



Statement of Georgian Young Lawyers' Association, the International Society for Fair Elections and Democracy and Transparency International - Georgia about Rules for Electing Mayors and Governors and Scope of their Authority

Draft of the Code on Local Self-Government submitted to the Parliament of Georgia introduces an important initiative of direct elections for offices of Governors (Mayors), which we have been advocating for a long time. Regrettably, the proposed draft also contains a provision that weakens the importance of the institute of elected Gamgebelis and Mayors.

In particular, Article 48 of the Code envisages a motion of no confidence against elected Governors (Mayors). The motion can be raised by more than half of member of Sakrebulo on current nominal list or 20% of registered voters in the municipality.

Contrary to the principle of representative democracy, the foregoing provision allows Sakrebulo to raise a motion of no confidence against Governors (Mayors) elected by majority of voters with as few as 15-20 votes maximum. Further, the draft does not envisage grounds for initiating a motion of no confidence, thus allowing Sakrebulo to

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



resort to the measure in an event of a confrontation between majority members and Governor (Mayor) on grounds of party affiliation or on any other grounds.

In addition to the fact that dismissal of Governor (Mayor) by a motion of no confidence conflicts with the choice of voters and expression of their will, it may also promote politically unstable environment. Para.4, Article 48 of the draft authorizes Sakrebulo to initiate the motion of no-confidence several times during Governor's (Mayor's) term of office, which will further increase the influence of Sakrebulo members (political parties) on his/her work and affect his/her decisions.

The purpose of direct election of self-government officials is to ensure citizen involvement in formation of self-government authorities, stability and independence of elected official/agency, while delegating Sakrebulo with any such power will not lead to any meaningful changes in the existing reality where Sakrebulo Chairperson is authorized to dismiss Governor with the consent of Sakrebulo, as illustrated on a number of occasions throughout 2013. Therefore, such stipulation diminishes the essence and importance of direct election of these officials.

Notably, absent from the proposal is a draft of changes in the election system. We believe that fair election system is a pre-requisite for successful local self-government reform. Lawmakers should immediately proceed with discussions about changes in the election system.

We believe that the election system should meet basic standards and guarantee that mandates are gained in proportion to voters' will; number of lost votes is reduced to the minimum; equality of votes; representation of various civil society groups, small parties and independent candidates; focus on strong candidates and increased trust in elections.

We would like to reiterate that an agreement about the election system should be reached with the involvement of all stakeholders and based on a consensus, which is both labor and time consuming. Therefore, lawmakers should start addressing the issue as soon as possible.

We will continue to be actively involved in the process of self-government and will present both public and the parliament of Georgia with our opinion about reforming

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



the election system.