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[Umudlu] We now have unemployment, a surplus work force. What if an emigrant wants work?

[Akhmedzade] During the Soviet period, we took three days to determine who would live and work where, and to set an allowance. If a person was an urban resident, we sent him to one of the republic's cities. If he was from one of the rural localities, we guaranteed him work on a sovkhoz in one of the rural rayons. For example, about 90 percent of the workers of Kolkhoz No. 112, Kubinskiy Rayon, the Sovkhoz imeni Lenina in Shemakhinskiy Rayon, and one of the sovkhozes in Kazakhskiy Rayon were emigrants. They did not have a bad life. Whereas now....about 300 Iranians and Afghans without any registration roam about Baku, working nowhere.

[Umudlu] Is there a way out of the situation?

[Akhmedzade] The problem of immigration is very considerable, and the OKP cannot solve it on its own. In the middle of October, at the initiative of the UN Office of the High Commissioner for Refugees, with participation of representatives of the Cabinet of Ministers, the Supreme Council, the OKP, and European countries that have a great deal of experience in this matter, an expanded conference took place in Baku. We came to the conclusion that, as it is done in civilized countries, it is necessary to create a separate, centralized immigration directorate under the Justice Ministry or under the Azerbaijan Committee for Refugees. I repeat that state support and attention are necessary—this is the prestige of our state. If people search for a haven under our flag, we ought to protect them in a worthy manner. SNH/collier 04/1300z dec (endall) BT #7817 NNNN

Georgia

Text of Constitution Published

AU2711174695 *Tbilisi SAMSHOBLO PORTE*
in *Georgian Oct 95 No 17 p 5-12*

["The Georgian Constitution Adopted on 24 August 1995"]

[FBIS Translated Text] We, citizens of Georgia,

whose unshakable will it is to establish a democratic social system, economic freedom, and a social and rule-of-law state,

guarantee universally recognized human rights and freedoms,

strengthen state independence and peaceful relations with other peoples,

basing ourselves on the many-centuries old traditions of Georgian national statehood and the basic principles of the Georgian Constitution of 1921,

publicly proclaim this Constitution.

Chapter One

General Rules

Article 1

1. Georgia is an independent, united, and undivided state, which has been confirmed by the referendum conducted throughout the entire territory of the republic, including in the Abkhazian ASSR [Autonomous Soviet Socialist Republic] and in the former Autonomous Oblast of South Ossetia on 31 March 1991 and in accordance with the Act on the Restoration of the State Independence of Georgia of 9 April 1991.

2. The Georgian state is a democratic republic according to its political structure.

3. The name of the Georgian state is "Georgia."

Article 2

1. The territory of the Georgian state is determined as of 21 December 1991. Georgia's territorial integrity and the inviolability of its state borders are confirmed by the Georgian Constitution and laws and are recognized by the world community of states and international organizations.

2. The alienation of the territory of the Georgian state is prohibited. The state's borders may be changed only in accordance with a mutual agreement concluded with the neighboring state.

3. Georgia's state-territorial organization is determined in accordance with constitutional law on the basis of the principle of the division of powers following the complete restoration of Georgian jurisdiction on the entire territory of the country.

4. Citizens of Georgia regulate matters of local importance through self-government without violating the sovereignty of the state. The rules governing the creation of local bodies of self-government, their powers, and their relations with state bodies are determined by fundamental [organuli] law.

Article 3

1. The following fall within the exclusive jurisdiction of Georgia's supreme bodies of state:

a) Legislation on Georgian citizenship, human rights and freedoms, emigration and immigration, entry into and departure from the country, and the temporary

or permanent residence in Georgia of people who are nationals of other states or who are stateless;

b) The status, regime, and protection of the state's borders; the status and protection of territorial waters, air space, the continental shelf, and a particular ecological zone;

c) The defense and security of the state, the Armed Forces, the military industry, and trade in armaments;

d) Questions of war and peace; the establishment and introduction of the rule-of-law regime of a state of emergency or martial law;

e) Foreign policy and international relations;

f) Foreign trade and customs and tariff regimes;

g) State finances and state loans; the minting of money; bank, credit, and insurance legislation;

h) Standards and measurements; geodesy and cartography; the establishment of precise time; state statistics;

i) A single power system and regime; communications; the merchant fleet; ships' flags; ports, airports, and airfields of general state importance; the control of air space, air transit, and air transport and the registration of air transport; meteorological service; the system for observing the state of the environment;

j) Railways and highways of national importance;

k) Fishing in oceans and open seas;

l) The border sanitary cordon;

m) Legislation on pharmaceutical preparations;

n) Certification and accreditation in secondary and higher educational establishments; legislation on academic, scientific, and professional ranks and titles;

o) Legislation on intellectual property;

p) Commercial, criminal, civil, administrative, and labor law and legislation on the execution of punishment and procedural legislation;

q) Criminal policy and investigation;

r) Legislation on land, mineral wealth, and natural resources;

s) Questions falling within joint jurisdiction are determined separately.

Article 4

1. Following the creation of the appropriate conditions throughout the territory of Georgia and the formation of bodies of local self-government, the Georgian Parlia-

ment will be composed of two chambers: The Council of the Republic and the Senate.

