: “At first sight one could say that there is nothing special about the agreement. It is a framework agreement on cooperation of the two parties, and concrete actions lie ahead. I think, however, that the agreement could become an important history-making document. I believe it will lay the foundation of the settlement of Georgian-Russian relations in the future and will bring back to Georgia a chance for its peaceful unification and development.” (1) Despite Nogaideli’s allusion to “peaceful unification,” the agreement does not appear to touch on issues related to Georgia’s separatist regions.

The signing took place during Nogaideli’s fifth trip to Russia since October. (2) The former Saakashvili ally claims to be working to promote the normalization of Russian-Georgian relations; Nogaideli has indicated that his goals involve “bringing relations with Russia back to normal and pulling Georgia out of the crisis.” (3)

Nogaideli is not alone in his pursuit of further engagement with Russia; he is, however, the most extreme case. Other Georgian opposition leaders, though not
going so far in their gestures toward Moscow, also have indicated a willingness to enter into dialogue with Russian officials. Leaders of the small Conservative Party and People’s Party have advocated negotiations with Moscow over the separatist regions. (4) Additionally, Irakli Alasania, Georgia’s former ambassador to the United Nations and a politician who is generally regarded as pro-Western, was reported to have met with Russian Foreign Minister Sergei Lavrov during the Munich Security Conference. (5) Even former parliament speaker and Rose Revolution leader Nino Burjanadze has expressed her willingness to enter into a dialogue with the Russian government. (6)

In part, these gestures stem from the fact that there currently is no interaction between senior Russian and Georgian officials because of the August 2008 war between the two countries over Georgia’s separatist regions. The low-level “Geneva” talks, mandated in the Sarkozy agreement that resulted in a ceasefire in the August war, have made no progress. EU monitors generally are not allowed into the separatist regions; they have been permitted into South Ossetia only once since the war. Russian troops not only are deployed in the separatist regions, but are taking steps intended to maintain a long-term presence there. Although Russia and Georgia have permitted a few token charter flights between the two countries, their diplomats still communicate through the medium of the Swiss embassy. Under the current circumstances, the normalization of relations is unlikely to occur any time soon.

However, it is unclear in what manner negotiations between Georgian opposition parties and the Russian government could contribute to resolving the separatist issues. Opposition leaders have no official authority, and the anti-Russian government bias in Georgia is still strong enough that opposition politicians seeking to come to power with Russian support could not, at present, win a fair election. In any case, the next presidential election is not until 2012. If authorities in Moscow wish to promote a change in Georgian leadership before this date,
opposition politicians either will need to force an early election or take power outside the democratic process.

Nogaideli’s claims that he is pursuing the normalization of Russian-Georgian relations are not an adequate justification for his current activities. It is true that the absence of high-level dialogue between the governments of the two countries only further entrenches the stand-off between Moscow and Tbilisi (though there is no guarantee that discussion would help – Russia is, after all, occupying 20% of Georgia’s territory and has manifested resistance to the notion of withdrawing). However, there is a very sharp distinction to be made between facilitating the resumption of dialogue between Russia and Georgia and signing a cooperative agreement with the political party headed by Prime Minister Vladimir Putin, the obvious authority in the two-headed Russian government. The willingness to talk to and to enter into agreements with Russian officials, absent any discussion between legitimate Georgian authorities and Russian leaders, seems to indicate that the interaction between Moscow and Zurab Nogaideli is aimed more at achieving regime change in Tbilisi than it is at promoting a solution to Georgia’s many challenges without sacrificing Georgia’s independence. “Discussions” of the sort currently engaged in by Nogaideli do not seem to be furthering resolution of the issues estranging the two countries but, instead, to be inviting and facilitating increased Russian involvement in Georgian domestic politics. There are rumors that, following the Tbilisi mayoral election scheduled for this spring, Nogaideli may try to provoke riots and force a domestic crisis, possibly with the intention of inviting Russian intervention and, from there, ousting the current government. (7)

The Saakashvili administration has denounced Nogaideli’s activities and has compared the decision of Nogaideli and other opposition leaders to talk with Russian officials to the perceived betrayal leading up to Georgia’s invasion by the Red Army in 1921. (8) At that time, an invitation from a small clique of Georgian leaders initiated the Soviet invasion. Referring to Nogaideli’s Russian backers,
Saakashvili said, “They want to sow hatred - or to create the illusion that hatred has been sown - and then to use this, use this cover and these puppets to do the same thing to us that happened in 1921.” (9) Pavel Kublashvili, a parliamentary majority leader, described Nogaideli’s agreement with United Russia as “high treason.” (10)

