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# BOLSTERING DEMOCRACY IN GEORGIA

## HEARING

BEFORE THE

## SUBCOMMITTEE ON EUROPE AND REGIONAL SECURITY COOPERATION

OF THE

## COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

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# BOLSTERING DEMOCRACY IN GEORGIA

**TUESDAY, MARCH 23, 2021**

U.S. SENATE,
SUBCOMMITTEE ON EUROPE AND REGIONAL
SECURITY COOPERATION,
COMMITTEE ON FOREIGN RELATIONS,
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:30 p.m., in room SD–106 and via videoconference, Hon. Jeanne Shaheen, chairman of the subcommittee, presiding.

Present: Senators Shaheen [presiding], Murphy, Van Hollen, Risch, and Johnson.

## OPENING STATEMENT OF HON. JEANNE SHAHEEN, U.S. SENATOR FROM NEW HAMPSHIRE

Senator SHAHEEN. Good afternoon, everyone.

We are going to go ahead and begin because we are in the middle of votes, which I think many of you know. And we have voted, I think on the first vote. I assume the other committee members have. And so we will recess when the second vote is called, go vote, and then come back.

So this is a hearing of the Senate Foreign Relations Committee on Europe and Regional Security. It will now come to order. I am delighted to have Ranking Member Johnson here with me and we are very excited to hear what our witnesses have to say about the crisis in Georgia. Thank you both for being here.

Given the nature of the hearing where some of us will be in person and some of us will be virtual, we are going to do questions by seniority and work to accommodate all the members, whether they be virtual or in person. The purpose of today's hearing is to engage with our witnesses about the current situation in Georgia to better understand how the United States can support a democratic resolution to the current political standoff. Georgia has come a long way in a relatively short period of time, as I think we would all agree. It has worked to establish and strengthen its democratic institutions. The path has not always been straight, but the overall trajectory has been positive.

I had the honor of traveling with the Ranking Member of the full Senate Foreign Relations Committee, Senator Risch, to Georgia in 2012 to observe their elections when Georgia Dream took over as the ruling party. The election was notable for its peaceful transfer of power, which is critical to any democracy. And since that 2012 election, Georgia's democracy has been tested, but it has generally been strengthened and deepened.

Georgia has also demonstrated a desire to join the European community. It has affirmed its desire to become a member of NATO, something that I have supported and continue to support. And as co-chair of the Senate NATO Observer Group, this is exactly the path that we want for new democracies and there is bipartisan support in the Senate for this route for Georgia, but unfortunately the situation facing Georgia today is a critical one, the resolution of which could either recommit the country to democracy or row the efforts of many years.

Now while the organization for security and cooperation in Europe has reported that the 2020 elections were, and I quote, "competitive and administered efficiently despite challenges posed by the COVID–19 pandemic," it also emphasized the need for election reform, which I urge the Georgian Government to undertake with expediency. It is not enough to hold an election that meets the threshold of legitimacy. Democratic elections must have robust mechanisms in place to resolve disagreements, mechanisms that are seen as fair by all participants in the democratic process.

The United States has long been an ally of a free and democratic Georgia and this remains the case today, but that important relationship is dependent on Georgia's commitment to strengthening the institutions of democracy. And just to be clear, Georgia's commitment to democracy must be demonstrated through the actions of all Georgians, whether they are in the Government or the opposition. So it is imperative that the Government takes steps to ensure an independent judiciary and to work with all opposition parties to find a negotiated resolution to this crisis.

We know that a truly democratic country must be responsive to the will of the people, but a successful democracy also needs to function and address the needs of its citizens. And right now, given the current impasse in Georgia, the only party who is winning is Russia. Russia thrives from disorder and chaos and every day that members of opposition sit in jail is a victory for Russia. Every day that Georgian Parliament seats are empty is a disservice to the people of Georgia and a victory for Russia.

That is why I am surprised and disappointed that all parties have allowed the current crisis to last so long. And today I will call on both sides, all sides actually, as we think about the two major parties and the other parties who are not in power, to put aside short-term political interests to instead look to the strengthening and perseverance of Georgian democracy.

I hope this hearing will provide better clarity on how the United States can assist our ally, Georgia, to fulfill its democratic goals and solidify the representation of the values its people hold. I look forward to the testimony of our distinguished witnesses and to hearing your perspective on this important topic.

Now I would like to turn to Ranking Member Johnson for any opening remarks.

[The prepared statement of Senator Shaheen follows:]

**Prepared Statement of Senator Shaheen**

Good afternoon, everyone. This hearing of the Senate Foreign Relations Subcommittee on Europe and Regional Security will come to order. Thank you all for being here today, and I would like to extend particular thanks to our witnesses, who we will hear from shortly. I would also like to thank Ranking Member Johnson for

agreeing to have our first subcommittee hearing to address this important topic. Given the nature of this hearing, with some of our members present and some virtual, we will do questions by seniority and will work to accommodate all members whether they be virtual or in person.

The purpose of today's hearing is to engage with our witnesses about the situation in Georgia and to better understand how the U.S. can support a democratic resolution to the current political standoff. Georgia has come a long way in a relatively short period of time. It has worked to establish and strengthen its democratic institutions. The path has not always been straight, but the overall trajectory has been positive.

RISCH/SHAHEEN ELECTION MONITORING TRIP

I had the honor of traveling to Georgia in 2012 with Senator Risch to witness Georgian democracy in action. We were there as part of a delegation of election monitors to oversee Georgia's parliamentary elections. That election was notable for the peaceful transfer of power, a necessity for any democracy. Since that 2012 election Georgia's democracy has been tested but it has also deepened and strengthened.

GEORGIA AND EU/NATO MEMBERSHIP

Georgia has also demonstrated a desire to join the European Community. It has also affirmed its desire to become a member of NATO, which I continue to support. As a co-chair of the Senate NATO Observer Group, this is precisely the path we want for new democracies and there is bipartisan support in the Senate for this. But the situation facing Georgia today is a crucial one, the resolution of which could either re-commit the country to democracy or erode the efforts of many years.

2020 ELECTION RESULTS

While the Organization for Security and Cooperation in Europe (OSCE) has reported that the 2020 elections were "competitive and administered efficiently despite challenges posed by the COVID–19 pandemic," it also emphasized the need for election reform, which I urge the Georgian Government to undertake with expediency. It is not enough to hold an election that meets the threshold of legitimacy. Democratic elections must have robust mechanisms in place to resolve disagreements—mechanisms that are seen as fair by all participants in the democratic process.

U.S. EXPECTATIONS

The U.S. has long been a friend and ally of a free and democratic Georgia—and this remains the case today. But that important relationship is dependent on Georgia's commitment to strengthening the institutions of democracy. But to be clear, Georgia's commitment to democracy must be demonstrated through the actions of all Georgians, whether they be in the Government or opposition. So it is imperative that the Government take immediate steps to ensure an independent judiciary and work with all opposition parties to find a negotiated resolution to this crisis. We know that a truly democratic country must be responsive to the will of the people, but a successful democracy also needs to function and address the needs of its citizens. Amid a pandemic and a struggling economy, we cannot lose sight of the fact that the Georgian people are suffering—the failure of the country's politicians to decide on a way forward isn't helping.

RUSSIA

At present, only one party is winning: Russia. Russia thrives from disorder and chaos. Every day that members of the opposition sit in jail is a victory for Russia. Every day that Georgian parliament seats are empty is a disservice to the people of Georgia. This is why I am surprised and disappointed that all parties have allowed the current crisis to last so long, and I call on all sides to put aside short-term political interests and instead look to the strengthening and perseverance of Georgian democracy.

EXPECTATIONS OF HEARING

It is my intention that this hearing will provide better clarity on how the United States can assist our important ally, Georgia, to fulfill its democratic goals and solidify the representation of the values its people hold. I look forward to the testimony of our distinguished witnesses and to hearing their perspectives on this important topic.

I now turn to Ranking Member Johnson for his opening remarks.

## STATEMENT OF HON. RON JOHNSON, U.S. SENATOR FROM WISCONSIN

Senator JOHNSON. Well, thank you, Madam Chair.

I think I will save all of us time by asking to have my opening remarks entered into the record and just associating myself with your comments. I really could not agree more and I am really pleased that you decided to hold this as your first hearing as Chair.

Now, unfortunately, we have traveled the region. We have seen that I always call the belt of democracies around Russia trying to break free from the legacy of corruption and just trying to escape I will call them the charms of Russia. And it is so important that all parties, the opposition, the governing party, come together and realize that it is in their best interest, all of their interest, for Georgia to settle these disputes and get back to the hard work of governing, the hard work of democracy. Georgia is just an example of so many of those countries in the area and this is a perfect first hearing under your Chairwomanship.

So I also want to thank the witnesses for your service to this country and for testifying before us today. So with that, I will turn it back over to you.

