



ქართული ოცნების განცხადება ემსახურება სალომე ზურაბიშვილის დასჯას მისი პოზიციონირების გამო, რაც აზიანებს პრეზიდენტის ინსტიტუტს

Georgian Dream statement serves to punish Salome Zurbishvili for her positioning, which damages the institution of the President

On March 14, 2022, the President of Georgia addressed the Legislature in the format of an annual report, stating that she had received a written refusal from the government to exercise its representative authority in foreign relations. [1] Her request served to position Georgia in the direction of European integration; following the refusal; she used her personal contacts to hold meetings with European leaders. [2]

On March 15, 2022, the Georgian Dream issued a statement in response to the President's report. [3] According to the ruling party: (1) by organizing personal visits without its consent, the President violated the Constitution and went beyond her

competence in the field of foreign relations; (2) Salome Zurabishvili has refused to appoint ambassadors several times over the past year, which is also contrary to the supreme law of Georgia.

The Constitution of Georgia obliges each constitutional body to take all measures to ensure the full integration of Georgia into the European Union and the North Atlantic Treaty Organization. [4] It is true that the exercise of the right of representation, in the face of the President's refusal from the government, did not procedurally comply with the Constitution; however, it is crucial that the President's political decision met the public demand for a clear Georgian position on solidarity with Ukraine and European integration. It is unfortunate that amid the tense geopolitical situation, the President was refused by the government to hold such vital meetings without any reasonable justification from the Cabinet. [5] In return, no other state body has taken the initiative to hold similar level meetings.

In the same statement, the Georgian Dream announced that the government would be disputing in the Constitutional Court over the appointment of ambassadors on the separation of powers between the Government and the President, as they described the president's involvement in the process as a "legal and ceremonial authority." [6]

It should be noted that, contrary to popular belief created in society, the dispute announced by the ruling party **is not a procedure for impeachment of the President.**

According to the Constitution of Georgia, the President nominates and dismisses Georgian ambassadors and heads of diplomatic missions upon the Government's recommendation. [7] The act requires the co-signature of the Prime Minister, and the Government bears political responsibility for it. [8]

In the event of a dispute over this issue, the Constitutional Court will consider the issue of the authority of the body, in this case, the competence of the President to refuse to appoint an ambassador. [9] The respondent to a potential government lawsuit will be the Parliament of Georgia, which regulates the appointment of an ambassador at the legislative level. [10] Accordingly, the Government of Georgia will appeal against the content of the norm or norms adopted by the Parliament, which gives the President of Georgia discretion to refuse to appoint a specific ambassador.

The Constitutional Court must clarify whether the President has the right to decide on

the appointment of an ambassador at her own discretion. If the court says that the President does not enjoy discretion; in that case, it will deprive the first person in the country of the opportunity in the future to reject the government nominations and force it to approve any candidate nominated by the cabinet.

GYLA believes that the package of powers of the President of Georgia stems from her status, according to which she is the head of state, the guarantor of the country's unity and national independence. [11]

Competence defined for the President in the Constitution to appoint ambassadors and heads of diplomatic missions includes her right to evaluate government-nominated candidates and to decide for herself whether to issue an appointment, which reinforces the principle of checks and balances between government bodies.

According to GYLA, the March 15 assessments of the Georgian Dream Political Council are directly related to the President's recent decisions, including convening an extraordinary meeting on Ukraine, [12] requesting an annual report on March 5, [13] Salome Zurbashvili's public and different from government's positioning on Ukraine, on the issues of European integration and the ongoing war in Ukraine. [14] This view is supported by the fact that the representatives of the ruling party accused the President of insulting the institution of Parliament by inviting the plenipotentiary representative of Ukraine to the plenary session hall without their consent. [15]

According to the organization, the statement of the Georgian Dream indicates that in response to the recent decisions of the President, the ruling party wants to use legal mechanisms to try to limit the discretionary powers guaranteed by the Constitution.

The statement of the Georgian Dream serves to punish Salome Zurbashvili for her positioning, which damages the institution of the President and hinders Georgia's progress on the path to membership in Euro-Atlantic structures.

[1] "Annual Report of the President of Georgia", Facebook page of the Parliament of

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Georgia, March 14, 2022, available: <https://bit.ly/37rt8fT>, updated: 15.03.2022.

[2] Ibid.

[3] Statement of the Political Council of "Georgian Dream - Democratic Georgia", Facebook page of the party "Georgian Dream - Democratic Georgia", March 15, 2022, available: <https://bit.ly/3CRP4wr>, updated: 15.03.2022.

[4] Article 78 of the Constitution of Georgia.

[5] "Gharibashvili explains why the President was not allowed in Europe", information portal "netgazeti.ge", March 15, 2022, available: <https://bit.ly/3q6QOwj>, updated: 15.03.2022.

[6] Statement of the Political Council of the Georgian Dream - Democratic Georgia, March 15, 2022.

[7] Article 52, Paragraph 1, Subparagraph "i" of the Constitution of Georgia.

[8] Ibid., The first paragraph of Article 53.

[9] Ibid., Article 60, paragraph 4, sub-paragraph "d".

[10] Paragraph 2 of Article 34 of the Organic Law of Georgia on the Constitutional Court of Georgia.

[11] The first paragraph of Article 49 of the Constitution of Georgia.

[12] Decree of the President of Georgia of February 24, 2022 "On convening an extraordinary sitting of the Parliament of Georgia on February 25, 2022", web-page of the Parliament of Georgia, available at: <https://parliament.ge/legislation/23686>, updated: 15.03.2022.

[13] "Salome Zurabishvili will present her annual report in the Parliament on March 5", information portal "Interpressnews", March 2, 2022, available: <https://bit.ly/3tYEakC>, updated: 15.03.2022.

[14] "Annual Report of the President of Georgia", Facebook page of the Parliament of Georgia, March 14, 2022.

[15] See the statement of MP Mamuka Mdinardze, "Annual Report of the President of

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Georgia", Facebook page of the Parliament of Georgia, March 14, 2022.