2. The Council of the Republic is composed of members elected according to the proportional system.

3. The Senate is composed of members elected in Abkhazia, Ajaria, and other territorial units in Georgia and five members appointed by the president of Georgia.

4. The composition, powers, and procedure for election of the chambers are determined by fundamental law.

Article 5

1. The people are the source of state power in Georgia. State power is implemented within limits established by the Constitution.

2. The people implement their power by means of a referendum, other forms of direct democracy, and through their own representatives.

3. No one has the right to usurp or illegally acquire power.

4. State power is implemented on the basis of the principle of the division of power.

Article 6

1. The Georgian Constitution is the supreme law of the state. All other juridical acts shall correspond to the Constitution.

2. Georgian legislation corresponds to the universally recognized principles and norms of international law. An international treaty or agreement, provided it does not contradict the Georgian Constitution, has primary juridical force in respect of internal state normative acts.

Article 7

The state recognizes and defends universally recognized human rights and freedoms as eternal and supreme human values. During the implementation of power, the people and the state are restricted by these rights and freedoms as the law that is directly in force.

Article 8

The Georgian state language is Georgian and in Abkhazia also Abkhazian.

Article 9

The state recognizes the exceptional role of the Georgian Orthodox Church in Georgian history and, at the same time, declares the complete freedom of faith and religion and the independence of the church from the state.

Article 10

The capital of Georgia is Tbilisi.

Article 11

The symbols of the Georgian state are determined by fundamental law.

Chapter Two

Georgian Citizenship.

Fundamental Human Rights and Freedoms.

Article 12

1. Georgian citizenship is acquired by birth and naturalization.
2. A Georgian citizen may not, at the same time, be a citizen of another state.
3. The procedure for the acquisition and loss of Georgian citizenship is determined by fundamental law.

Article 13

1. Georgia protects its citizens irrespective of their place of residence.
2. It is impermissible to deprive a person of his citizenship.
3. It is impermissible to expel a citizen of Georgia from Georgia.
4. It is impermissible to extradite a citizen of Georgia to a foreign state except in those cases provided for in international treaties. An appeal against the decision to extradite a citizen may be made to the court.

Article 14

Every person is free by birth and equal before the law irrespective of race, color of skin, language, sex, religion, political and other views, national, ethnic, and social affiliation, origin, property and class status, and place of residence.

Article 15

1. A person has the inviolable right to life and it is protected by law.
2. Until its complete abolition, the death penalty may be prescribed by fundamental law for a particularly grave crime against life. Only the Georgian Supreme Court has the right to apply this punishment.

Article 16

Everyone has the right to develop freely his own personality.

Article 17.

1. Respect for a person and his dignity are inviolable.

2. It is impermissible for a person to be subjected to torture, and inhuman, cruel, or humiliating treatment and punishment.

Article 18

1. A person's freedom is inviolable.
2. The suppression of freedom or any other restrictions on individual freedom are impermissible without a decision of the court.
3. In certain cases provided for by law, a person may be arrested by a person invested with emergency powers. The person under arrest or whose freedom has been restricted in any other way should appear before the court to face the appropriate charges within 48 hours. If the court does not adopt a decision on his imprisonment or on any other restriction of his freedom within the following 24 hours, the person should be released immediately.
4. It is impermissible to apply physical or psychological coercion on a person under arrest or whose freedom has been restricted in any other way.
5. Immediately upon being detained or arrested, the detained or arrested person should have his rights or the reason for the restriction of his freedom explained to him. Immediately upon his detention or arrest, he may demand the help of a defense attorney and this demand should be granted.
6. The period of detention for someone suspected of committing a crime should not exceed 72 hours while the accused may be held in custody for no more than nine months.
7. Violation of the requirements of this article are punishable according to the law. A person who has been detained or arrested illegally has the right to receive compensation.

Article 19

1. Each person has freedom of speech, thought, conscience, and faith and religion.
2. It is impermissible to persecute a person on account of what he says, thinks, and the faith or religion he professes or to compel him to express his views on these freedoms.
3. It is impermissible to restrict the freedoms listed in this article provided their expression does not violate the rights of others.

Article 20

1. Each person's private life, private space [piradi sakmianobis adgili], personal notes and correspondence,

telephone conversations and those conducted by other technical means and also communications received by technical means are inviolable. The restriction of these rights is permissible by a decision of the court or without it when there is an urgent need provided for by law.

2. No one has the right to enter a dwelling and other property against the owner's will or to conduct a search without a decision of the court or unless there is an urgent need as provided for by law.

Article 21

1. Property and succession are recognized and guaranteed. It is impermissible to abolish the universal right to the acquisition, transfer, or inheritance of property.

2. It is possible to restrict the rights mentioned in Paragraph 1 for essential public needs in certain cases determined by law and in accordance with the established procedure.

3. It is permissible to confiscate property for essential public needs in cases directly provided for by law, according to a decision of the court, or in the event of urgent need prescribed by fundamental law and with the appropriate compensation.

Article 22

1. Each person who legally resides in Georgia has the right freely to travel throughout its territory and choose his place of residence.

2. Each person who legally resides in Georgia may freely leave Georgia. A citizen of Georgia may freely enter Georgia.

3. The restriction of these rights is possible only in accordance with the law with the aim of ensuring state or public security that is necessary for the existence of a democratic society, protecting health, preventing crime, or administering justice.