[The prepared statement of Senator Johnson follows:]

### Prepared Statement of Senator Johnson

Georgia is a valued, dependable, and strategically significant friend and partner of the United States. These strong relations are highlighted in the 2009 U.S.-Georgia Charter on Strategic Partnership, which outlines the four pillars of our relationship: democracy; defense and security; economics and trade, and cultural exchanges. Over the last two decades, Georgia has contributed to the wars in Afghanistan and Iraq and remains the fourth largest overall and largest per capita troop contributor to the Resolute Support Mission in Afghanistan today. Thirty-five Georgian soldiers have made the ultimate sacrifice fighting alongside the United States, and we should never forget this faithful support. Since regaining independence from the Soviet Union in the early 90's, Georgia has set an example for the region with progress in fighting corruption and developing modern state institutions. It has made Euro-Atlantic integration a top national priority despite Russian efforts to undermine progress. The United States supports Georgia's EU and NATO ambitions and condemns Russia's continued illegal occupation of the Georgian regions of South Ossetia and Abkhazia.

This close relationship colors our hearing today. The United States knows all too well that democracy can be messy, especially so in relatively new democracies. No system is perfect, but the United States and Georgia share the goal of strengthening our democracies and improving public confidence in our elections. Georgia's constitutional reforms leading up to the 2020 elections were considered a commendable step towards strengthening its democratic institutions; many, but not all, of the Organization for Security and Cooperation in Europe's (OSCE) recommendations were implemented.

The October 31, 2020 elections, while complicated by the ongoing pandemic and not without issues, were largely deemed a success, with international observers calling them competitive and respectful of fundamental freedoms. The aftermath, however, has proven more problematic. Unsatisfied with aspects of the election, the largest opposition bloc, led by the United National Movement (UNM) party, chose not to accept the results and declined to take their seats in parliament. The situa-

tion was exacerbated when Georgian authorities arrested UNM leader Nika Melia in February in connection with charges from 2019 that have been widely criticized as politically motivated. Melia's recent arrest, coupled with the political impasse in the aftermath of the October 2020 elections, have caught the world's attention. The U.S. and EU can provide a forum for dialogue, but we cannot solve these issues for Georgia. While the Government and opposition may disagree for the moment on how to resolve their differences, it is crucial for Georgia's future progress that they find a solution.

I would like to thank both of our witnesses for being here today, and I look forward to hearing your testimony.

Senator SHAHEEN. Well, thank you very much, Senator Johnson, for those very nice comments and also for pointing out something that I think it is important for Georgians and for everyone who is looking at our view about what is happening in Eastern Europe to know, and that is that there is very strong bipartisan agreement for how to move forward, so I think that is an important message from today's hearing.

We will now hear from our witnesses and I am going to introduce both of you and then we will ask you to go in the order in which I introduce you.

First, we will start with the Honorable George Kent. Mr. Kent has served as the Deputy Assistant Secretary of State for European and Eurasian Affairs since September of 2018. In this capacity, he oversees policy toward Ukraine, Moldova, Belarus, Armenia, Azerbaijan, and of course, most important for this hearing, Georgia. Previously, he was Deputy Chief Admission in Kiev, Ukraine, and he also served as the Senior Anti-corruption Coordinator in the State Department's European Bureau.

Since joining the Foreign Service in 1992, he has served in numerous countries including Poland, Uzbekistan, and Thailand. Given this background, he clearly has extensive knowledge about Europe and we look forward to his testimony today.

Also, appearing with Mr. Kent is Deputy Assistant Secretary Kara McDonald. Ms. McDonald has served as the Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor since July of 2020. In this capacity, she oversees the Bureau's work on Europe, South and Central Asia, and the Multilateral and Global Affairs Teams. Prior to her current position, she served as U.S. Consul General Strasberg and Deputy Permanent Representative to the Council of Europe.

From 2015 to 2017, she was Director of Policy Planning and Coordination in the International Narcotics and Law Enforcement Affairs Bureau. And she previously served as Deputy Chief Admission in Moldova. She has also worked around the world including Haiti and Romania.

Ms. McDonald, we are also excited to hear from you about democracy in Georgia.

So, Mr. Kent, would you begin?

## STATEMENT OF GEORGE KENT, OF WASHINGTON, DC, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, DEPUTY ASSISTANT SECRETARY, BUREAU OF EUROPEAN AND EURASIAN AFFAIRS

Mr. KENT. Thank you very much, Chairwoman Shaheen, Ranking Member Johnson, and distinguished members of the subcommittee. Thank you for inviting us here today to discuss our pol-

icy goals regarding Georgia, our efforts to bolster democracy and counter Russia's destabilizing actions in Georgia, and the challenges posed by recent developments.

I would like to start, Chairwoman, by thanking you for your sustained interest and involvement in Georgia's success and your role, along with Senator Risch, as election monitors in that landmark election in 2012 that you described with a peaceful transfer of power. I would like to associate myself as well with your opening statement which I thought was a powerful reiteration not just of bipartisan support, but I think of the views held by many here in Washington. I would like to thank the Committee and others in Congress for the generous support for U.S. policy and programming towards Georgia.

The United States has helped Georgia make real strides over the years in advancing democratic reforms and economic development, as well as in defending itself against Russian aggression. Georgia recovered after the 2000 war with Russia and with our support, has built resilience to continued aggression. Russia uses its occupation of 20 percent of Georgia's territory, economic leverage, cyberattacks, and disinformation to sew division and distrust and to try to force Georgia to abandon its Euro-Atlantic aspirations.

The United States uses diplomatic engagement, assistance, and strong public messaging to push back against malign actions and to enhance the prospects for positive change. We strongly condemn the ongoing Russian occupation of Abkhazia and South Ossetia, and we support Georgia's sovereignty and territorial integrity within its internationally recognized borders. Georgia remains the United States' key strategic partner in the South Caucuses and an important partner in the wider Black Sea Region. Georgia has been a steadfast partner of NATO, and we continue to support Georgia's choice to pursue NATO membership and closer ties within the Euro-Atlantic community.

Efforts to bolster Georgia's western orientation are particularly critical in the aftermath of last year's intensive fighting in Nagorno-Karabakh. The deployment of Russian troops as peacekeepers to Nagorno-Karabakh now means that Russia has "boots on the ground" in all three South Caucasus countries. Russia, Turkey, and Iran seek to further increase their influence in the region. Georgia fears being hemmed in by or cut out of competing infrastructure in other development projects as a result. We are exploring ways the United States can support greater cooperation among the South Caucuses countries while preserving their sovereignty and freedom of action.

While Georgia faces such challenges from outside actors, it also faces serious internal challenges as you have described. With U.S. assistance to bolster its efforts, Georgia has made significant democratic gains since independence. However, we agree that Georgia still has real work to do in strengthening institutions and democratic norms. Georgia's current political crisis is concerning both in terms of democratic development and the potential for increased vulnerability to Russian maligned influence.

Chairwoman, as you already quoted, the Organization for Security and Cooperation in Europe assessed the first round of parliamentary elections as competitive with fundamental freedoms re-

spected, but they also noticed that the blurring of line between ruling party and state reduced public confidence in some aspects of the process. Unfortunately, most of the opposition boycotted the new Parliament, even though polls indicate a majority of Georgians who voted for the opposition want the elected MPs to take up their seats, as you also pointed out.

The February 23rd arrest of opposition leader Melia intensified the crisis. Melia's arrest represented a step backward for Georgian democracy. Both the ruling Georgian Dream party and the opposition have failed to act on opportunities to deescalate. This is a pivotal moment in Georgia's democratic development. As Georgia's strategy partner and friend, the United States must speak frankly when Georgia's leaders, especially in the ruling party, seem to be drifting from the path chosen by the people of Georgia.

Integration into the west is a challenging road that requires a clear and unflinching commitment to shared values, democratic norms, and institutions with integrity that are foundational to a functioning democracy. Our Ambassador, Kelly Degnan, has worked tirelessly with EU counterparts over the past year to help Georgians move forward. Georgia's political leaders must summon the political will to resolve this crisis. The responsibility for success or failure rests squarely with them. Failure by the ruling party and opposition to reach agreement would imperil Georgia's Euro-Atlantic aspirations. The Administration looks forward to working with you in Congress and our European allies and partners to help identify further opportunities to support Georgia's democratic development and success. I look forward to answering your questions after my colleague has spoken.

Thank you.

[The prepared statement of Mr. Kent follows:]

**Prepared Statement of Mr. Kent**

Chairwoman Shaheen, Ranking Member Johnson, distinguished members of the Subcommittee, thank you for inviting me today to discuss our policy goals regarding Georgia, our efforts to bolster democracy and counter Russia's destabilizing actions in Georgia, and the challenges posed by recent developments in Georgia and the South Caucasus region in general.

I would like to start by thanking you, Chairwoman Shaheen, for your sustained interest and personal involvement in Georgia's success over the years, dating back at least to 2012, and your role as an election monitor in a landmark election that led to a peaceful transfer of power in Georgia. Bipartisan Congressional interest in and support for Georgia have been the reliable bedrock for the United States' policy and programming.

