

[This letter was translated by TI Georgia]

To  
Mrs. Tamar Khidasheli  
Mrs. Nina Khatiskatsi  
Mr. Levan Dolidze

September 2, 2010

I want to thank you for the letter sent to me on August 25, which includes a demand to suspend public discussions about new amendments to the Constitution. According to you it is still not generally known why the Constitutional Commission did not accept some of the opinions provided by various NGOs and political organizations. Consequently, you probably do not like the draft of the Constitutional Amendments created by the Commission and would like to make major changes during the review process.

I can only speculate about the form of the constitution which would meet your expectations, since I have not been following your opinion by media or by other means, but I assure you that during the past several months every interested person could acquire all necessary information about the future constitutional formulation of the country. Neither was the work of the state commission (formed also by NGO members) unknown to the general public. Therefore, public reviews did not start at the end of July, but in fact, at this time they were in their final stage determined by current constitution.

Moreover, the discussion will last throughout September. The transfer of this process to the Parliament will also be safeguarded by absolute transparency. One more time, you will have the possibility to express your arguments vis-à-vis the Constitutional Commission, as well as the commission which is in charge of organizing public review of the constitutional draft and Parliament. If you believe that these two commissions are based on legal grounds and that Parliament is representing the majority of society, this process (safeguarded as well by media oversight) should not make you feel dissatisfaction or lack of legitimacy.

But if you believe that we, deputies and the members of the first and second commission, do not satisfy the requirements of the law or society, and that neither did the international reviews legitimize the process, and that the only valuable opinions worth taking into the consideration are of those political parties enjoying your sympathy, in that case we won't be able to come to an agreement about the framework and content of the process.

As for the content of the new edition of the project and its principal regulations, they were passed by the State Commission and I do not think that it would be legal or fair to change them fundamentally. We have already admitted that while taking into consideration foreign challenges and difficulties on the path to modernization, the model of classical parliamentary republic carries a risk of creating endlessly unstable governments and placing this obstacle in the way of reforms. This is purely an argument of political theory. I understand that some NGOs do not recognize or simply are not familiar with political theory, but politics has its own framework of rationality and this works despite the taste of individual policy-makers or civil activists.

This rationale, namely the necessity of the country's modernization, caused the amendment to the Constitution in 2004. You examine the current amendments out of context and without taking into consideration the missions facing the country. Our current task is responding to the new situation: already accomplished or yet-unsolved tasks and missions. At this stage of development, the new amendments to the Constitution provide

for increasing the role and power of Parliament and political parties in policy-making and growing the autonomy of the government. But the institution of highly legitimate president or arbiter is also absolutely necessary. At least, the constitutional model from the manual of political theory is not an aim but rather a mechanism to accomplish the various missions (security, economical transformation) corresponding to the time and the requirements of society. In my opinion, these arguments are clear but you still ask about the “unknown reasons” why the remarks of NGOs or of influential political spectrum have not been taken into consideration. (I do not want to ask whom do you consider to be part of the “influential” political spectrum or of NGOs, because they are more various and diverse than you think.)

If you are concerned about some issues within the draft constitution, such as the status of normative acts, the procedure of the vote of no confidence in the government, or other concrete issues that are always expressed during public discussions, it is absolutely legitimate to debate on these issues and let’s continue discussing them during the next several weeks. Why would that not be enough? We, the members of organizing commission, in contrast to you, have to attend such discussions, and other than the month of August we did not feel there was a lack of participants.

To conclude, what positive result will come from postponing all this for 2011? This process has been continuing more than a year and included your participation. Our mission is to transfer the system from a leader-oriented to a institutions-oriented system, which will be one of the guarantees of irreversible democratic process. The endless speculation and uncertainty of the people about the form of government is not good for stability, so the demands of legitimacy (discussion before and after August) and predictability (stability) are satisfied. We hope that your wish to postpone the process until 2011 is caused by uncertainty or your interest in giving additional power to your organizations. This is quite clear, but I do not think it is quite an argument. In our opinion, there are many other means for collaboration or rivalry in these or other issues.

With Respect,

Davit Darchiashvili

Head of Committee