Article 23

1. The freedom of intellectual creativity is guaranteed. The right to intellectual property is inviolable.

2. Interference in the creative process and censorship in the sphere of creative activities are impermissible.

3. It is impermissible to sequester and forbid the dissemination of creative works if their dissemination does not infringe upon the legal rights of other people.

Article 24

1. Each person has the right freely to receive and disseminate information and express and disseminate his views orally, in writing, or by other means.

2. The mass media are free. Censorship is impermissible.

3. The state or separate individuals do not have the right to monopolize the mass media or the means of disseminating information.

4. The exercise of the rights enumerated in paragraphs 1 and 2 of this Article may be restricted by law in accordance with those conditions that are necessary in a democratic society to ensure state or public security and territorial integrity, prevent crime, protect the rights and dignities of others, prevent the dissemination of information recognized as confidential, or ensure the independence and impartiality of the court.

Article 25

1. Everyone, except for those who are in the Armed Forces, police, and Security Service, has the right to assemble publicly and without weapons both inside buildings and outside without prior permission.

2. The necessity of notifying the authorities in advance may be established by law, if the gathering or demonstration is held in a place where people and transport are circulating.

3. The authorities may halt the gathering or demonstration only if it acquires an illegal character.

Article 26

1. Everyone has the right to form public associations, including professional unions, and to unite within them.

2. In accordance with fundamental law, citizens of Georgia have the right to form political parties and other political associations and to participate in their activities.

3. The formation and activities of such public or political associations whose aim is to overthrow or change by force the constitutional system of Georgia, infringe upon the country's independence, violate its territorial integrity, propagandize war or violence, or kindle national, local, religious, or social strife, are impermissible.

4. It is impermissible for public or political associations to form armed formations.

5. Persons serving in the Armed Forces, State Security Service, or internal affairs bodies who are appointed or elected as judges or procurators cease to be members of political associations.

6. It is possible to halt or forbid the activities of public and political associations only by a decision of the court in certain cases and according to the procedure prescribed by fundamental law.

Article 27

The state is empowered to establish restrictions on the political activities of foreigners and stateless persons.

Article 28

1. Each citizen of Georgia who has reached the age of 18 has the right to participate in a referendum and elections of state and local administrative bodies. The freedom of electors to express their will is guaranteed.
2. Those people who have been recognized by the court as incompetent or who are serving a prison sentence imposed by the court do not have the right to participate in elections or a referendum.

Article 29

1. Each citizen of Georgia has the right to hold any state post provided he satisfies the requirements prescribed in legislation.
2. The conditions of state service are determined by law.

Article 30

1. Labor is free.
2. The state is obliged to promote the development of free enterprise and competition. Monopolistic activities are prohibited except in cases permitted by law. The rights of consumers are protected by law.
3. The state protects the rights of Georgian citizens abroad in accordance with international agreements on labor.
4. The protection of labor rights, fair remuneration, healthy working conditions, and conditions of work for minors and women are determined by law.

Article 31

The state concerns itself with equal socioeconomic development throughout the entire territory of the country. Benefits ensuring socioeconomic progress in high-mountain regions are prescribed by law.

Article 32

The state assists Georgian citizens left without work in finding employment. The conditions for providing the minimum for subsistence and the status of the unemployed are determined by law.

Article 33

The right to strike is recognized. The rules governing the exercise of this right are determined by law. The law also establishes guarantees concerning the activities of vitally important services.

Article 34

1. The state promotes the development of culture, the unrestricted participation of citizens in cultural life, the display and enrichment of cultural originality, the recognition of national and universal values, and the deepening of international cultural ties.

2. Each citizen of Georgia is obliged to display concern for the protection and preservation of his cultural heritage. The state protects its cultural heritage by law.

Article 35

1. Everyone has the right to receive an education and choose its form.
2. The state ensures that educational programs correspond to international rules and standards.
3. Preschool education is provided by the state. Primary education is compulsory. A basic education is provided at the state's expense. Citizens have the right to receive secondary, professional, and higher education free of charge according to the procedure prescribed by law and within the established limits.
4. The state supports educational institutions according to the procedure established by law.

Article 36

1. Marriage as a voluntary union is based on the equal rights of the married couple.
2. The state promotes the well-being of the family.
3. The rights of mothers and children are protected by law.

Article 37

1. Everyone has the right to take advantage of health insurance as an accessible means of medical assistance. Free medical assistance is provided under certain circumstances according to the procedure established by law.
2. The state controls all public health institutions and the production of medicines and trade in them.
3. Everyone has the right to live in a healthy environment and to enjoy the natural and man-made [kulturuli] surroundings. Everyone is obliged to protect the natural and man-made surroundings.
4. In order to create a healthy environment and in accordance with the ecological and economic interests of society and taking into account the interests of the present and future generations, the state ensures the protection of the environment and its rational use.

5. A person has the right to receive full, objective, and timely information concerning the state of the environment in which he lives and works.

Article 38

1. Citizens of Georgia have equal rights in social, economic, cultural, and political life irrespective of their language or national, ethnic, and religious affiliation. In accordance with universally recognized principles and norms of international law, they have the right freely to develop their own culture and use their native language in their private lives and publicly without any discrimination and interference.