I would also like to thank this Committee and others in Congress for their generous support for U.S. policy in Georgia. Our diplomatic engagement, policy advocacy, and assistance programs in Georgia have helped the country make real strides over the years in advancing the democratic reforms and economic development its people aspire to, as well as in defending itself against Russian aggression. Nine years after the 2003 Rose Revolution, Georgia modeled a peaceful transfer of power after the 2012 elections you observed, Chairwoman.

Since Georgia's independence nearly 30 years ago, the United States has aimed to help Georgia succeed as a prosperous democracy able to defend itself and contribute to collective security. The billions in assistance the United States has provided since 1992 has made a huge difference in Georgia's transition from a newly independent, former Soviet republic to a free-market democracy eager to contribute to collective security in both the regional and global contexts. While there is much work to be done, much has been accomplished, often in close partnership with the United States.

U.S. economic assistance fosters a rules-based business environment, supports the implementation of Western business and trade standards, and increases opportuni-

ties for U.S. businesses. These efforts are critical to increasing Georgia's ties to the West and decreasing its economic reliance on the Russian market. Georgia ranks seventh in the World Bank's 2020 "Doing Business" ratings and has effectively eradicated low-level corruption.

Georgia recovered after the 2008 war with Russia and, with our support, has built resilience to continued aggression. Russia uses its occupation of 20 percent of Georgia's territory, economic leverage, cyber attacks, and disinformation to try to force Georgia to abandon its Euro-Atlantic aspirations and to sow division and distrust. Russia's attempts to control and exploit the Georgian regions of Abkhazia and South Ossetia through borderization, arbitrary detention of Georgian citizens, restrictions of movement, and other measures threaten European security. They also endanger the lives and culture of people living in these Georgian regions.

The United States is using diplomatic engagement, assistance programs, and strong public messaging to push back against malign actions and enhance the prospects for positive change. We remain committed to supporting Georgia's sovereignty and territorial integrity within its internationally recognized borders.

We strongly condemn the ongoing Russian occupation of Abkhazia and South Ossetia. The United States is an active participant in the Geneva International Discussions to address the consequences of the 2008 conflict in Georgia. We continue to call on Russia to fulfill its obligation under the 2008 ceasefire agreement to withdraw its forces to pre-conflict positions, and also to reverse its recognition of Abkhazia and South Ossetia.

On top of U.S. security assistance, U.S. programs work to enhance economic opportunities in communities close to the Administrative Boundary Lines (ABL) with Abkhazia and South Ossetia and promote confidence-building among people on both sides of the ABL, civil society groups, and the Georgian Government.

These activities support the Georgian Government's peace plan, which aims to reduce the isolation of the people of the occupied territories and their dependence on Russia. More broadly, Georgia's Government has taken important steps to integrate marginalized populations into Georgian society, including ethnic and religious minorities.

Outside of its borders, Georgia remains the United States' key strategic partner in the South Caucasus and an important partner in the Black Sea region. Georgia has been a steadfast partner of NATO, contributing more to the NATO mission in Afghanistan than a number of alliance members. Georgia has deployed approximately 850 troops to the Resolute Support Mission (RSM) in Afghanistan, fights without caveats, and has seen 32 soldiers killed in action, and more than 290 wounded.

In support of the pledge made at the 2008 NATO Summit in Bucharest, and reiterated at the 2018 Brussels summit, we continue to support Georgia's choice to pursue NATO membership and closer ties with the Euro-Atlantic community. U.S. security assistance to Georgia reinforces these goals and promotes U.S. national security priorities by building Georgia's capabilities to deter Russia, increasing Georgia's interoperability with NATO, and enabling Georgian troops to partner with us in coalition operations.

In recognition of Georgia's significant contributions to international security, Georgia is one of NATO's first Enhanced Opportunity Partners and holds a regular dialogue with NATO on the reforms needed to meet NATO's performance-based standards, as well as the values undergirding the alliance. At the April 2019 NATO Foreign Ministerial, Allies agreed to a Black Sea Package that also focused on increased cooperation with Georgia and Ukraine. In 2020, NATO approved an updated package of measures to further help build Georgia's defense capacity and its interoperability with NATO. NATO Secretary General Stoltenberg hosted recently appointed Prime Minister Garibashvili March 17 reviewing the relationship and the road ahead.

Efforts to bolster Georgia's Western orientation are particularly critical in the aftermath of last year's intensive fighting in Nagorno-Karabakh. The deployment of Russian troops as "peacekeepers" to Nagorno-Karabakh now means Russia has "boots on the ground" in all three South Caucasus countries. Turkish and Russian troops now jointly man a cease-fire monitoring center in Azerbaijan.

The 3+3 regional platform proposed by Russia, Turkey, and Iran seeks to take advantage of this new dynamic to further increase Russian, Turkish, and Iranian influence in the region. Georgia fears being hemmed in by—or cut out of—competing infrastructure and other development projects as a result. We are currently exploring ways in which the United States can support greater cooperation among the South Caucasus countries while preserving their sovereignty and freedom of action.

The United States welcomes Georgia's successes thus far and wants to see Georgia continue on its path to a more robust democracy, with governing institutions

that demonstrate integrity, have the capacity to counter Russian and other malign influence, and will allow it to achieve the European and EuroAtlantic aspirations of its people.

While Georgia faces challenges in the region from outside actors, it also faces serious challenges within its own institutions and body politic. Georgia has real work to do in strengthening its democracy, both to meet the demands of its citizens and to stand as a proud counterexample to the Russian model of governance. Georgia's commitment to democracy and the rule of law is a fundamental element of our strategic relationship, as well as the precondition for the country's further progress.

Over the years, U.S. programs have worked with Georgian Government partners as well as civil society to promote justice sector reform, judicial independence, and accountability. U.S. assistance also helps Georgia improve electoral processes, level the electoral playing field, and enable citizens to demand better representation. Support for civil society is critical to ensuring citizens are informed, can advocate effectively for positive change, and can maintain momentum on reforms. U.S. assistance in the media space similarly improves access to independent and reliable information, offers a diversity of voices, and helps counter Russian disinformation.

Another focus area for U.S. programs is better governance, to include support for government civil service reforms, local government decentralization, and transparency. Improved access to quality public services is one of the most convincing ways to show individual Georgians that democracy is working for them.

With U.S. assistance to bolster its efforts, Georgia has made significant democratic gains since independence, since the 2003 Rose Revolution, and since the 2012 election cycle brought the current Georgia Dream ruling party to power. However, the aspirations of the Georgian people require continuous efforts to move forward in strengthening institutional integrity and embedding democratic, EuroAtlantic norms in the political rules of the game.

Georgia's current political crisis is thus concerning in terms of the country's democratic development and the potential for increased vulnerability to Russian malign influence. While the current political impasse began after competitive but procedurally imperfect parliamentary elections in 2020, the roots of the crisis preceded the elections.

The Organization for Security and Cooperation in Europe (OSCE) assessed the first round of parliamentary elections as "competitive, with fundamental freedoms respected." At the same time, the OSCE noted "the blurring of the line between the ruling party and the state reduced public confidence in some aspects of the process." Unfortunately, most of the opposition members boycotted the new parliament, even though polls, including those conducted by the National Democratic Institute and the International Republican Institute, indicate a majority of Georgians who voted for the opposition want the elected MPs to take their seats and represent their constituents.

The February 23 arrest of opposition leader Nika Melia—for failure to pay bail associated with his June 2019 arrest for allegedly organizing protest violence—intensified the crisis. Both the ruling Georgian Dream party and the opposition have failed to act on opportunities to deescalate. Former Prime Minister Giorgi Gakharia resigned February 18 in protest over the Government's plan to arrest Melia. Melia's arrest presented a perilous moment for Georgia's Euro-Atlantic aspirations and a step backward for Georgian democracy.

My colleague Kara McDonald will have more to say on this issue, but we assess that the current impasse in Tbilisi stems from decades-long realities in the electoral and judicial systems, including a lack of trust in the judiciary to provide due process. The impasse demonstrates the need for more reforms to strengthen the rule of law, judicial independence, adherence to democratic norms, and electoral processes.

We are urging Georgian parties to make difficult compromises to end the political crisis, and our Ambassador Kelly Degnan has worked tirelessly over the past year in this regard. We are working closely with our EU partners to help the sides find a way forward.

Progress will guide Georgia onto a path toward consolidation of democratic institutions, processes, and norms, integral to its aspiration to join the Euro-Atlantic community. Failure by the ruling party and opposition to reach agreement and address the causes of the standoff, in contrast, would imperil those aspirations.

The Administration looks forward to working with Congress and European allies to help identify further opportunities to support Georgia's democratic development, including reforms to foster judicial independence and a level electoral playing field, as well as anti-corruption and pro-business reforms.

We will continue to support the Georgian people's choice to pursue closer ties with the EU and NATO and, as Congress has done, voice strong U.S. support for Geor-

gia's sovereignty and territorial integrity within its internationally recognized borders.

