

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



**Appeal of Georgian Young Lawyers
Association, Transparency
International Georgia and Levan
Mikeladze Foundation to Parliament
of Georgia for Extension of Period
Allocated for Constitutional Draft**

Review

An analysis of political developments throughout the recent history of Georgia demonstrates that it is necessary to select the right political system and form of state governance and to take the interests of different social groups into consideration as much as possible during this process, in order to ensure sustainable and safe development of our country.

After gaining independence, hasty adoption of legislative amendments and a lack of balance between different branches of authority has caused a number of crises and political turmoil in the country ever since it gained independence. It is noteworthy that the State Constitutional Commission was established against the backdrop of the April 2009 political unrest. It is also worth remembering one of the main goals of the establishment of the commission was to facilitate active involvement of the political spectrum and the civil society in the restoration of the balance between the branches of authority.

Regrettably, judging by the procedures of draft preparation and review, the process has been inefficient. Specifically, a majority of citizens still do not know why the remarks made by the country's influential political groups and non-governmental organizations were ignored. Additionally, Georgian parliament published the draft constitutional amendments for public discussion on 21 July 2010, during one of the most quiet periods of time in terms of societal activities, while public review of the draft is taking place in August.

Given the fact that the constitutional amendments are only scheduled to come into force in 2013, it is not clear why the interests of the state required to have such an important document reviewed in this manner and during this specific period of time (August).

We take into consideration the fact that in June 2009 the authorities offered their political opponents to get actively involved in the elaboration and review of the draft – an offer that the non-parliamentary opposition rejected. Nevertheless, we believe that when the matter concerns the Constitution of the country, the political situation because of which the aforementioned political groups did not or could not become involved in the process are not particularly important for the public. We believe that, based on the public and the state interests, it is much more important to ensure that public and political organizations are actively involved in the review of the country's draft Constitution. Furthermore, interests of the wider social groups should be taken into consideration as much as possible.

It is, first and foremost, the responsibility of the authorities to ensure effectiveness of the process of the draft Constitution review. Additionally, we believe that considering existing challenges and dangers that Georgia is facing, adoption of the supreme law of the country should consolidate the public instead of prompting its fragmentation. Therefore, we believe that state interests obligate the authorities to take additional and effective steps for the review of the draft and an active involvement of stakeholders in the process.

For this reason, we are addressing parliament of Georgia with a request to extend the period allocated for the review of the draft Constitution until 2011 and to immediately begin consultations with main political forces and relevant public organizations in order to ensure an effective format for review.

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