2. In accordance with universally recognized principles and norms of international law, in exercising their rights, minorities shall not act in a way that is at variance with Georgia's sovereignty, the state system, and its territorial integrity and political independence.

Article 39

The Georgian Constitution does not deny other universally recognized human and civil rights, freedoms, and guarantees not mentioned in it, but they proceed per se from the principles of this Constitution.

Article 40

1. A person is considered innocent until his guilt is proved in accordance with the procedure prescribed by law and a verdict of "guilty" is passed by the court and becomes valid in law.

2. No one is obliged to prove his innocence. The obligation of proving guilt rests with the accuser.

3. The resolution on instigating criminal proceedings against a person as the accused, an indictment, and a verdict of "guilty" shall be based only on reliable proof. Any accusation that cannot be proved according to the procedure prescribed by law shall be interpreted in favor of the accused.

Article 41

1. In accordance with the procedure prescribed by law, each citizen of Georgia has the right to familiarize himself with information about himself in state institutions and also official documents held there provided they do not contain state, professional, or commercial secrets.

2. No one shall have access to information in official institutions concerning a person's state of health, financial situation, or other private matters without the consent of the person himself except in cases prescribed by law when this is necessary to ensure national or public security or protect the health and the rights and freedoms of others.

Article 42

1. Each citizen has the right to appeal to the court to protect his rights and freedoms.

2. Each person shall be tried only by that court to whose jurisdiction his case has been assigned.

3. The right of defense is guaranteed.

4. No one may be tried a second time for the same crime.

5. No one is held responsible for an act that was not considered a violation of the law at the time it was committed. If the law does not mitigate or revoke liability, it has no retroactive force.

6. The accused has the right to demand that his witnesses are summoned and questioned under the same conditions that exist for witnesses of the prosecution.

7. Evidence obtained by violating the law has no juridical force.

8. No one is obliged to give evidence against himself or his relatives, whose circle is determined by law.

9. Everyone is guaranteed full compensation from state funds in line with judicial procedure for damage caused by state and self-government bodies and their employees.

Article 43

1. Supervision over the protection of human rights and freedoms on the territory of Georgia is carried out by the People's Advocate [damsveli] of Georgia, who is elected for a term of five years by a majority of votes in a full Parliament.

2. The People's Advocate is empowered to expose facts of violations of human rights and freedoms and to pass on this information to the appropriate bodies and persons. The creation of obstacles to the activities of the People's Advocate is punishable according to the law.

3. The powers of the People's Advocate are determined by fundamental law.

Article 44

1. Each person residing in Georgia is obliged to fulfill the requirements of the Georgian Constitution and legislation.

2. The exercise of human rights and freedoms shall not violate the rights and freedoms of others.

Article 45

1. The basic rights and freedoms provided in the Constitution, taking into account their content, also apply to legal persons.

Article 46

1. During a state of emergency or martial law, the president of Georgia has the right to restrict the rights and freedoms enumerated in Articles 18, 20, 21, 22, 24, 25, 30, 33, and 41 of the Constitution. The president of Georgia is obliged to submit this decision within 48 hours to Parliament for ratification.

2. In the event of the introduction of a state of emergency or martial law, presidential and parliamentary elections and those of other representative bodies of Georgia will be held after this state has been lifted.

Article 47

1. Foreign nationals and stateless persons residing in Georgia have the same rights and obligations as citizens of Georgia except in those cases stipulated in the Constitution and law.

2. In accordance with universally recognized norms of international law and as prescribed by law, Georgia offers [political] asylum to foreigners and stateless persons.

3. It is impermissible to extradite to another state refugees who are being persecuted for their political convictions or for actions that, in accordance with Georgian legislation, are not considered a crime.

Chapter 3

The Georgian Parliament

Article 48

The Georgian Parliament is the country's supreme representative body that implements legislative power and determines the basic directions of the country's domestic and foreign policy. It controls the activities of the government within the limits prescribed by the Constitution and it implements other powers.

Article 49

1. Parliament is elected on the basis of universal, equal, and direct suffrage according to a secret ballot for a term of four years. Parliament is composed of 150 members who are elected according to the proportional system and 85 who are elected according to the majority system.

2. A citizen of Georgia, who has reached the age of 25 and has the right to vote, may be elected a member of Parliament.

3. The internal structure of Parliament and the rules governing its work are determined by the Regulations of Parliament.

Article 50

1. A political association of citizens, which has been registered according to the procedure established by law and whose initiative has been confirmed by the signatures of no less than 50,000 electors or which has its representative in Parliament at the time of the scheduling of the elections, has the right to participate in the elections. A person, whose initiative has been confirmed by no less than 1,000 persons or who is a member of Parliament on the basis of the results of the last elections, has the right to participate in elections according to the majority system.

2. The mandates of members of Parliament are distributed only among those political associations and electoral blocs that receive no less than 5 percent of the votes of electors participating in elections according to the proportional system.

3. Regular elections to Parliament are to be held no later than 15 days before its powers expire. If the date of the elections coincides with a state of emergency or martial law, they are to be held no later than 60 days after this state has been lifted. The date of the elections is fixed by the president of Georgia no later than 60 days before they are due to be held.

4. The powers of Parliament cease as soon as the first session of the newly elected Parliament is held.

5. The procedure for electing a member of Parliament and also refusal to allow a person to stand as a candidate in the elections are determined in accordance with the Constitution and fundamental law.