I look forward to answering your questions. Thank you.

Senator SHAHEEN. Thank you. Ms. McDonald.

**STATEMENT OF KARA MCDONALD, OF WASHINGTON, DC, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, DEPUTY ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR**

Ms. MCDONALD. Chairwoman Shaheen, Ranking Member Risch, Ranking Member Johnson, distinguished members of the Subcommittee, thank you for the opportunity to speak about bolstering democracy in Georgia.

Chairwoman Shaheen, I want to recognize as well your sustained personal leadership. Thank you both for your bipartisan leadership and general support. I too associate myself with your opening statement.

President Biden has been clear about the central role our values will play in foreign policy. This agenda to strengthen democracy, counter backsliding, and protect human rights is our best means to support Georgia's stability, prosperity, and Euro-Atlantic aspirations. Georgia has been a regional leader in democratic development in the face of Russian pressure. The parliamentary elections of 2012 saw the first fully democratic transfer of power since the country's independence. The adoption of labor reforms last September and laws on anti-discrimination and the rights of persons with disabilities are also positive advancements. And the constitutional and electoral reforms last summer paved the way for potentially more pluralistic and power sharing governance.

A series of negative developments and trends, however, trouble us greatly and urgently call attention to the work that remains in protecting and advancing Georgia's democratic gains.

Ruling party concentration of power in state institutions, a politicized judiciary, and pressure on civil society, these undermine Georgian's confidence in their own democracy. I will touch briefly on these democratic vulnerabilities in turn.

The OSCE/ODIHR election observation mission, as has been noted, found that while last fall's parliamentary elections were competitive, they were flawed. Allegations of irregularities, voter pressure, and a blurring of the border between the ruling party and the state. The OSCE/ODIHR mission specifically highlighted concerns about ruling party dominance in election commissions and shortcomings in the electoral complaints process.

Although parliament passed electoral reforms in 2020 based on some ODIHR recommendations, parliament did not adopt critical and longstanding ODIHR recommendations regarding the integrity of the electoral appeals process. The courts in turn did not serve as an effective check on election administration bodies. Credible domestic election monitors reported that the election administration and courts rejected most of their complaints.

The people of Georgia must have confidence in the electoral process and their elected leaders. To that end, we are urging the Government to implement the OSCE's election reform recommendations and U.S. Government assistance supports that goal.

Politicization of the judiciary and prosecutions widely considered politically motivated also contribute to democratic vulnerability and reduce Georgia's resilience to stress on its democratic institutions.

Ruling party dominance of the judiciary includes the undue influence of powerful judges on other judges and use of the disciplinary, promotion, and appointment system to exert influence on judges. We urge judicial reform and our assistance supports the development of an independent, accountable, and people centered judicial system.

Finally, I want to say a word about pressure on civil society and free media. These are essential elements of democracy. Georgia suffers from a significant deterioration in the ruling party's conduct toward respected civil society leaders and an increasingly polarized national media environment, disinformation, and misinformation, both domestic and foreign, fuel division among Georgian communities. The United States supports programming to strengthen independent and free media and counter disinformation through informed media campaigns, media literacy, and building Georgia's capacity to protect its own information space.

The vulnerabilities I outlined play to Russia's interests and open the door for other influences harmful to Georgia's democratic path. Restoration of Georgia's role as a regional model of democratic development is becoming more and more urgent. We will work intensively to bolster its democratic institutions and processes. It is up to Georgia's leaders and political parties to restore Georgia's democratic reputation and earn the confidence of their constituents. The people of Georgia deserve no less.

Thank you and I welcome your questions.

[The prepared statement of Ms. McDonald follows:]

**Prepared Statement of Ms. McDonald**

Chairwoman Shaheen, Ranking Member Johnson, distinguished members of the Subcommittee, thank you for the opportunity to speak about bolstering democracy in Georgia.

Chairwoman Shaheen, I too want to recognize your sustained, personal leadership on this issue. Ranking Member Johnson, I had the privilege as Deputy Chief of Mission of hosting you in Chisinau, Moldova during your 2014 visit with the late Senator McCain. Thank you both for your bipartisan leadership in bolstering democracy in the region and in Georgia. We appreciate the subcommittee's engagement and welcome opportunities to work with you.

President Biden has been clear about the central role our values will play in our foreign policy. This agenda to strengthen democracy, counter backsliding, and protect human rights is our best means to support Georgia's stability, prosperity, and Euro-Atlantic aspirations.

Georgia has been a regional leader in democratic development and tackling corruption, in the face of Russian pressure and the occupation of a fifth of its territory. The parliamentary elections of 2012 saw the first fully democratic transfer of power since the country's independence. The adoption of sweeping labor reforms last September, and laws on anti-discrimination and the rights of persons with disabilities are positive advancements for human rights. And the constitutional and electoral reforms last summer paved the way for potentially more pluralistic and power-sharing governance.

A series of negative developments and trends trouble us, however, and urgently call attention to the work that remains in protecting and advancing Georgia's democratic gains.

Ruling party concentration of power in state institutions, judicial cases widely considered politically-motivated, and pressure on select media and respected civil society leaders—undermine confidence in Georgia's democracy, risk fueling corruption, and increase vulnerability to external influence. Georgians themselves must have

confidence in their institutions and parties' adherence to democratic principles if Georgia's democracy is to succeed.

I will touch briefly on these democratic vulnerabilities in turn and what the U.S. Government is doing about them.

The OSCE/ODIHR election observation mission found that while last fall's parliamentary elections were competitive, there were flaws—allegations of irregularities, voter pressure, a blurring of the border between the ruling party and the state, and a lack of effective legal redress for election complaints.

While parliament passed amendments last year enhancing the competitiveness of elections, the overall environment leading up to last fall's elections was fraught, despite intensive U.S. Government and European Union engagement. Inappropriate use of force by police against protesters and journalists in June 2019 and insufficient accountability for this police conduct, arrests of opposition figures, marred 2018 presidential elections, and public distrust in the judiciary to provide due process contributed to the tension. Political polarization between Georgian Dream and opposition parties continued through the post-parliamentary election period, and escalated recently with the arrest and detention of United National Movement leader Nika Melia. The current political impasse thus needs to be seen in this broad context. The OSCE/ODIHR mission specifically highlighted concerns about ruling party dominance in election commissions and shortcomings in the electoral complaints and appeals process, both during the pre-election and immediate post-election periods. Although parliament had passed electoral reforms in the summer of 2020 based on some ODIHR recommendations, parliament did not adopt critical and longstanding ODIHR recommendations regarding the integrity of the electoral complaints and appeals process.

The courts in turn did not serve as an effective check over election administration bodies when reviewing appeals against decisions of election commissions following the first round of the elections. Credible domestic election monitors reported that the election administration and courts rejected most of their pre-and post-election complaints, undermining public confidence in the process.

Citing violations leading up to and on October 31, opposition parties boycotted the runoff elections on November 21, leaving 17 of Georgia's parliamentary seats uncontested. Moreover, the majority of the eight opposition parties that won seats have refused to take their seats in the new parliament.

The people of Georgia must have confidence in the electoral process and their elected leaders, and deserve a swift resolution of the impasse. To that end, the U.S. Government is engaged in intensive efforts behind-the-scenes, as my colleague described, to engage the Georgian Dream and opposition parties in a results-driven dialogue. We are also urging the Government to fully implement the OSCE's election reform recommendations, and our assistance, including USAID's work with Georgia's political parties, domestic nonpartisan monitoring groups, and the Central Electoral Commission, and DRL's support to citizen dialogue with the parties on electoral reforms, supports that goal.

Politicization of the judiciary; detentions, investigations, and prosecutions widely considered to be politically motivated; and insufficient accountability for the Georgian police use of force against protesters and journalists in 2019, also contribute to democratic vulnerability and reduce Georgia's resilience to stress on its democratic institutions.

We continue to urge judicial reform and provide technical assistance to the courts so that they may serve as a check on executive branch abuses and curb ruling party dominance of the judiciary. This includes the undue influence of powerful judges on other judges, and use of the disciplinary, promotion, and appointment system to exert influence on judges. Such dynamics also raise the risk of vulnerability to corruption. USAID assistance supports judicial reform, and the development of an independent, accountable, and people-centered justice system. That assistance also builds the capacity of the judicial corps and improves access to justice for underrepresented communities. Georgia's judiciary should be independent and protective of all Georgians, regardless of party.

Finally, I want to say a word about pressure on civil society and select media, and access to information, all essential elements of democracy. Georgia suffers from a significant deterioration in the ruling party's conduct toward respected civil society leaders, and an increasingly polarized national media environment that undermines opportunities for compromise, power-sharing, and consensus.

Disinformation and misinformation, both domestic and foreign, fuel division among Georgian communities. This is why the United States supports programming to strengthen independent and free media, and counter disinformation through informed media campaigns, media literacy, and building Georgia's capacity to protect its information space.

