

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



The new draft and unlimited powers to the president

By the third hearing the Parliament of Georgia adopted a draft on State Procurements. According to the draft the law on State Procurements should not apply to procurements implemented by the Presidential Fund and/or for covering cost of presidential events.

The draft confers unlimited powers to the President of Georgia, however, it is not the first attempt. The Georgian Young Lawyers' Association criticized the draft submitted to the Parliament by the government's initiative already in May 2006.

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According to the government initiative, one of the ways of implementing state procurements- single source negotiation should have been applied in case it was established by president [] and government [] legal acts. The mechanism would have seriously jeopardized the state procurement system since instead of the state procurement agency, the President and the government should have made decision.

Despite the mentioned, by the initiative of the president, the parliament adopted a law by which expenditure spending from the president [] reserve fund stayed beyond the regulation of the state procurement regime.

It is unclear not only how the process will be controlled, but what will be the mechanism for spending funds allotted from the president [] reserve funds. There is a real threat that management of the president [] reserve fund will appear not only beyond the regulation of the State Procurement procedures, but also beyond the legal regime.

Unfortunately, the fact is not the first attempt of institutionalizing state arbitrariness. The Georgian Young Lawyers [] Association emphasized many times that the president spent three times more funds than it was initially envisaged, however at the end of the year the fund returned to its initial conditions. Expenditures were attached to the spending of those state agencies who received money from the reserve fund, while illegal and irresponsible spending of funds in the budget was considered as increase of budget.

This regrettable experience makes the mentioned initiative more suspicious and dangerous, especially if considering that it implies not only money from the president [] reserve fund, but any procurements connected to presidential events. The last issue lacks any sense and logics, since [] event A may have unlimited interpretations, moreover if considering that the source of funding is not indicated at all.