Article 51

The first session of the new Parliament shall take place within 20 days after the elections have been held. The date of the first session is fixed by the president of Georgia. Parliament will start work provided the powers of no less than two-thirds of its members have been recognized.

Article 52

1. A member of the Georgian Parliament is a representative of all-Georgia. He enjoys a free mandate and may not be recalled.

2. The instigation of criminal proceedings against a member of Parliament, his detention or arrest, and a search of his home, car, and place of work, or a body search are only possible upon approval by Parliament.

The exception to this is when he is detained at the scene of a crime, of which Parliament shall be informed immediately. If Parliament does not give its consent, the detained or arrested member of Parliament shall be released at once.

3. A member of Parliament has the right to refuse to give evidence concerning facts that were confided to him as a member of Parliament. It is impermissible to sequester written materials connected with these facts. This right is retained by a member of Parliament even after his powers have expired.

4. A member of Parliament does not bear criminal responsibility while fulfilling his duties in Parliament or for opinions or views expressed by him outside Parliament.

5. Conditions enabling a member of Parliament to exercise his powers are guaranteed. On the basis of an application from a member of Parliament, the appropriate state bodies shall ensure his personal safety.

6. The creation of obstacles preventing members of Parliament from exercising their powers is punishable by law.

Article 53

1. A member of Parliament does not have the right to hold any position in state service or to engage in entrepreneurial activities. Cases in which several posts may be held at the same time are determined by law.

2. In the event that the requirements stipulated in the previous paragraph are ignored, the powers of a member of Parliament are terminated.

3. A member of Parliament receives remuneration as established by law.

Article 54

1. The question concerning the recognition or early termination of the powers of a member of Parliament is decided by Parliament. An appeal against this decision by Parliament may be made to the Constitutional Court.

2. The powers of a member of Parliament are terminated early if:

- a) He has renounced his powers on the basis of a personal statement;
- b) He has been found guilty by the court and the sentence has become legally effective;
- c) The court has recognized him to be incompetent, lost without trace, or dead;
- d) He has held a position or carried out activities incompatible with his status as a member of Parliament;

e) He has lost his Georgian citizenship;

f) He has not participated in the work of Parliament for four months without a valid reason;

g) He dies.

Article 55

1. The Georgian Parliament elects for the duration of its term of office, according to the procedure established in the Regulations and by secret ballot, the chairman of the Georgian Parliament and the deputy chairman, including one deputy chairman each from the members of Parliament elected from Abkhazia and Ajaria and upon their recommendation.

2. The chairman of Parliament directs the work of Parliament, ensures the free expression of views, signs acts adopted by Parliament, and exercises other powers stipulated in the Regulations.

3. The deputy chairmen of Parliament carry out the duties of the chairman on his instructions, in the event that he is unable to exercise his powers, and also in the event that he is removed from his post.

4. The chairman of Parliament carries out all administrative functions in the Parliament building in accordance with the procedure stipulated in the Regulations.

Article 56

1. Committees are created in Parliament for the duration of its term of office to carry out the preliminary preparation of questions, assist in the implementation of decisions, and control the activities of the government and other bodies subordinate to Parliament.

2. An investigative commission and other interim commissions are created in cases stipulated in the Georgian Constitution and the Regulations and also at the request of no less than one-quarter of the members of Parliament. The representation of the parliamentary majority in an interim commission shall not exceed one-half of the total number of members of the commission.

3. At the demand of the investigative commission, attendance at its sessions and also the submission of documents necessary for examining a question are compulsory.

Article 57

1. In order to organize the work of Parliament, a Parliament Bureau is created. It is composed of the chairman of the Georgian Parliament, the deputy chairmen, and the chairmen of the parliamentary commissions and factions.

2. The Parliament Bureau examines questions connected with the appointment of officials listed in the Constitution on the basis of the conclusions of the corresponding committees and in accordance with the procedure stipulated in the Regulations. The Bureau presents its conclusion to the president and Parliament. The Bureau adopts decisions on organizational questions concerning the work of Parliament.

Article 58

1. Members of Parliament may unite to form parliamentary factions. A faction may have no fewer than 10 members.

2. The rules governing the creation and activities of factions are determined by law and by the Regulations of Parliament.

Article 59

1. A member of Parliament has the right to question a body that is subordinate to Parliament, a member of the government, the mayor of a city, the heads of executive bodies of territorial units at all levels, and state institutions and to receive a reply from them.

2. A group of members of Parliament comprising no less than 10 persons and a parliamentary faction have the right to request information from a body that is subordinate to Parliament and a member of the government and these are obliged to respond at the session of Parliament. The response may become the subject of debate in Parliament.

Article 60

1. Sessions of Parliament are open. By a decision of the majority of those in attendance, during the discussion of separate questions, Parliament may declare a session or a part of it closed.

2. An official who has been elected, appointed, or confirmed by Parliament has the right and is obliged, if requested by Parliament, to attend the sessions of Parliament and its committees and commissions. Parliament and the committees or commissions shall listen to what these officials have to say immediately upon receiving a request from them.

3. Voting is always open or by roll-call, except in those cases stipulated in the Constitution and law.

4. The minutes of the sessions of Parliament, with the exception of questions that are not to be made public, are published in the Parliament press organ.

