

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Opinion of Non-Governmental Organizations on Government's New Initiative Concerning Political Party Financing

On 22 October, a meeting was held at the Analytical Department of the Ministry of Justice. Representatives from the Ministry of Justice, the Georgian Young Lawyers Association and Transparency International Georgia attended the meeting.

At the meeting, the Ministry presented proposals concerning regulation of political party financing. While preparing the relevant legislative amendments, the Ministry intends take into consideration the recommendations offered by the local and international organizations (GRECO, the Council of Europe's Committee of Ministers). In addition, the Ministry is planning to propose further regulations some of which contradict certain provisions of the July 2011 agreement between political parties. The wording of specific legislative amendments was not presented at the meeting, which makes it difficult to conduct legal analysis.

Although the civil society vigorously highlighted the problems in the party financing system during past (2008 and 2010) elections, while the GRECO recommendations were published as early as 1 July 2011, the ruling party had not taken them into consideration and they had not been incorporated into the new draft Electoral Code either. We therefore believe that the government's initiatives in terms of imposing restrictions on party financing could be linked to the recent political developments in Georgia.

We have emphasized before that the process of improving the electoral environment needs to be consistent and transparent. Involvement of all stakeholders, especially the political parties, must be guaranteed. This is particularly important because these very political groups reached an agreement on party financing a few months ago.

As for the proposals of the Ministry of Justice, some of them are positive, although we believe that addressing the shortcomings of the electoral system and restricting the use of administrative resources are the most urgent steps towards the improvement of the electoral environment. Otherwise, imposing restrictions on party financing alone will not produce any essential improvement of the electoral environment. Unless the existing rules for the allocation of parliamentary seats are revised (e.g. by changing the correlation of votes received in the elections and the number of obtained parliamentary seats and by increasing the threshold for winning elections in majoritarian districts in the first round from 30 to 50 percent of the vote) the party that has access to administrative resources will always have an advantage and it will be impossible to create a level playing field for political parties.