The vulnerabilities I outlined play to Russia's interests and open the door for other influences harmful to the Georgian people's choice of a democratic path.

Restoration of Georgia's role as a regional model of democratic development is becoming more and more urgent. We will work intensively with Georgia to bolster its democratic institutions and processes, their effectiveness and independence, and the ability of media and civil society to operate freely and contribute to democratic resilience. In the end, it is up to Georgia's leaders and political parties to restore Georgia's democratic reputation and earn the confidence of their constituents. The people of Georgia deserve no less.

Thank you, and I welcome your questions.

Senator SHAHEEN. Thank you very much, Ms. McDonald.

Senator Risch, would you like to make some opening remarks before we start the questions?

Senator RISCH. Briefly, Madam Chairman.

Senator SHAHEEN. Go ahead.

**STATEMENT OF HON. JAMES E. RISCH, U.S. SENATOR FROM IDAHO**

Senator RISCH. First of all, I did not hear your opening remarks and I didn't see them. For the record, I want to associate myself with those remarks.

Senator SHAHEEN. Go ahead. We're happy to share them.

Senator RISCH. Senator Shaheen and I have talked about this issue at length. There is no daylight between us, I do not believe, on the issue starting from the time we went there in 2012 in the fall to observe the elections. Since Georgia's independence in 1991, there has been quite a bit of progress in building democracy and implementing market based economic reforms. They have done this despite Russia's illegal occupation of a fifth of its territory since 2008.

Georgia has also been a reliable U.S. security partner with ambitions to join both EU and NATO. A lot of us on both sides have been a strong supporter of Georgia for many years. It is likely it has already been mentioned, Senator Shaheen and I traveled there in 2012. And I have to tell you that I was very impressed and really believe that the country was going to be off to a roaring start. We had the opportunity to go into the camps, the real camps of both sides the morning after the election, both the losing side and the winning side, and met with the heads of the parties, Mr. Saakashvili and Mr. Ivanishvili. It was—I have been in 36 elections myself. I have been in camps the morning after of both winners and losers of elections on all sides from President on down. I have to tell you that the feeling in both of those camps was exactly like an American election. The winners felt as winners. The losers felt as losers. We had a very candid conversation with them. They were making some brash statements at that time, which happens the morning after the election, particularly when you have been up all night.

In any event, I was—after listening to the comments, I thought, no, I do not know about this. But then shortly after that, I became very optimistic because the two sides agreed to meet as we had urged them and suggested. And so we felt good as the thing took off. Then as time went on, we were a little disillusioned as there were more and more political prosecutions. And again, we urged as best as we could that that wasn't the way forward.

In addition to that, and unfortunately in the past few years, we have watched the country suffer from democratic backsliding. And it is really unfortunate because the country deserves better. It is in a unique position to be able to pull itself away from its history with the USSR. And what is going on now, of course, is increasing oligarch influence over the judiciary media and much of political life. Responsibility for the current crisis facing Georgia, the culmination of several years of increased tensions and failed reforms is shared by all sides, I believe.

The two main political parties and their leaders must realize their duty to their country and move past their disagreements. I will take just a very short period of time, to tell a story that when we met with Mr. Saakashvili, he was the first one we met with who had lost. And he was insistent that he was not going to assist in transition and what have you. And I asked him if he had ever heard of George Washington and he said, "yes, he had". Everybody has heard of George Washington. And I said, "Well, he was our first President as you know." And I said, "200 years from now with this election being the first open, fair, and free election, every child in Georgia will read about you as the first President to go through this election. How do you want them to remember you? Like George Washington or like someone who was a sore loser and thought more of themselves than the country?"

He listened carefully, didn't he, Jeanne, to that speech? And again, it was just out of the chute. So, anyway, again, we felt good about that. I do want to emphasize that the party of government, Georgia Dream, bears a special responsibility for leading Georgia out of this crisis. This conflict only hurts the country and its people and opens the door for Russia. I know our Ambassador in Tbilisi, Kelly Degnan, and the embassy team have been working tirelessly to facilitate a negotiated solution between the two parties and I am very appreciative of their efforts. Although I understand there has been little slippage backwards, I urge them to continue and I would certainly urge Georgia Dream and the Government to negotiate in good faith and try to get through this.

Georgia is at a critical moment. If it cannot make its democracy work now, I do not know when it can. It will lose its opportunity to join the Euro-Atlantic institutions. Georgia's political leaders must negotiate an end to this current crisis and agree to needed reforms to improve Georgia's future.

And so, with that, thank you for allowing me to make an opening statement, Madam Chairman.

Senator SHAHEEN. Thank you very much, Senator Risch.

We will now have a round of questions. We have 7 minute rounds and as I said earlier, I think we will be interrupted at some point for another vote, but hopefully that will go fast.

I want to begin with you, Mr. Kent, and I am not going to use your full title for either of you because it is long. So as you are looking at this current crisis, how can it be resolved? What needs to happen in order to get through the current impasse?

Mr. KENT. Thank you, Senator and Senator Risch. I think we would all associate ourselves with your comments as well.

I think what is needed to get through this impasse is for the party leaders to come back together and do what is necessary for

Georgian democracy to move forward. The conversations over recent weeks that the U.S. and the EU have been facilitating, and now people are using the word mediating, have centered around the necessity of electoral reforms, of judicial reforms, of how the parliament will be conducted, particularly using European models where committee chairs are shared among parties. And then I think where it comes down to areas of disagreement is: what to do about several opposition leaders who are currently detained, as well as the way forward politically with elections. And this is so critically important for the future of Georgia, as you all have eloquently said. And we are there supporting, cajoling, advising, pushing, but the leaders of the parties have to reach agreement for the sake of the country.

Senator SHAHEEN. And you mentioned the opposition leader, Melia's arrest. Did Georgia authorities need to arrest him and how helpful would it be to resolve his arrest to let him out in terms of getting the opposition party to come to the table, the UNM?

Mr. KENT. Madam Chairwoman, the previous Prime Minister saw the peril in making the precipitous move to arrest the leader of the opposition, and that is why he resigned on principle. And I think many people hoped that would be a shock to the political culture. And unfortunately, his fears were realized the next week. Mr. Melia did break the terms of his previous release. He took off his electronic bracelet. And so I think this gets into this issue of the full embrace of democratic norms and the rule of law by all Georgian leaders. And so, this is why I think no one is blameless in this situation, but all Georgians should have a vest interest in finding a path forward as they did last year, and in the agreement March 8th which allowed elections to go forward on revised terms that all agreed. And that is basically agreeing on the rules of the game and sticking to them.

Senator SHAHEEN. And Ms. McDonald, you pointed out that the OSCE made a number of recommendations for election reform. Can you go through what those recommendations are and to what extent they have been part of any medication discussions?

Ms. MCDONALD. Sure. Thank you, Chairwoman Shaheen, for the question.

So the OSCE/ODIHR report, as you noted, listed a number of serious shortcomings. They were focused around the allegations of voter pressure and voter intimidation. The second basket, if I could call it that, of issues was around the composition of the electoral commissions at the central, district, and precinct levels and a blurring of the lines between the state and ruling party roles in administration of elections. So, again, getting to this question of ruling party dominance in state institutions. And the third major basket, I would say, was around the electoral grievance process and legal remedy.

So we saw from domestic monitors on the ground—there were about 3,000 that were deployed on during the election. They also listed a number of these shortcomings. And in that last basket, they noted that of 1,660 complaints that the vast majority of those were cast aside and never actually made it to the judicial consideration. So these are the areas in which ODIHR has really—which

sets the gold standard—has really focused the reforms and the recommendations going forward.

Senator SHAHEEN. So I had a chance last week to talk with—actually, to Zoom with—several MPs from Georgia Dream. And one of the things they said to me was that they had—the members of parliament from Georgia Dream were supportive of the recommendations around election reform and that it was UNM and the opposition parties who were opposed. Is that your understanding, either you or Mr. Kent, of the current situation?

Ms. MCDONALD. So the electoral reform process is, of course, part of the negotiations. And while we very much believe that it is the role of the Georgians to own that process, we also have urged that that be an inclusive process, that it be transparent, that it be facilitated, that it be—that there be feedback and a feedback loop between constituents and their leaders on all sides. So that is, I think the nugget of what ODIHR and OSCE has said is missing.

We, of course, urged the opposition parties to take up their seats. I think we have seen in polling what Georgians care about, right? It is jobs. It is salaries. It is unemployment. It is COVID, poverty. So to get to the business of governing and hashing out these electoral reforms.

Senator SHAHEEN. From your answer, it sounds like you think there is not necessarily a full commitment on either side to do that. Is that an accurate assessment of my understanding of your answer?

Ms. MCDONALD. I believe it is accurate to say that both parties need to come in good faith to the table to move forward rapidly and in an inclusive manner on the electoral reforms, yes.