Article 61

1. In accordance with its own rights, the Georgian Parliament assembles for regular sessions twice a year.

The fall session opens on the first Tuesday in September and closes on the third Friday in December. The spring session opens on the first Tuesday of February and closes on the last Friday in July.

2. The president of Georgia, at the request of the chairman of Parliament and no less than one-quarter of the members of Parliament or on his own initiative, convenes an extraordinary session of Parliament between sessions or an extraordinary sitting during the period of work of a regular session. If the act on convocation is not issued within 48 hours of the written request having been submitted, Parliament is obliged to set to work within the next 48 hours in accordance with its Regulations.

3. An emergency sitting of Parliament may only be held in accordance with an agenda that has been prepared in advance and will be closed when all the questions have been dealt with.

4. Parliament shall assemble within 48 hours of the declaration of a state of emergency or martial law by the president. Parliament shall continue its work until this state has been lifted.

Article 62

Parliamentary decisions on questions of war and peace, martial law or a state of emergency, and also questions provided for by Article 48 of the Constitution are adopted by a majority of votes of the total number of members of Parliament.

Article 63

1. In cases provided for by Paragraph 2 of Article 75, no less than one-third of the full composition of Parliament has the right to raise the question of the removal of the president from his post by means of impeachment. The matter is handed over to the Supreme Court or the Constitutional Court for them to reach a conclusion.

2. If the Supreme Court confirms in its conclusion that there are signs of criminal wrongdoing in the actions of the president or the Constitutional Court confirms that he has violated the Constitution, Parliament, after examining the conclusion, adopts a decision by a majority of the total number of its members on holding a vote on the question of removing the president from his post by means of impeachment.

3. The president will be viewed as having been removed from his post by means of impeachment, if this decision is supported by no less than two-thirds of the full composition of Parliament.

4. If Parliament has not adopted a decision within 30 days, the question will be viewed as having been

removed from the agenda and it is impermissible to prefer the same charge during the course of the next year.

5. It is impermissible to discuss the charge preferred against the president in Parliament or to adopt a decision on the removal of the president from his post by means of impeachment when there is a state of emergency and martial law or during war.

Article 64

1. No less than one-third of the full composition of Parliament has the right to raise the question of the removal of the chairman of the Supreme Court, members of the government, the procurator general, the chairman of the Chamber of Control, and members of the National Bank Council from their posts by means of impeachment for violating the Constitution, state treason, or committing any other crime.

2. After receiving the conclusion stipulated in Paragraph 2 of Article 63, Parliament has the right to adopt a decision on the removal of the persons enumerated in Paragraph 1 of this article from their posts by a majority of the total number of its members. Paragraph 4 of Article 63 also applies to these cases.

Article 65

1. Parliament ratifies, denounces, and revokes international treaties and agreements by a majority of the total number of its members.

2. Apart from those international treaties and agreements whose ratification is envisaged, it is also compulsory to ratify those international treaties and agreements that:

- a) Provide for Georgia's entry into international organizations or interstate alliances;
- b) Bear a military character;
- c) Concern the state's territorial integrity or a change of state borders;
- d) Are connected with the receipt or granting of credits by the state;
- e) Call for changes in internal state legislation and the adoption of laws and acts that are valid in law, which are necessary to fulfill international obligations.

3. Parliament shall be informed about the conclusion of other international treaties and agreements.

4. In the event that a constitutional suit is filed or submission is made in the Constitutional Court, it is impermissible to ratify an international treaty or agreement until a decision has been reached by the Constitutional Court.

Article 66

1. A bill or resolution is regarded as having been adopted by Parliament, if it is supported by the majority of those in attendance, but by no less than one-third of the full composition of Parliament provided no other procedure for adopting the bill or resolution has been determined by the Constitution.

2. A draft fundamental law is viewed as having been adopted if it is supported by more than half of the listed [siiti shemadgenlobis] members of Parliament.

3. The consent of Parliament is adopted in the form of a resolution provided no other procedure has been determined by the Constitution.

4. The procedure for adopting other decisions is determined by the Regulations of Parliament.

Article 67

1. The president of Georgia, a member of Parliament, a parliamentary faction, a parliamentary committee, the supreme executive body of Abkhazia and Ajaria, and no less than 30,000 electors have the right of legislative initiative.

2. At the request of the president of Georgia, Parliament examines bills submitted to it out of turn.

Article 68

1. A bill that has been adopted by Parliament is handed over to the president of Georgia within five days.

2. The president signs and promulgates the law within 10 days or returns it to Parliament with explanatory recommendations.

3. If the president returns a bill, Parliament votes on the president's recommendations. The amount of votes established in Article 66 of the Constitution for bills of this type is sufficient for the adoption of the recommendations. If the recommendations are adopted, the final version of the bill is given to the president who signs and promulgates it within seven days.

4. If Parliament has not adopted the president's recommendations, the initial version of the bill is put to the vote. A law or fundamental law is regarded as having been adopted, if it receives the votes of no less than three-fifths of the listed members of Parliament. Amendments to the Constitution are regarded as being adopted if they receive the votes of no less than two-thirds of the full composition of Parliament.

5. If the president has not promulgated the law within the established time period, it shall be signed and promulgated by the chairman of Parliament.

