



## **The Minister of Finance Ivane Machavariani regularly violates the Constitution, which is the ground for his impeachment**

The faction “Independent Members of Parliament” summoned the Minister of Finance Ivane Machavariani to the sitting of February 24, 2020 of the Sector Economy and Economic Policy Committee. [1] He did not appear at the sitting. [2]

Under the Constitution, “A member of the Government [...] upon request shall be obliged to attend sittings of [...] committee [...], to provide answers to questions raised during the sitting and to submit a report of activities performed. [3] The Rules

of the Procedure of the Parliament specify the provision of the supreme law and clarify, that the relevant person is obliged to attend the sitting of the committee upon request of the majority of the committee or the faction. [4] The person summoned may not appear at the scheduled time and change the day only if there is an agreement with the initiator of the summoning. [5] In this case, it did not happen. Accordingly, he was obliged to appear at the legislative body. Neither the Minister himself denies this obligation, [6] however, in his opinion, we should look at the issue in a different way. [7] According to Ivane Machavariani, the cause for the neglect was his appearance at the Parliament within the “Minister’s Hour” a few days ago. [8] Herewith, he even sent a letter to the committee stating that, he would answer all the questions in the form of the “Minister’s Hour”. [9] However, it should be emphasized, that the summoning of the official to the Committee Sitting and the summoning to the “Minister’s Hour” are not interchangeable supervisory tools, they serve different purposes.

GYLA believes that Ivane Machavariani has violated the requirements of the Constitution and the Rules of Procedure. This, in turn, is a ground for initiating an impeachment, which needs the support of at least one third (50 members) of the total number of the Members of the Parliament. [10] The case will be referred to the Constitutional Court, [11] and if the court confirms a violation of the supreme law, the parliament needs 76 votes to dismiss the minister. [12]

In addition, regarding the Minister, it should be noted, that from December 6, 2018, to February 3, 2020, the Members of the Parliament asked Ivane Machavariani 30 questions, [13] out of which he left approximately half unanswered, responded to 6 questions with a delay and he, himself signed only 7 answers, whereas, according to the Constitution, “Providing a timely and full response to a question posed by a Member of the Parliament is mandatory,” [14] and under the Rules of Procedure, only a member of the Government shall sign an answer. [15] Overall, in this regard, he has violated the Constitution and the Rules of procedure 29 times. This number additionally demonstrates that the Minister of Finance does not even continuously show a proper respect for the Parliament, which reinforces arguments for imposing legal liability on him.

Particularly alarming are the statements made by the members of the majority, who try to justify disregarding of the legislative branch by the executive power with groundless arguments, thereby reducing the influence of the Parliament in the

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political processes.

[1] The sitting of the Sector Economy and Economic Policy Committee, Website of the Parliament of Georgia, Available at: <https://tinyurl.com/vs698bh>, Updated on: 24.02.20

[2] Ibid.

[3] The Constitution of Georgia, Article 44, paragraph 6.

[4] The Rules of Procedure, Article 40, paragraph 2.

[5] The Rules of Procedure, Article 40, paragraph 4.

[6] Ivane Machavariani explains why he did not appear at the sitting of the Sector Economy Committee of the Parliament, Interpressnews, Available at: <https://tinyurl.com/sovdoxm>, Updated on: 24.02.20

[7] Ibid.

[8] Ibid.

[9] Ibid.

[10] The Constitution of Georgia, Article 48, paragraph 1.

[11] Ibid.

[12] The Constitution of Georgia, Article 48, paragraphs 2 and 3.

[13] The data is obtained from the official website of the Parliament of Georgia; however, there might be a slight error.

[14] The Constitution of Georgia, Article 43, paragraph 1.

[15] The Rules of Procedure, Article 148, paragraph 4.