Senator SHAHEEN. And Mr. Kent, what more can we do, can Ambassador Degnan do, can the United States do, can we here as part of this hearing do to encourage Georgians on both sides to come to the table? And I think Senator Risch put it very well when he said that the ruling party has a special responsibility to help get people back to the table to come to an agreement.

Mr. KENT. I think you are holding this hearing today and your opening statements show the right messaging, and so I think that is very much value-added. Georgians understand how critically important friends here in this town, bipartisan, in Congress, in administrations under different presidents, have been to Georgia's success. And so to hear long-time friends of Georgia give that very direct message, as friends, is critically important. I realize COVID has prevented all of us from traveling over the past year. We are getting to the point where both people in Washington and in our embassies are starting to be vaccinated, and perhaps by the time we get to the Memorial Day recess it will be possible for travel again. And certainly, as you noted, some Georgians have started traveling here as of last week.

So I think the clear, consistent messaging, making clear that while we support a successful Georgia, we also expect Georgia's leaders to do what their country needs them to do.

Senator SHAHEEN. Well, thank you. Let us hope the current impasse is resolved before Memorial Day.

Senator Johnson.

Senator JOHNSON. Thank you, Madam Chair.

Senator Risch has guaranteed me he just wants to ask a really short question, like a normal human being short question, right?

Senator RISCH. I apologize, but look. This is the question I have. The EU, as you know, has recently implemented conditionality on some of its financial assistance to Georgia. I am wondering if we ought to be looking at conditionality on our military or financial assistance to Georgia. If you do not feel—I know this is a policy question and it goes up the chain pretty high. If you do not feel comfortable about giving me your thoughts on that, no problem, but I am thinking about that.

Mr. KENT. Well, sir, I know you and your colleagues last year put some limited conditionality on part of the aid to Georgia. And we certainly explained that to our Georgian friends that this was friends of Georgia wanting Georgians to succeed. And the—particularly the appropriators have been extremely generous in the assistance with the hard earmarks to Georgia over the years.

I think it is—the issue of conditionality is something that we have looked at in other circumstances as well. Your colleagues have put that on Ukraine's security assistance, for instance. So I think it is something to consider, both the intent of what the appropriations are meant for, as well as the conditionality, but I think it remains a shared commitment of those in Congress, both houses, both parties, as well as in the Administration, to see Georgia succeed and take the steps that Georgia needs to succeed.

Senator RISCH. I appreciate that and I guess that is why I am thinking about it since the last ones we put on do not seem to have moved the needle very much, and I think next time it may be a little more stringent.

Ms. McDonald, do you have thoughts in that regard?

Ms. MCDONALD. Yes. Thank you for asking. I think what I would say about this is that we are constantly assessing how best to make our assistance most effective. And in terms of the reforms that we have talked about, we cannot want it more than they do. They have to commit to these. And so I do think that while we are focused on dialogue, we are focused on resolving the impasse and helping support the Georgians as they have this discussion, we have to absolutely be considering all approaches and constantly looking at what approaches and tools might be helpful.

Senator RISCH. Thank you very much both of you for your thoughts. I appreciate it.

Senator SHAHEEN. Senator Johnson, since they have called the vote, shall we go vote and come back?

Senator JOHNSON. Sure. That makes sense.

Senator SHAHEEN. So we will officially recess.

[Whereupon, at 3:02 p.m., the hearing was recessed.]

Senator SHAHEEN. The Subcommittee on European Affairs of the Senate Foreign Relations Committee will come back to order and we will go to Senator Johnson, the Ranking Member, for his questions.

Senator JOHNSON. Thank you, Madam Chair.

In preparing for this hearing and taking a look at the situation in Georgia, to me it is pretty obvious that their main problem is the problem that has been around since the Russian invasion—and

that is the big problem that has faced them, as well as how it really prevents them from proceeding into NATO integration and greater European integration. But then underlying—then what is preventing that is, again, the political prosecutions and the election. So I guess I would like to drill down a little bit on the election issues.

I will say I mentioned this to Senator Shaheen earlier. There are some eerie similarities when you take a look at this. Democracy is hard. There is no election that is perfect. But Ms. McDonald, can you talk a little bit about one of the things—you talked about three main areas, voter oppression and intimidation. Can you just describe what you are talking about there, how that manifests itself?

Ms. MCDONALD. Yeah. Certainly. Thank you for the question, Ranking Member Johnson.

So voter oppression and intimidation is perhaps the hardest to capture in an electoral grievance process because this is the informal oppression process, the intimidation process that is usually informal. And so the allegations, the serious allegations, that ODIHR and OSCE referred to in this area of shortcomings is I think one of the more difficult to try to quantify or to capture within polling and within the electoral grievance process.

Senator JOHNSON. So did that—you just mentioned the word. So did that lead into the second of the third problem?

Ms. MCDONALD. Yes.

Senator JOHNSON. The three problems is there just was not a perceived proper adjudication of these. So were these like filed affidavits or something similar to that of voter intimidation and voter oppression and then they were never looked at, just basically ignored?

Ms. MCDONALD. Yes. So traditionally how this works is at the precinct and district level if there are grievances, it is the electoral commission at that level, so the precinct or the district level, to take a look at those grievances. And then if there are grievances that merit judicial review, they are referred to an administrative chamber of the judiciary. And that is where we saw, or I should say where local observers and monitors saw the vast dismissal of their electoral grievances and complaints.

Senator JOHNSON. So is the judiciary replaced with every administration? I mean how political is the judiciary there?

Ms. MCDONALD. Sorry. I did not hear the first part of the question.

Senator JOHNSON. So is the judiciary replaced, especially at the administrative level? Is it replaced with every new government or is this an ongoing judicial body?

Ms. MCDONALD. Yeah. So the reference to the judicial reform and the courts that I think you made in your statement, sir, I would very much associate with myself with that many of these issues are the issues that they have been facing for many years related to influence within the courts. And I think, so the combination of both having an electoral commission structure and formula for composition of those district and precinct level decision makers coupled with a judiciary that is widely perceived as not independent and not impartial, I think some of the key priority issues or concerns that we have seen in the judiciary are, for example, the High Coun-

cil of Judges, which exercises undue influence over other judges using the disciplinary system, using the promotion system, et cetera. It is actually pejoratively referred to as the clan.

Senator JOHNSON. But my question is how often does the judiciary turn over? Does it turn over with every administration or are the courts continuing bodies?

Ms. MCDONALD. I do not know the answer to that. We can get that for you. My understanding is that the appointments of the judges and the process for that is part of the judicial reform agenda that has been put forward by OSCE, by ODHIR because of this issue of being able to appoint judges. And I think the terms are different for the different bodies, Supreme Court, Constitutional Court, et cetera. But I think that is all part of the negotiation and the discussion about judicial reform and trying to bring a modicum of impartiality to that body.

[The requested information referred to above follows:]

The terms are different for different bodies. Georgian law states that all judges in the lower courts, appellate courts, and the Supreme Court will be appointed to lifetime appointments. That law applies to all incoming judges and judges who have been appointed since 2016. However, several judges are still in the old system, which is appointment for 10-year terms. When their terms expire, they can reapply for lifetime appointments. The Constitutional Court judges remain appointed for 10-year terms.

Senator JOHNSON. So then the third is really the non-independent, the partisan election commission. And apparently there are multiple levels of this. The OCSE made a number of different recommendations. I was asking my staff whether the U.S. made recommendations. We apparently did not, but we are basically signing on to the OSCE. Is that correct?

Ms. MCDONALD. That is correct. We have urged parties to adopt in full the OSCE/ODHIR recommendations. I would note that last summer with the constitutional and electoral reforms some of the recommendations were brought in, but not all. And this has been part of the problem, I think, that we have seen not just on electoral reform, but also on judicial reform. We have seen this kind of drips and drabs approach, right. And there needs to be this comprehensive buy-in in spirit and letter to having an independent and impartial judiciary and the electoral reform.

Senator JOHNSON. So we have voter oppression and intimidation, which is hard to nail down, hard to prove, hard to adjudicate. Then you have a judicial process, which is not perceived as impartial to adjudicate those claims, so they do not get adjudicated. So you just have the hard feelings and people do not believe the results are legitimate. And then the third one is the election commission itself and that structure. And here is the OSCE recommendation, again that the U.S. Government would back, correct?

It says the composition of the election administration could be reconsidered to increase its impartiality and independence. Isn't that key? Don't you need an election commission that is completely impartial, nonpartisan or at least—there is partisanship everywhere, but at least you have a balance between one party and the other party so that nobody feels that they have an advantage one way or the other. Is that an accurate statement?

Ms. MCDONALD. That is correct.

Senator JOHNSON. I had one other question here. Yeah. I will yield back my time. Thanks.

Senator SHAHEEN. Senator Murphy.

Senator MURPHY. Thank you very much, Madam Chair. Thank you both for appearing before us and for the good work that you are doing here. I just had two sort of more general topics of conversation regarding U.S. policy in Georgia.

