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Georgian Institute of Politics

EXPERT POLLS

Issue #4

Experts Critical of GD's Constitutional Amendments

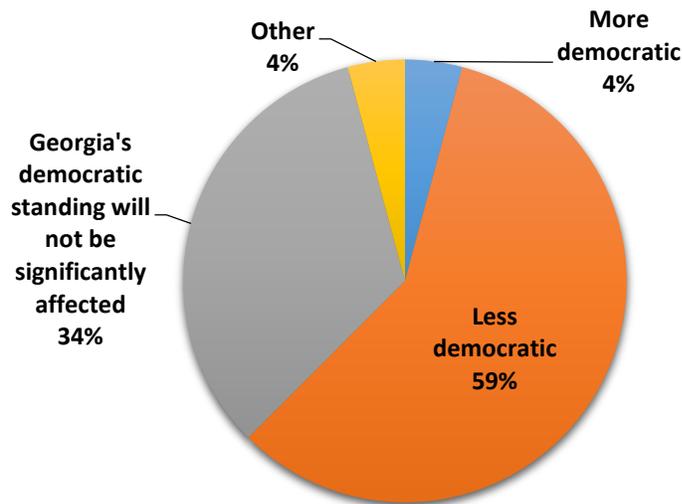
The Georgian Institute of Politics (GIP) asked 25 Georgian and international engaged observers and experts about the main issues related to Georgia's constitutional amendments. The poll covered a wide array of questions regarding the role of the president, new election procedures for the president and parliament, and checks and balances. The survey also asked experts to provide general comments and recommendations.

The majority of respondents expressed critical views, expecting the amendments to have negative impacts on Georgia's democratic development. The bulk of criticism was devoted to the draft constitution's procedures on presidential and parliamentary elections.

OVERALL ASSESSMENT

Overall, the majority of Georgian and international observers consider the constitutional amendments to be either useless or to have damaging impacts on Georgia’s political system. Fifty-nine percent of respondents said that amendments would make Georgia “less democratic” while 34% think they would not affect Georgia’s democratic standing (Figure 1). Only one observer out of 25 was optimistic enough to assess the amendments’ impact as positive (Figure 1).

Figure 1: Overall, will the constitutional changes make Georgia a more or less democratic country?



The respondents, both foreign and Georgian, were also unanimous in their critical assessments of the “main objective of the GD government behind initiating the new constitutional amendments.” The majority of experts see the amendments as a power grab by the ruling party and not as an attempt to achieve further democratic progress. According to the responses given, GD initiated the changes to “consolidate” and “monopolize” power, “reduce opposing voices and consolidate control”, “lengthen the power to the fullest extent possible” and “strengthen the control that Mr. Ivanishvili has on the Georgian political system.” One foreign observer compared the current constitutional amendment process to that of 2010 “in a sense of using constitution to the benefit of the party in power” and another observer drew similarities between GD’s tactics and those used by Vladimir Putin to consolidate power in Russia.

On a positive note, one respondent identified the amendment to ban party blocs from competing in elections as a positive change: “High barrier and lack of blocks will have a positive effect on political environment, as it will eventually force likeminded parties to

join forces, currently there are too many similar platform parties, resulting in dilution of votes.” Another observer also argued provocatively that the new and less democratic constitution might give GD a chance to act more decisively in implementing unpopular reforms: “Overall, setting the environment where it is hard to lose next elections is not very democratic, but it does have its benefits: it allows the ruling party to implement unpopular, but necessary changes. Whether GD is capable of it, that is a different question.”

At the end of the survey, the experts were asked to provide recommendations for the government and for the Constitutional Reform Commission regarding the constitutional changes. From more than 20 recommendations, we could identify three issues of concern raised by the majority of respondents. First, respondents criticized the government for its lack of appetite for dialogue and for its unwillingness to seek a consensus with other political and societal actors. Second, the experts underlined several particular inconsistencies which expose the political character of the reform. For instance, as one respondent indicated, it is unclear why the Constitutional Reform Commission insists on increasing the minimum age for presidential candidates whereas “age or other requirements of prime minister (the most important figure) not specified.” Third, and most importantly, the majority of experts criticized the amendments as being undemocratic and leading to diminished accountability and pluralism—and potentially to more centralization of power. Among the main concerns mentioned were “the reduction of municipal self-governance, which disrupts Georgia's democratic evolution as well as economic development” and the detrimental effects of the winner-take-all clause in the parliamentary election system, a feature which may even result in riots and destabilization.