Russia’s overt support for a Georgian opposition politician comes in the midst of regional developments that have disturbing implications for the Georgian government. Ukraine’s recent presidential election, in which Viktor Yanukovych—the same politician rejected in the 2004 Orange Revolution—emerged triumphant, highlights Georgia’s increasing isolation in a region dominated by Russia. One cannot help but wonder if a primary Russian aim for the Nogaideli relationship is to achieve “regime change” through the election of a pro-Russian politician in Georgia, as well. Yanukovych’s successful election means that Georgia stands alone in its continued (and disappointed) NATO aspirations; the new Ukrainian president-elect’s pro-Russian orientation will rob Georgia of a potential ally in the region.

This loss, coupled with Russia’s overt support for Georgian opposition politicians, leaves the Saakashvili administration in an increasingly beleaguered position. Nogaideli does not have a high level of support among the Georgian population, but the decision of his party to form an alliance with Putin’s United Russia does not bode well for peace in Tbilisi.

Source Notes:
(1) “Georgian opposition party, United Russia to cooperate,” ITAR-TASS, 11 Feb 10 via Lexis-Nexis.
(2) “Georgian opposition leader defends contacts with Russia,” Vremya novostey, 28 Jan 10; BBC Monitoring via Lexis-Nexis.
(3) “Georgia needs dialogue with Russia, says party leader (adds),” ITAR-TASS, 11 Feb 10 via Lexis-Nexis.
UKRAINE

In Ukraine, the next political war begins

On 16 February, Ukraine Prime Minister Yulia Tymoshenko made good on earlier statements by officially filing documents with the country’s Supreme (Higher) Administrative Court to overturn the country’s presidential election results.

One day later, the Court suspended the official declaration of results by the Central Election Commission (CEC) while it examines the three large boxes of documents submitted with Tymoshenko’s complaint. The court, however, declined to halt the scheduled 25 February inauguration of Yanukovych, saying its jurisdiction only allows it to deal with the actions of the CEC. However,
electoral legislation grants the court only up to five days to rule on complaints of election fraud, so the decision must be released by 21 February – four days before the inauguration.

Previously announced election winner—and current candidate—Viktor Yanukovych responded to the court’s action with silence. Yanukovych’s ally Hanna Herman, however, dismissed the move as a “mere formality.” (3)

Herman is correct, to a point. In accepting the complaint for consideration, the court must automatically suspend the declaration of results. It is not meant to suggest any conclusion regarding the legality of the results.

However, the court also had the option to find no legal cause to examine the complaint. Tymoshenko’s evidence apparently met the minimum burden of proof for consideration of the claim.

Regardless, most experts suggest that Tymoshenko’s complaint is very unlikely to be found valid by the court. While the evidence presented “surpassed all expectations,” according to analyst Volodymyr Polyakov and others questioned by Ukraine’s media, most agree that to overturn the results, clear evidence of systemic fraud would be required. (4) Tymoshenko’s evidence appears instead to show possibly significant, but regionalized, irregularities that may or may not have affected the outcome. In addition, at least one analyst suggests that Yanukovych possesses allies on the court. Therefore, “Tymoshenko knows she has little chance of winning, but she will use the proceedings to make strong accusations,” according to Viktor Nebozhenko. (5)

Ihor Zhdanov, a former close ally of President Viktor Yushchenko and one of Ukraine’s more respected political analysts, suggests that Tymoshenko’s key evidence includes a reported increase of around 300,000 individuals on the voter lists on election-day. (6)
Following round one of the election, the European Network of Election Monitoring Organizations also cited concern about an increase of 400,000 people on the voter lists on that election-day. (7) It is unclear how or why hundreds of thousands of voters came to be added only as votes were being cast during round one and round two. It is also unclear if the additional voters were added uniformly in all regions or only in specific areas. However, it is understandable why this issue, in a race determined by under 890,000 votes, would be viewed as critical by Tymoshenko’s team.

In its official English-language newsletter, the Bloc of Yulia Tymoshenko also alleges irregularities with “a suspiciously high number of voters who voted from home,” including “a high incidence of home voting based on applications in the same handwriting.” The Bloc also claims that “an unusually high number of ballots for Ms. Tymoshenko [were] intentionally damaged and therefore invalidated,” and “parallel lists of voters were drawn up in the Donetsk and Luhansk regions, enabling voters to vote twice.” (8)

Yanukovych’s team, as well as the Central Election Commission, vigorously deny these charges.

