



The Joint Statement of ISFED, TI Georgia and GYLA on the Rule of Electing Mayors and Gamgebelis and on the Procedure of Announcing Mistrust

The Parliament of Georgia has been reviewing the draft “Local Self- governance Code” with the second reading. In view of this, we would like to voice our position once again on the mechanism of announcing mistrust to the Mayors/Gamgebelis envisaged by the submitted draft.

The draft proposes important novelty, such as direct election of Gamgebelis(Mayors) that has been supported by our organizations long ago. We, however regret that the draft envisages the norm that diminishes importance of the elected Mayors and Gamgebelis.

In particular, we mean Article 48 of the draft which envisages announcing of mistrust to the elected Gamgebelis (Mayors). The issue may be initiated by more than the half of the members of the local council on the current nominal list or by 20% of the registered voters of the municipality.

We should note that the latter comes in conflict with the principles of the representative democracy. The local council becomes entitled to announce mistrust to Gamgebeli (Mayor) who was elected by the majority of electorate. To this end, only certain group of individuals (maximum 15-20 persons) from the local council will be enough. The mechanism may be applied for the political motives. Namely, the local

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



council may initiate the procedure of mistrust if there is a political or other kind of conflict among the majority of the local council and gamgebeli (Mayor).

Accordingly, removal of Gamgebeli (Mayor) from the office as per mentioned principle comes in conflict not only with the choice of the population and the will expressed by them, but also creates the risk of political instability. As it follows from Para 4., Article 48 of the draft, the local council is given opportunity to apply to the procedure of mistrust several times during one tenure of gamgebeli (Mayor). As a result, in their activities Gamgebeli(Mayor) will attempt to gain favor of the local council and its political parties with a view to avoid initiation of the procedure. This, naturally, will affect decisions of the Gamgebeli (Mayor).

The direct election of the high state officials aims to ensure participation of public in manning of the local self-governance organs, as well as stability and independence of the elected high official. **By granting such authority to the local council we will receive the same reality as it is envisaged by the applicable code, when the head of the local council may dismiss Gamgebeli with the consensus of the local council. In 2013 we had many such unfavorable examples.** Therefore, such provision diminishes the meaning and importance of direct election of these high officials.

In view of above, **we call on the Parliament of Georgia to take out the mechanism of mistrust from the draft.**