Based on the concerns and suggestions raised by the respondents, we were able to identify three key recommendations expressed by the majority of them:

- Maintain direct election of the president;
- Revoke the winner-take-all principle in parliamentary elections by distributing excess votes equally among all parties that pass the threshold, and lower the threshold to 3% or 4%; and
- Work closely with domestic and international societal actors and take a more consensus-oriented approach.

ELECTION OF PRESIDENT

Arguably the main topic on which the majority of respondents displayed strikingly similar negative opinions involved presidential election procedures. Ninety-two percent of respondents indicated that “direct election” would be more suitable for Georgia’s democratic development. Only one expert favored presidential election by parliament, and another expert supported indirect election in the long run but acknowledged its short-term dangers: “In the long term, a purely parliamentary system is likely to be more stable even though it would likely be upsetting in the short term.”

Figure 2: In your opinion, taking into account Georgia's political system but also its historical, social, and political context, which model of presidential election would be more suitable for the country's democratic development?

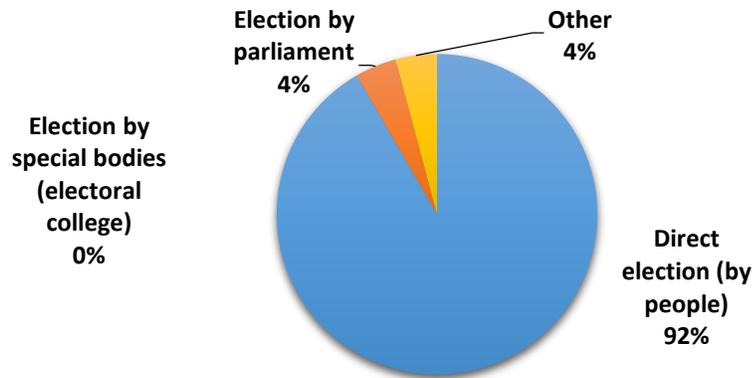


Figure 3: According to the draft amendments, direct election of the president will be abolished and the president will be elected by an Electoral College composed of 300 MPs as well as local and regional government representatives. In your opinion, how will the new election procedures affect the democratic development of the country?

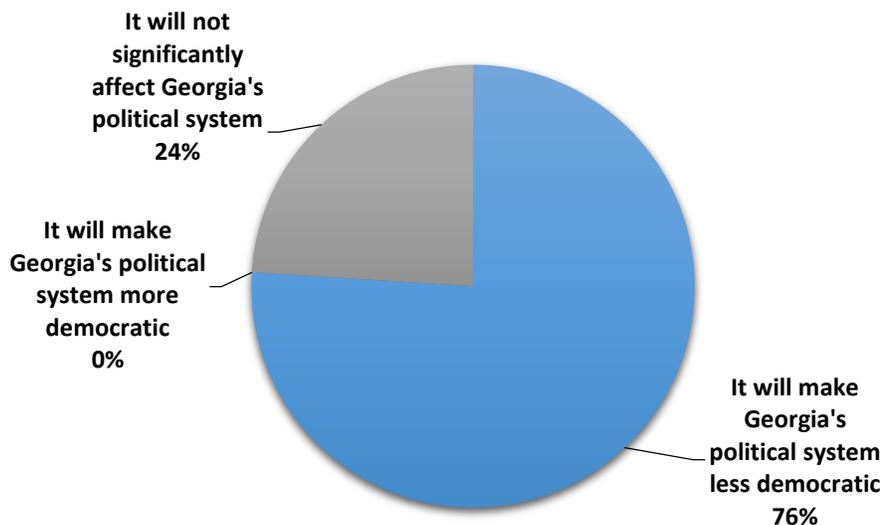


Figure 4: How do you assess the weakening of the presidency by the elimination of a number of presidential functions, including abolition of the National Security Council and deprivation of the right to “to request particular matters to be discussed at the Government session and participate in the discussion”?