Since evidence has not been released publicly, it is not known if these statements are supported with clear, convincing documentation. For this reason, Ukrainians have called on the Court to conduct an open, transparent hearing, which will allow the evidence to be entered into the court of public opinion.

These calls became louder after President Yushchenko—a staunch Tymoshenko opponent—met with the head of the Supreme Administrative Court. The meeting occurred just hours before his rival officially filed her case. (9)
Any suggestion of irregularities that impacted the election outcome will fly in the face of the findings of the OSCE/ODIHR election observation mission, which found the election free and fair. "Yesterday's vote was an impressive display of democratic elections," the OSCE said in a press release. "For everyone in Ukraine, this election was a victory." (10)

The OSCE’s voter list numbers also do not correspond with Tymoshenko’s stated 300,000 voters added to voter lists during round two. The OSCE documented an increase of individuals on voter lists during round two of 150,773 but did not include foreign precincts, including those in Russia. The OSCE confirms, however, that 400,000 individuals were added to voter lists during round one, and suggests that it is unknown how those 400,000 were dealt with between election rounds:

“Changes to the voter lists were only partly entered into the voter register, due to the fact that the procedures for transmitting data on voters added to the lists were adopted late and were not applied in a uniform manner. In addition, 21 DECs [District Electoral Commissions – ed.] only partly submitted the information to the register maintenance bodies (RMBs). As a result, some voters had to re-apply to be added to the voter lists for the second round. Some RMBs failed to check whether voters added to voter lists on election day were legitimately added to the lists.” (11)

The OSCE also noted, “Some 1.4 million voters (3.9 per cent of the total number of voters) were registered to vote by mobile ballot box, about 220,000 voters more than in the first round.” (12)

The organization, however, did not find that these issues directly affected the outcome of the election. In fact, while many monitoring groups found regional or localized problems—including pens with disappearing ink at 17 polling stations in Kyiv—none called the election unfair or unfree.
And in reality, this is largely true. With over 25 million votes cast, questions remain about a small fraction of them – under one million. The majority of voters cast their ballots in an election that was conducted freely following an open, spirited campaign that was covered by a generally free media. This is something of which to be proud – and something rare in the former Soviet Union.

But because the margin of victory was so small, the questionable votes identified by Tymoshenko are now an issue.

Should this court find Tymoshenko’s complaint credible, it’s only real option is to nullify the CEC declaration of victory and order the Commission to investigate these irregularities fully. It has no jurisdiction to overturn results. Should the CEC fail to act, Tymoshenko could file another complaint to overturn the results with the Ukraine Supreme Court, based on fraud.

Since this seems unlikely, Viktor Yanukovych probably will be inaugurated as planned on 25 February.

At this point, he will be Ukraine President, but Tymoshenko will remain Prime Minister – in the office that holds much of the country’s real power. The Prime Minister is nominated and confirmed by parliament. The President’s only duty in this regard is the ceremonial job of entering the nominated name into parliamentary consideration.

The closeness of the election and Tymoshenko’s success so far in undermining Yanukovych’s victory means it will be more difficult for Yanukovych’s party to replace her as Prime Minister. Should the new president want to do so, he will need to do one of two things: (1) launch an all-out political battle against the head of government, providing Tymoshenko with the opportunity to claim victimhood and withdraw to lead the opposition – as Yanukovych and his new PM take
responsibility for the continuing recession; or (2) dissolve the parliament and call new parliamentary elections, hoping that Tymoshenko’s claims of election fraud haven’t allowed her to shore up her support. New parliamentary elections with an equal or stronger Bloc of Yulia Tymoshenko would be disastrous for Yanukovych.

So, while Tymoshenko is unlikely to win the court battle over election results, it appears she already has made significant progress in the new political war for power and influence.

Source Notes:
(3) “Court Suspends Ukraine Vote Results,” AP/Moscow Times, 18 Feb 10 via www.moscowtimes.com.
(5) “Court Suspends Ukraine Vote Results,” AP/Moscow Times.
(6) “Experts on Tymoshenko chances to win lawsuit,” Zik-Western Information Agency.
(8) “Inform Newsletter,” 15 Feb 10 via email.