In the wake of 2008, the United States made a sizable commitment to Georgia in the neighborhood of a billion dollars. They were part of the MCC program. At that point, there were a number of other programs that we had in place. And you could make a pretty good argument that we got substantial return on our investment. Georgia in those years, made a lot of progress. Nowhere near perfect, but that close U.S. partnership really mattered. And it was not just with the Government. It was a partnership with civil society, right, trying to midwife civil society organizations on the ground to be able to hold their Government accountable, something that is often missing in early stage democracies.

So maybe put this to you, Mr. Kent, but happy to hear from both. What lessons can we learn from our experience in Georgia, having made a substantial commitment post 2008 and what are the ways in which U.S. assistance, if it is available and provided on the right terms can make a difference to try to move beyond the current crisis?

Mr. KENT. Thank you very much, Senator. You are right that we have assisted Georgia immensely, billions of dollars since independence, with the earmark currently at $132 million. That is roughly $50 million a year in various forms of security assistance, $40 million on economic development, and roughly $35 million for democracy and governance building. And I think our efforts have been focused on helping Georgia succeed as a secure country that can contribute to collective security, to succeed economically, to reduce dependence on Russia and do so in a way that drives growth and prosperity at home rather than having Georgians seek employment abroad. And then obviously strengthening the institutions of governance, whether it is the court system, whether it is being responsive to the needs of the citizens.

And so I think a lot has been done to help remake Georgia even physically. The MCC's focus, the first round of the MCC, Millennium Challenge Corporation Compact was on infrastructure, and so there is very good infrastructure now in Georgia that did not exist previously. The second round was on education. Again, Georgians understand that they need to improve the student centric education so young Georgians can succeed in the 21st century. But I think in terms of the embrace of the democratic norms in the political culture, I think that is an area where there is still work to be done.

Senator MURPHY. What is the sort of status of civil society groups? And you say work to be done. How much opportunity exists to do works in the civil sector? I think a lot about the Global Engagement Center. We have been successful in growing the capacity to support organizations that are countering propaganda that are frankly just telling objective stories not influenced or paid for by foreign actors. What have we learned about our ability to try to open up that space in Georgia with U.S. aid programming?

Mr. KENT. Well, I will say that Georgian civil society is vibrant. They are articulate. And I think whether there are specific areas like media freedoms or corruption in transparency, while we have partnered with Georgian civil society, there are excellent dedicated Georgians who are working to build a more successful society and do not see the path to success only in government service. And I think that is how it should be. And I will let Kara talk about some of the programs that DRL works on, but I think whether it is our public diplomacy section which runs a small grants program or works with independent medias versus our USAID colleagues—we have a lot of excellent partners who are dedicated to laterally building out a Georgian society that has a voice and has a role to play in the country's success.

Ms. MCDONALD. Thank you for the question. You are correct. The civil society, the vibrancy of civil society is such a fundamental piece. It's a hallmark of democracy. And so we have invested with generous Congressional support tremendously in civil society and I would also say in free media. And I mentioned the media in my testimony in particular because it is an area where we see the best opportunity to help Georgia counter a lot of the disinformation and misinformation and propaganda that has been working to destabilize its society.

USAID has quite a robust what they call a democracy governance portfolio. It is about $33.5 million of the $132 million Eur-earmark. Of that, $8 million specifically goes to civil society. We in DRL also have just over $1 million. It is in HRDF, which is Human Rights Defenders Fund and FFF, which is Fundamental Freedoms Fund. Just over $1 million also supporting various programs in terms of civil society, helping build some of this public confidence, transparency, accountability between constituents and their leaders.

The one thing I would mention on the media side, we also fund out of DRL six different regional programs of which Georgia is a part that works specifically to counter malign influence and propaganda. That program is oriented at bolstering truthful narratives, increasing access of independent media voices, proliferating those independent media voices, allowing them space and helping them gain space to operate, being able to understand and work within a disinformation environment, and protection of their information technology. So it is quite a robust program and I must say it is one that we are very committed to given the threats.

Senator MURPHY. You know, there is so many similarities between what has happened in Georgia and Ukraine. And what Russia is really betting on is that they can destabilize the politics and economics of both of these nations so that they eventually give up and sort of make the choice without a full invasion to put themselves back under the arm of the Kremlin. And so, it is always wild to me that we are talking about spending north of $100 million in Georgia this year and yet we will without debate approve another $4 billion in European Reassurance Initiative that is dedicated to military protection along NATO's eastern flank.

And not that that is not important, but it just seems to me to be such a misallocation of resources that we are spending multiple billions of dollars on the military reinforcement of Europe when the

true vulnerability of countries like Europe or Ukraine really lie in the ability of the Russians to probe at the strength of the political and economic infrastructure. And so I look forward as we get ready for the next budget to try to make the case for how efficacious these funding programs are for economic development, education, media independence, civil society groups, and how that probably is at least as good an investment as continuing to send rotational U.S. forces into the areas around Russia's periphery.

Thank you, Madam Chair.

Senator SHAHEEN. Thank you, Senator Murphy.

And I understand that we have Senator Van Hollen ready to appear virtually.

Senator VAN HOLLEN. Yes. Hi, Madam Chair. Thank you very much for holding this hearing. And I want to thank both our witnesses for their public service.

There has obviously been a lot of discussion about the current situation on the ground in Georgia. And my question is how do we break this deadlock? And I think that the status quo right now is being easily exploited by Russia. So should the ruling party move first and release Melia or should the opposition drop its demand for snap elections? Should this be something that happens simultaneously? And really most importantly, what role can the United States play in trying to resolve this deadlock that I think is, again, is only serving the interests of Russia and those who do not support a democratic trajectory in Georgia?

Mr. KENT. Senator, thank you for your question. I believe what the U.S. can do is message, including with this hearing and your questions and your signals that you have sent in your statement, to our friends across the Georgia political spectrum that they need to get back into the room together and come to an agreement. The U.S. is actually in the room. Our ambassador is there, the EU mediator Danielson will be back there later this week, and we are trying our best to bring the Georgians together.

I will be honest that both sides look to us to deliver the other side. And in the end, while we can cajole and push, they have to own this process because they are the ones who have to commit and then they are the ones who have to deliver. And so I think in terms of the details, you have hit the points of contention between the sides. I think there is more room for agreement on the reform path forward, on electoral reform that my colleague detailed, the judicial reform that Kara also mentioned, and then again how they might better share assignments in the parliament. But the two areas you identified are the two sticking points, and the two sides need to come together and reach agreement.

Senator VAN HOLLEN. I appreciate that. While I have got you here, it is not directly related to this current impasse, but the three plus three regional platform proposed by Russia, Turkey, and Iran that you referenced in your testimony, can you talk a little bit about what you see as their goals and how that could impact Georgia?

Mr. KENT. Thank you, Senator, for that question. For the past quarter century, the framework for approaching the real challenge in the South Caucuses on security and particularly the situation Nagorno-Karabakh has been led by the Organization for Security

and Cooperation in Europe—a different element from the Office of Democracy and Human Rights, ODIHR, that helps run elections. And they are intimately involved in both what's called Minsk Group process for Nagorno-Karabakh as well as the Geneva International discussions which address Abkhazia and South Ossetia.

And so this is the appropriate framework. All the countries that are involved are members and have shared commitment to values and processes. And the three plus three proposal is really a great departure from that values-based all stakeholder process. It would be exclusive. It would focus on regional infrastructure. And the Georgians are concerned because some of the designs that the Russians have put on the table would actually circumvent Georgia with rail and road infrastructure in the same way that the Nord Stream 2 and Turk Stream pipelines circumvent Ukraine for provision of gas to Western Europe. And so that is the threat that Georgia sees to this platform. And they also very rightly do not want to go to the negotiating table with a country that occupies 20 percent of their territory and refuses to live up to its own commitments made to French President Sarkozy in the aftermath of the 2008 war.

So I think that is why we believe that the best arrangements for engaging on regional security are with the organization that was set up to deal with that, and that's the Organization for Security and Cooperation in Europe.

Senator VAN HOLLEN. I appreciate that. Thank you very much, Madam Chair. Thank you. Thank you both for your testimony.

Senator SHAHEEN. Thank you very much, Senator Van Hollen.

Senator Johnson, do you have any further questions?

Senator JOHNSON. I do remember the last one. First, I do want to talk a little bit about exactly how Russia has been behaving. I know I met with the Georgian delegation I think before COVID and they were complaining about Russia keeps advancing their lines and just creeping forward. What has been the current situation over the last year or two?

Mr. KENT. Unfortunately, Senator, the Russians continue to push the envelope. And they might try to claim that they are South Ossetians or Abkhazians, but it is pretty clear when you go to the line, contact line. And if you have not done, that I am sure——

Senator JOHNSON. I have.