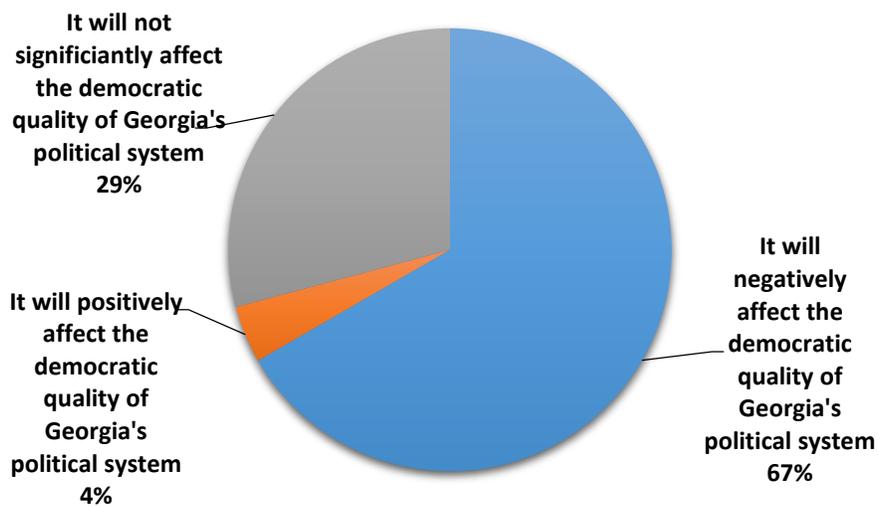
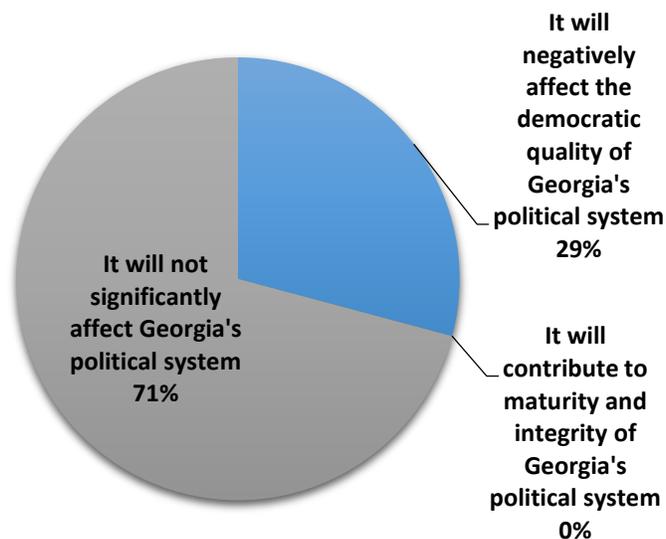


Figure 5: How do you assess the establishment of a ten-year-long residence requirement for presidential candidates?



ELECTORAL SYSTEM

Perhaps unsurprisingly, the topic of the parliamentary election system attracted the most criticism from respondents. Ninety-six percent of experts said that adoption of a fully-proportional election system under the condition that the winning party is allocated all votes from those parties that fail to pass the threshold would have a damaging impact on the democratic quality of elections and Georgia's political system overall. Only one observer said the change would not significantly affect the democratic quality of elections (Figure 7). Not a single respondent assessed the proposed change positively (Figure 7). The experts also critically assessed the proposed amendment on banning the establishment of party blocs prior to elections. Seventy-nine percent of respondents expressed the opinion that the change would lead to a decrease in the integrity and democratic quality of parliamentary elections. Only 13% anticipate a positive impact of the change.

Figure 6: How do you assess the proposed amendment on banning the establishment of party blocs prior to elections?

