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SYNOPSIS

Conference on “The Constitutional Organisation of the State” (Tbilisi, 18-19 May 2004)

The Conference

The Venice Commission organised, in co-operation with the Constitutional Court of Georgia, a conference on “The constitutional organisation of the State” in Tbilisi (Georgia) on 18 and 19 May. The Conference was attended by scholars, members of the Georgian Constitutional Court and of NGOs, representatives of the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe, members of the Venice Commission and other representatives of the international community.

Opening speeches by Mr Joni Khetsuriani, President of the Constitutional Court of Georgia, Mr Gianni Buquicchio, Secretary of the Venice Commission, and Mr Evgeni Kirilov, rapporteur on Georgia of the Monitoring Committee of the Parliamentary Assembly, underlined that the topics of the Conference were closely linked to recent events in Georgia following the “rose revolution” which took place first in Tbilisi and then in Batumi.

During the first day the Conference addressed issues of the separation of powers in the light of the recent constitutional amendments in Georgia. On behalf of the Venice Commission Mr Olivier Dutheillet de Lamothe (France) presented the semi-presidential system of government and Mr Sergio Bartole (Italy) spoke on the parliamentary control of the executive. Ms Ketevan Eremadze, assistant to the President of the Constitutional Court of Georgia, and Mr David Usupashvili, IRIS-Georgia, addressed the specific situation in Georgia. Participants acknowledged that the move from a purely presidential to a semi-presidential system of government was positive in the context of the specific situation of Georgia but that it had not been carried out in a coherent manner and that the process of constitutional reform should be continued. Participants from Georgia agreed with arguments put forward in this respect in the Venice Commission opinion on the (draft) amendments to the Constitution (CDL-AD(2004)004).

Discussions on the second day focused on territorial organisation following the restoration of Georgian Government authority in the Autonomous Republic of Adjara.

Mr Giorgio Malinverni (Switzerland) presented the concept of asymmetrical federalism and its practical implementation in a number of countries, Mr Llibert Cuatrecasas (Spain), former President of the Congress of Local and Regional Authorities, presented the Spanish system of asymmetric competences, and Mr Hans-Heinrich Vogel (Sweden) described the division of responsibilities in the economic and financial field in federal states or between states and autonomous regions. Mr Konstantin Kublashvili, former Deputy Minister of Justice of Georgia, noted that the concept of asymmetric federalism provided the best perspective for a settlement of the conflict in Abkhazia and developed far-reaching proposals, granting wide autonomy to this Autonomous Region.

The Conference received broad media coverage, both in the written press and television.

Other meetings

President Saakashvili received the delegation on 18 May. The President referred to the continuous good co-operation between Georgia and the Venice Commission. He said that the move to a semi-presidential system of government had been necessary, in particular to enable the President to focus on priority issues. The constitutional reform did not fully follow the French model, mainly because there had been a lot of resistance to the idea of the President being able to dissolve parliament without a precise reason. The constitutional amendments adopted in February were not to be considered as definitive but the solutions chosen should be reviewed at a later stage, possibly around 2007 when Georgia would be preparing for EU accession talks.

With respect to territorial organisation the President underlined that the case of Adjara was very different from South Ossetia and Abkhazia and that these entities would get far broader autonomy than Adjara. The concept of asymmetric federalism as discussed at the Conference seemed very relevant for the situation in Georgia.

Ms Heidi Tagliavini, Special Representative of the UN Secretary General to Georgia, briefed several members of the delegation on the situation with respect to the conflict in Abkhazia. She underlined that the Georgian authorities had taken several positive steps increasing trust between both sides. These included action against criminal groups thereby increasing security and a diminished role for the Abkhaz institutions in exile. The new approach of the Georgian authorities was more pragmatic and less focused on conceptual issues. This did however not mean that a settlement seemed within reach. The Abkhaz side still refused to discuss political issues and a fundamental change in the Abkhaz position seemed unlikely before the presidential elections in Abkhazia scheduled for October.

G. BUQUICCHIO

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