



Confrontations between Government and President is damaging to the country

The public has recently been witness to a conflict between two branches of the government. This conflict is undermining the Constitution and preventing the President from fulfilling his role as it is defined therein. Moreover, it illustrates the emergence of informal governance whereby a private citizen is able to exert undue influence on government.

The disagreement between President Margvelashvili and representatives of the Government Cabinet has become even more apparent after former Prime Minister Bidzina Ivanishvili publicly criticized Margvelashvili in a recent press interview. Following the event, Government and ruling coalition members have been actively reproving the President, making disrespectful statements and, even, disregarding the institution of the Presidency.

The conflict has become so clear that complications have arisen openly during visits of high-ranking foreign guests to Georgia. During visits Government representatives have, at times, refused to act according with their obligations. In addition, some members of the executive branch declined to discuss matters of national security if such meeting was organized by the President's Administration despite the constitutional power to convene meetings on national security sitting with the President. The constitutional division of powers identifies the roles and responsibilities of the President and the Prime Minister. Confusion or deliberately ignoring these constitutional obligations and limitations undermines the efficacy of the government, decreasing the likelihood of solving issues important to the state, including issues of national security. Moreover, it negatively affects the image of country in the eye of Georgia's foreign friends.

It should be noted that this conflict did not emerge as a result of differing opinions on an issue of strategic importance, neither has a specific reform or initiative provoked the fallout. The Government Cabinet representatives appear to have been guided by the personal opinion of the former Prime Minister Ivanishvili who has been 'disappointed' by the President and his decision to move into the Presidential Palace.

The only publicly known instance which was pertaining to a specific initiative was when the President was reportedly planning to veto the amendment to the Law on Criminal Procedure Code. The amendment postponed the enactment of the new, progressive rule of witness questioning by another two years – it was the third time the Parliament changed its own decision on this issue. The former Prime Minister later explained that he influenced the President into changing his decision. It is very unfortunate that the President bent under this pressure, leaving constitutional rights of the persons to be questioned by prosecution under risk.

In recent weeks the public has witnessed the accusations coming from different branches of the government. The ruling coalition, it seems, is trying to undermine the institution of the directly elected head of the state, who is also the commander-in-chief and the highest representative of Georgia in its foreign affairs. The unfortunate result of these efforts is that the President is faced with obstacles while exercising the very authorities that are delegated to him by the Constitution. Above all, the signs informal governance have become evident as an individual without any official authority or capacity has been taking a significant part in the decisionmaking process

and exerting influence onto high officials.

The balance of powers between the branches of government is a crucial principle that needs to be observed for coexistence of democratic institutions. The constitutional principle of separation of powers provides limitations and controls on the power of each branch of government, and protects society from all political power being vested in one ruler or a small group. In this sense, the government institutions may be perceived as competing with each other; however, such institutional does not in any way contradict or undermine the democratic order, rather it is an essential part of the system of checks and balances. What is unacceptable in such a system is creating a new, informal government branch.

In Georgia the democratic transition is still at a fragile stage. Informal governance and obstacles in the functioning of government branches is a blow to the institution-building process. Without competent and independent institutions it will be impossible for the country to move to the next stage of development.

We call on the Government of Georgia and the ruling coalition to take all the appropriate risks under consideration and prove with their actions that they will not allow for the mistakes of the past when all branches of government were controlled by a few powerful individuals to be repeated. In such circumstances, government bodies lack the decisionmaking powers and they exist only as a formality. The Government should recognize that Georgia will not become a fully fledged member of the Euro-Atlantic family, which is the will of Georgian people, while informal governance is a reality and democratic institution-building is undermined.

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