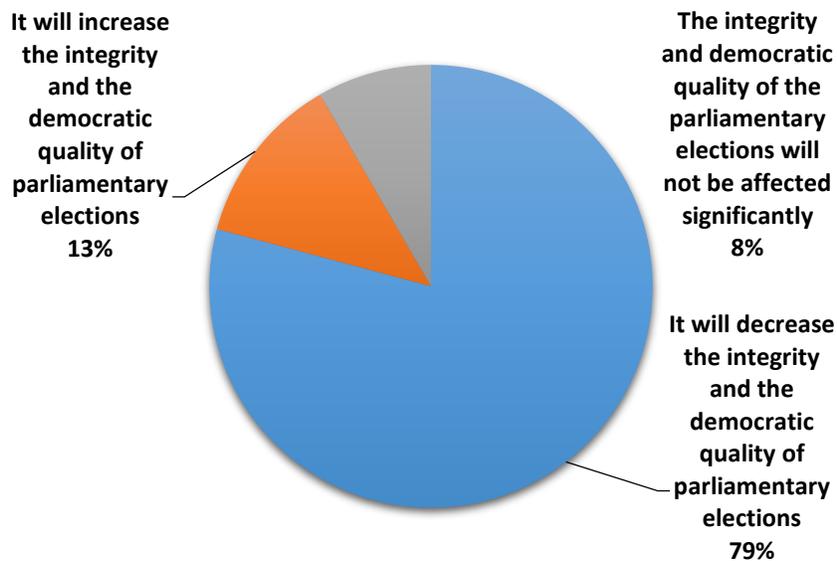
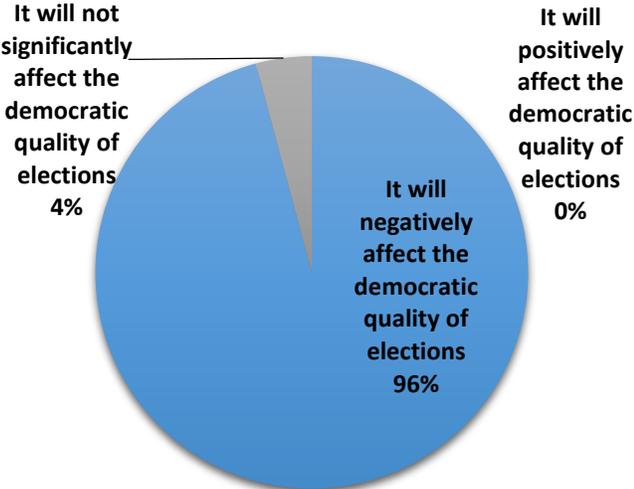


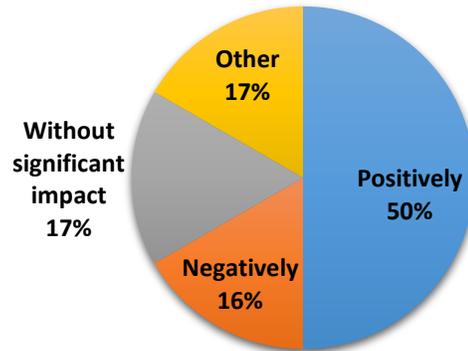
Figure 7: How do you assess the adoption of a fully-proportional election system under the condition that the leading party is allocated all votes from those parties that fail to pass the threshold?



LIGHT AT THE END OF THE TUNNEL?

The only area in which positive opinions outnumbered negative was the proposed reform of the prosecutor's office. Half the interviewed respondents positively assessed the proposal to turn the prosecutor's office into an independent agency accountable to the parliament. Sixteen percent assessed the change negatively and 17% considered the amendment to not have a significant impact. Few respondents also indicated that the amendment could in principle contribute to a more democratic political system but that it would require proper implementation by the government.

Figure 8: According to the draft amendments, the prosecutor's office would no longer be subordinated to the Ministry of Justice but would instead function as an independent agency accountable to the parliament. In your opinion, if implemented properly, how would this affect the checks and balances and democratic quality of the country?



NOTE ON METHODOLOGY

Expert surveys are a widely-applied method in many countries. In applying this method to the Georgian context we adhered to a number of principles to ensure quality results that reduce bias as much as possible. First, we asked only those experts who are widely engaged in their observation capacities in Georgia's political processes. Second, to obtain the balanced views of both domestic and outside observers, we surveyed both Georgian

and international experts. Third, to keep the results free from political bias we asked only those experts who are not engaged in party politics and are not affiliated nor have any close connections with any of Georgia's political parties.

GEORGIAN INSTITUTE OF POLITICS (GIP)

Tbilisi-based non-profit, non-partisan, research and analysis organization. GIP works to strengthen the organizational backbone of democratic institutions and promote good governance and development through policy research and advocacy in Georgia.