Mr. KENT. You have. When you pull up those binoculars, those are Russians staring back at you with binoculars, so it is pretty clear who is there. And over the last 2 years, there have been several instances where they have not just been putting up razor wire and fencing on the generally agreed upon border demarcation between what are provinces, Ossetia and South Abkhazia, but also actually moving the boundary forward or staking a position. And so the Georgians have every right to complain because, again, Russia, after the 2008 war committed, first of all, for complete humanitarian access, which they do not provide. They also committed to pull their troops back to the positions that existed prior to the 2008 war. They have not done that.

There are a half dozen Georgians who are detained, essentially imprisoned, and so that is why we do have this process, the Geneva International Discussions. We are a party to those conversations.

The next round will happen later this week. So I think in terms of the actual aggression, it continues. It is not a shooting war, but it is certainly a situation of intimidation.

And the attacks, the cyberattacks also continue. The landmark one was in 2019, and we attributed it to the GRU. About 15,000 businesses and websites were affected. They were attacking Georgia with cyberattacks as early as 2006 and they continue to do so.

So the Russian attacks are in cyber. There are economic pressures. There is the disinformation war. And then there is the occupation of 20 percent of Georgian territory.

Senator JOHNSON. Which just underscores Georgia's main problem right now is Russia. And if they can agree on how to resolve their political differences, they would be in much better shape. Can you speak just a little bit about the multiparty system there? There are two main parties. How independent? How aligned are the various smaller parties? Either one, whoever.

Mr. KENT. Yeah. So, Senator, there are, as you said, two main parties. I think they are the ones that people who have watched Georgia over the last, if you will, 20 years. The current ruling party which has been in office since Senator Shaheen and Risch saw their election in 2012 replaced the government of what is known as UNM, which was in charge between 2003 and 2012. But there are a number of other smaller parties which are looking to emerge and offer Georgians a choice.

So it is unlike in the United States where you have two main parties and it has been that way since any of us can remember, in Georgia they are certainly looking to move towards a more multipolar system and they have lowered the threshold. This last election, you only needed 1 percent of the vote in a proportional representation system. And that is why I believe there were nine parties that were elected. And so I think particularly with a proportional representation system being the main way of electing MPs going forward, it depends on what the bottom line threshold is, but you do have other voices that are looking to emerge.

Senator JOHNSON. So they are actually encouraging more parties as opposed to consolidating under two.

Mr. KENT. Correct.

Senator JOHNSON. Okay. That is interesting. Again, Madam Chair, I really do applaud you for holding this hearing. Senator Van Hollen talked about what the U.S. can do. I think we undervalue sometimes what the U.S. Senate can do. And I think, again, as Mr. Kent has and our witnesses have talked about, holding this hearing is important. It sends an important signal. I think also potentially a Senate resolution where we can encourage sense of the Senate, encourage the parties within Georgia to come together, settle these disputes, recognize it is not easy, but it is up to them. Nobody can pressure them. I thought it was interesting the comment that both parties are looking for the U.S. to impose our will on the other. It sounds like Serbia and Kosovo. We have heard this time and time again—it is up to those parties. So I would love to work with you, if we could develop a Senate resolution, pass it through this committee, and then pass it through the Senate. I think it could also send an important signal and might be helpful.

Senator SHAHEEN. I agree. I think that is a really good suggestion and, as Ms. McDonald said, we cannot want it more than they do. It is really important for the Georgians themselves to want to figure out how to end this impasse.

I just want to follow up on a couple of lines of questioning that you and others have started. I want to go back, Mr. Kent, to your opening comments where you talked about how the Nagorno-Karabakh conflict has given Russia an opportunity to have troops on the ground, another opportunity to have troops on the ground in the neighborhood. Can you speak to what kind of message that sends to Georgia and to those Georgians who are in Abkhazia and South Ossetia who would like to be free of Russian influence to have the additional Russian troops in the neighborhood?

Mr. KENT. Thank you, Chairwoman. Most of the ethnic Georgians who traditionally lived in Abkhazia and South Ossetia have been ethnically cleansed. There are hundreds of thousands of IDPs, most of them dating back several decades. Another 25,000 were pushed out of South Ossetia as part of the 2008 war. So Russian troops, as with Senator Johnson, maybe you have seen through the binoculars, are there on Georgian territory.

The Russians also man several bases in Armenia and help with the border guard services along the border with Turkey, in particular. Russia acts as Armenia's security guarantor, vis-à-vis Turkey. And then the Russian peacekeepers are now in Nagorno-Karabakh for the first time since the breakup of the Soviet Union.

And so I think in part this is the challenge of being a country like Georgia. I am sure Foreign Minister Zalkaliani, when he has come through, shares his vision of Georgia, an ancient nation surrounded by three empires: the Russian, the Ottoman, and the Persian. And sometimes the names change, but those dynamics for a small country like Georgia remain.

And so I think particularly when you have the legacy states, Russia, Turkey, and Iran, of those three empires between which Georgia has sought to survive for a millennia, that they feel that pressure, and that is why they turn to us as what they see their main strategic partner. And it is precisely as Senator Johnson said. When that is your threat, you should not be creating a domestic political crisis. You need to join ranks, sort out the domestic rules of the game, and then focus on your real challenges, which are the changed geostrategic reality of the South Caucuses and straightening out your economy to be competitive and particularly in a post-COVID environment.

Senator SHAHEEN. So when we were there in 2012 Ivanishvili was considered the father of Georgia Dream, funded Georgia Dream, and was also criticized for being too close to Russia and taking orders from Russia basically. Now, he denied that, and as I understand, has continued to deny that and Georgia Dream continues to deny that, but to what extent do we think there is still some truth in that and how much are we concerned that Georgia Dream may not feel free to make its own decisions about trying to resolve the current crisis, but is continuing the impasse because it benefits Russia?

Mr. KENT. Madam Chairwoman, I think it is safe to assess that the Georgia Dream Government, which has been in office starting

with Bidzina Ivanishvili as Prime Minister and then as party chair and now stepping down formally from that role, has retained Georgia's commitment to its path of integration of western institutions. It is the Georgia Dream Government that has announced that it will apply for EU membership in 2024. They continue to want to join NATO. And so I think it is very clear that not only is that the overwhelming choice of at least three quarters of Georgians, it has consistently been the path of choice of the Georgia Dream governments that were started by and continue to be led by, whether formally as a chair or informally as the founder, Bidzina Ivanishvili.

So I think when we hear Georgians, including the new Prime Minister who was the defense minister and with whom we worked closely, that commitment to Georgia's path and their strategic goal is clear. I think this hearing has focused on whether the commitment is to the values that will lead them to that path, because NATO is not just a military alliance. It is a community of countries that share values. And I think this really is the ultimate test in why these developments that you have called the hearing to discuss are so important for Georgia's future.

Senator SHAHEEN. Well, thank you. And certainly as we look at their positioning within Eurasia between three empires, historic empires, having support from the west in that integration with the European community and the west is very important in providing the support that will help them continue towards democratization and building of their institutions.

Can I just ask a final question? Senator Johnson suggested a resolution which has been one way that the Senate has made clear how we view certain issues. How helpful do either of you think that will be with the current crisis and is there anything else as you think about what this committee and what the Senate might do to make clear the message that we have that all parties should come to the table. They should negotiate an end to this crisis. And they should move on in a way that continues to be a strong partner and ally of the United States.

Ms. MCDONALD. Thank you, George. Thank you for the question and I very much wanted to add a couple of thoughts.

Senator SHAHEEN. Good.

Ms. MCDONALD. I think modeling of the bipartisan leadership that you are showing here today is so important for Georgian leadership to see. That is really the model that we have been pushing for, that is coming together, a culture of power sharing, and a culture of pluralism.

And I wanted to make a quick comment about Ranking Member Johnson's question regarding the landscape of the political parties. What I would note on this is that a lot of the assistance that we have been providing is focused on building platform based parties, not personality based parties, with the notion that that is how you coalition build. You get around issues. You get around issues that your constituents care about. And that is how you build coalitions within a multiparty system that we have seen in Georgia.

But thank you also for the question about how Congress can help. I wanted to make one other quick comment if you will permit me, Madam Chairwoman, please. And that is as we focus on the importance of compromise in this dialogue and getting through this

impasse, we feel it is very important also to continue to press and urge for these electoral and judicial reforms and the buy-in of these parties, both in spirit and letter, right. We have found this process of reform to be a very, very long one in Georgia, particularly as regards to judicial sector. And I think we do not want to lose sight of that longer, wider, structural set of issues because my fear is that we get past an impasse and then you come back around to these key issues. And the protests start again and then again it goes into playing into Russian hands. So it really is those wider issues. And frankly, the OSCE/IDIHR report is an excellent roadmap.

Senator SHAHEEN. Good. Well, thank you both very much for your testimony this afternoon and for your continuing good work to help resolve, support Georgians in resolving their own impasse, and we stand ready to help in any way we can. And we will go forward with the resolution that Senator Johnson suggests.

Thank you. This hearing has now ended.

[Whereupon, at 3:40 p.m., the hearing was adjourned.]

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