

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA Comments on the Establishment of the State Constitutional Commission

On October 4 the Parliament of Georgia adopted a resolution on the [“establishment of the State Constitutional Commission”](#) for revision of the existing Constitution (effective as of October 9). Speaker of the Parliament Davit Usupashvili was appointed as the chairman of the commission. Under the resolution, the commission will be manned by politicians as well as chairpersons of the Constitutional and Supreme Courts as well as Adjara A/R Supreme Council, the public defender, the Minister of

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Justice, secretaries of the president and the parliament of Georgia, chairperson of the bar association, and “no more than 20 experts-specialists of public policy and public administration, including NGOs specializing in the field.” The Commission should submit draft Constitutional law to the parliament of Georgia until September 1, 2014. GYLA welcomes the initiative. There are a number of gaps in the existing Constitution, first and foremost related to the existing model of checks and balances. It is highly important to address the issue, as it would impact lives of every individual and the future of the country.

The Constitution is an enduring document of historic importance, in which societies reflect their fundamental values by means of their elected representatives, and impose the obligation to protect these values both on the authorities as well as themselves and future generations.

Since the day it was adopted the Constitution of Georgia was amended 30 times. Regrettably, these changes were mostly tailored on the arrow needs of individual political parties rather than that of the country. Such attitude of the state institutes towards the Constitution has engendered certain nihilism in public over the years and questioned the mission of the most important document for the country – Constitution.

We remain hopeful that current authorities and all stakeholders involved will display high sense of responsibility towards the process of revision of the Constitution, and will be guided solely by the interests of democratic development of the country in the process of making decisions.

We would like to also highlight that in view of its vital role in the democratic political system the Constitution should be the result of maximum public consensus. It is the only way to establish a document with stable and solid, sustainable goals. Therefore, both the result and the course of the process of revision will be equally important.

We welcome the fact that under the parliament’s resolution the commission will be manned by representatives of various civil society actors, including NGOs.

It is also important that the process of revision is conducted with maximum involvement of broader public in addition to members of the commission by holding public discussions or by other means. Further, transparency of all stages within the

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process must be ensured, **including adoption of regulations of the State Constitution Commission.**

Draft of the regulations in addition to composition of the Commission should be submitted within the next month by the chairman of the commission to the parliament for its approval. **The document is of high importance as it determines structure of the commission, procedures related to its operation, review of issues and decision-making, as well as mechanisms of public involvement in the work of the commission and other organizational issues.**

We believe that prior to the approval of the document discussions should be held by the parliament, and stakeholders should be able to express their opinions to have an influence.

In view of its years of experience in Constitutional legal drafting, GYLA stands ready to participate in elaboration of the commission regulations as well as its further operations, for promotion of transparency of the process and decision-making based on public consensus.