



## **Remarks and ideas on amendments to the Constitution of Georgia**

February 7, 2013

Georgian Democracy Initiative sends its remarks and ideas on the draft amendments to the Constitution to the Parliament of Georgia.

Georgian Democracy Initiative believes the initiated draft law “On Constitutional Amendments” does not diminish the risks for possibility of political crisis, but to the contrary: enactment of these amendments will annul the existing constitutional formulae of crisis avoidance that may bring all processes to the legal deadlock. Moreover it may leave the state without both legislative and executive branches at the same time.

In case amendments are enacted, the President shall still have a right to unconditionally dismiss the Government. At the same time, he will not be required to charge the dismissed government to perform its duties. This will contradict one of the main ideas of the draft law, which reads as follows: “dismissed Government performs the duties of the Government until the new Government is formed by the new Parliament”.

In case the Government is dismissed, the President shall be required to present to the Parliament members of a new Government in order to obtain the vote of confidence. In case the new Government and the governmental program fails to obtain the vote of confidence three times in a row, the President shall be obliged to dismiss the Parliament in a 3-days period and appoint extraordinary elections, including during the last 6 months of the presidential term.

Current edition of the Constitution deprives the President from his right to dismiss the Parliament within 6 months after it is elected, or during last 6 months of the presidential term. Consequently, with the suggested amendments the President will have a right to dismiss the Parliament in both cases. We believe, such amendment contradicts the main idea of the draft law: to weaken the role of the President in influencing both the legislative and executive branches.

Besides, Georgian Democracy Initiative deems essential, that the Parliament of Georgia considers the vagueness of the norm with respect to defining the last 6 months of the presidential term, as the term of office for the last 6 months is being calculated based on this norm.

In case proposed amendments are introduced, the Prime Minister and the Government shall not be able to perform their duties without the vote of confidence from the Parliament, while the President shall not be able to form the Government without Parliament’s consent. Consequently,

we shall face the situation when the President, due to the obligations imposed as a result of the amendments, has already dismissed the legislative body while, simultaneously, he is not able to form the Government until the new Parliament is elected.

In such scenario, proposed legislative reality shall make political crisis unavoidable and as already mentioned the state will remain without both the legislative and executive branches.

In order to avoid aforementioned problems, the Georgian Democracy Initiative addresses the Chairman of the Parliament with the request to thoroughly consider its ideas while discussing the draft law, as well as to make these ideas available to other members of the Parliament.