6. A law becomes valid on the fifteenth day following its publication in an official organ, provided no other time period has been established.

Chapter Four

The President of Georgia

Article 69

1. The president of Georgia is the head of the Georgian state and the head of executive power.

2. The president of Georgia directs and implements domestic and foreign policy. He ensures the unity and integrity of the country and also the activities of state bodies in accordance with the Constitution.

3. The president of Georgia is the supreme representative of Georgia in foreign relations.

Article 70

1. The president of Georgia is elected on the basis of universal, equal, and direct suffrage by secret ballot for a period of five years. One and the same person may be elected president for only two consecutive terms.

2. A citizen of Georgia who has the right to vote and who has reached the age of 35 and has lived in Georgia for no less than 15 years and is resident in Georgia at the time of the scheduling of the elections is eligible to be elected president.

3. A political association or an initiative group has the right to nominate a candidate for the presidency. The candidate's nomination should be confirmed by the signatures of no less than 50,000 electors.

4. The elections will be declared valid, if the majority of the total number of electors has participated in them. A candidate who has received the votes of more than one-half of the electorate will be regarded as having been elected.

5. If the elections have been declared valid but none of the candidates have received the required number of votes, a second round of elections will be held two weeks later.

6. In the second round, the electorate will vote for the two candidates who received the best results in the first round. The second round will be viewed as valid if at least one-third of the total number of electors has participated in them. The candidate who receives the majority of votes will be viewed as elected provided this figure amounts to no less than one-fifth of the votes of the total number of electors.

7. If the elections have not been declared valid or have been declared valid but only one candidate participated in the first round and failed to receive the necessary

number of votes or was not elected president in the second round, fresh elections will be held during the following two months.

8. Elections are not held during a state of emergency or martial law.

9. The first round of the next presidential elections will be held on the second Sunday in April five years after the previous elections.

10. The procedure and conditions for holding presidential elections are determined by the Constitution and fundamental law.

Article 71

1. Before taking up his post, the newly elected president of Georgia will deliver a policy speech and take the following oath: "I, the president of Georgia, declare before God and the nation that I will protect the Georgian Constitution and the independence, integrity, and indivisibility of the country, conscientiously fulfill the obligations of president, and take upon myself the security and well-being of the citizens of my country and the resurrection and might [dlevamosilebisatvis] of my people and motherland."

2. The ceremony stipulated in Paragraph 1 will take place on the third Sunday following the presidential elections.

Article 72

The president of Georgia does not have the right to hold any other post, engage in entrepreneurial activities, or receive monetary compensation or other permanent remuneration for any other activity.

Article 73

1. The president of Georgia:

a) Concludes international treaties and agreements and conducts negotiations with foreign states; with the consent of Parliament, appoints and dismisses Georgian ambassadors and other diplomatic representatives; receives the credentials of ambassadors and other diplomatic representatives of foreign states and international organizations;

b) With the consent of Parliament, appoints members of the government and ministers;

c) Is empowered to remove ministers from their posts;

d) Accepts the resignation of ministers and other officials determined by the law and is empowered to entrust ministers with the fulfillment of official duties prior to the formation of a new government;

e) submits to Parliament the draft state budget of Georgia after agreeing upon its basic figures and directions with parliamentary committees;

f) Presents to Parliament, appoints, and dismisses officials in instances and according to the procedure prescribed by the Constitution and law;

g) In the event of an armed attack on Georgia, declares a state of war and concludes peace given the existence of appropriate conditions and submits this decision within 48 hours for ratification by Parliament;

h) During war or mass disorders, when the country's territorial integrity is being infringed upon, or in the event of a coup d'etat or an armed uprising, an ecological catastrophe and epidemic, or in other instances when the bodies of state power are deprived of the possibility of implementing their constitutional powers normally, declares a state of emergency on the whole territory of the country or in a particular area and submits this decision within 48 hours for ratification by Parliament. During the state of emergency, he issues decrees that are valid in law until the state of emergency has ended and implements emergency measures. The decrees are submitted to Parliament when it gathers for a session. Emergency powers extend only to that territory where a state of emergency has been declared for the reasons mentioned in this paragraph;

i) With the consent of Parliament, has the right to halt the activities or dissolve representative bodies of self-government or territorial units if their activities create a threat to the sovereignty and territorial integrity of the country and state bodies in the exercise of their constitutional powers;

j) Issues edicts and directives on the basis of the Constitution and law;

k) Signs and promulgates laws according to the procedure laid down in the Constitution;

l) Decides questions of citizenship and of granting [political] asylum;

m) Awards state decorations and higher military ranks and special and honorary titles and higher diplomatic ranks;

n) Grants pardons.

2. The president schedules elections to Parliament and other representative bodies according to the procedure established by law.

3. The president has the right to revoke acts of bodies of executive power subordinate to him.

4. The president is the commander in chief of the Georgian Armed Forces. He appoints members of the

National Security Council, chairs its meetings, and appoints and dismisses military commanders.

5. The president has the right to address the people and Parliament. Once a year, he delivers a report to Parliament on the most important issues concerning the situation in the country.

6. The president implements other powers determined by the Constitution and law.

Article 74

1. At the request of Parliament, no fewer than 200,000 electors, or on his own initiative, the president shall schedule a referendum on questions determined by the Constitution and fundamental law within 30 days of receiving this request.

2. It is impermissible to hold a referendum on the adoption or repeal of a law, an amnesty or pardon, the ratification or denunciation of international treaties and agreements, and also such questions as restrict basic human constitutional rights and freedoms.

3. Questions connected with the scheduling and holding of a referendum are determined by fundamental law.

Article 75

1. The president of Georgia enjoys immunity. During his period in office, he may not be arrested and no criminal proceedings may be instigated against him.

2. In the event that the president violates the Constitution, betrays the state, or commits other crimes, Parliament may remove him from office in accordance with the procedure established in the Constitution and fundamental law, if:

a) The violation of the Constitution has been confirmed by a decision of the Constitutional Court;

b) Signs of state treason or elements of other crimes have been confirmed by a conclusion of the Supreme Court.

Article 76

1. In the event that the president of Georgia is incapable of exercising his powers or his powers have been terminated early, his duties are fulfilled by the chairman of Parliament. During this period, the duties of the chairman of Parliament are fulfilled by one of the deputy chairmen of Parliament.

2. The acting president does not have the right to use the powers stipulated in subparagraphs "c" and "i" of Article 73 and Paragraph 1 of Article 74.

3. Presidential elections shall be held within 45 days after the powers of the president have been terminated and Parliament shall ensure that they take place.

Article 77

1. In order to implement executive power, after taking his oath, the president of Georgia accepts the resignation of the old government and may entrust it to fulfill its duties until a new government is formed. The president is obliged to form a government and submit it to Parliament within two weeks. After discussion in the appropriate committees, Parliament approves it by a majority of the listed deputies.

2. The president decides the question concerning those members of the government who were rejected [during discussion] or not approved by Parliament. He has the right to submit once more the same or a new candidate. The same candidate may be submitted twice. The procedure for submitting a candidate a second time is determined by law.

3. In the event that a minister is released from his post, the president submits a new candidate to Parliament within two weeks.

Article 78

1. At the suggestion of the president, Parliament ratifies the structure of executive power and the regulations governing its activities.

2. It is prohibited from merging or uniting in any other way the Armed Forces, the Security Service, and the police.

Article 79

1. Members of the government are responsible before the president of Georgia.

2. Members of the government relinquish their powers before the president.

Article 80

1. A member of the government does not have the right to hold another post, except a party post, engage in entrepreneurial activities, and receive a wage or any other permanent remuneration for any other activities.

2. A member of the government has the right to resign according to the procedure established by law.

3. A member of the government may be removed from his post by an edict of the president or by Parliament in accordance with the procedure established by Article 64 of the Constitution.

Article 81

1. Ministries are created on the basis of the law to ensure state management in specific spheres of state and public life.

2. A ministry is headed by a minister who independently adopts decisions on questions within his sphere of jurisdiction. A minister issues orders on the basis and in fulfillment of the law.

3. A state minister who heads an office and, by authority of the president, carries out his individual assignments is a member of the government.

Chapter 5

Judicial Power

Article 82

1. Judicial power is implemented by means of constitutional control and justice and in other forms established by law.

2. Judicial acts are compulsory for all state bodies and persons on the entire territory of the country.

3. Judicial power is independent and is implemented only by the courts.

4. The courts deliver decisions on behalf of Georgia.

Article 83

1. The Constitutional Court of Georgia is the legal body of constitutional control. Its powers and the rules governing its creation and activities are determined by the Constitution and fundamental law.

2. Justice is implemented by general courts. Their system and the rules governing legal procedure are established by law.

3. The introduction of military courts is possible in conditions of war and only in the system of general courts.

4. It is impermissible to create emergency and special courts.

Article 84

1. Judges are independent in their activities and are subordinate only to the Constitution and the law. Any pressure applied on a judge or interference in his activities with the aim of influencing the adoption of a decision is prohibited and punishable by law.

2. The removal of a judge from examining a case, his early dismissal, or transfer to another post are permissible only in cases determined by law.

3. No one has the right to demand that a judge be accountable for a specific case.

4. All acts limiting the independence of the judge are invalid.

5. It is only possible for the court to annul, change, or suspend a court decision in accordance with the procedure established by law.

Article 85

1. Court proceedings are held in public. It is permissible to hear a case in camera only in instances provided for by law. The decision of the court is delivered in public.

2. Legal proceedings are conducted in the state language. A person who does not know the state language shall be provided with an interpreter. In those regions where the population does not know the state language, the solution of problems connected with the study of the state language and legal proceedings shall be ensured.

3. Legal proceedings are conducted on the basis of equal rights and the contention of the parties.

Article 86

1. A citizen of Georgia who has reached the age of 30 and has a higher legal education and at least five years experience in his specialized profession is eligible to become a judge.

2. A judge shall be appointed or elected for a period of at least 10 years. The procedure for selecting, appointing, and dismissing judges is determined by law.

3. The office of judge is incompatible with any other office or paid activity except pedagogical activity; a judge may not be a member of a political party or participate in political activities.

Article 87

1. A judge enjoys immunity. It is impermissible to instigate criminal proceedings against him, detain or arrest him, and search his home, automobile, or place of work, or conduct a body search without the consent of the chairman of the Georgian Supreme Court. The exception to this is when he is detained at the scene of a crime, of which the chairman of the Georgian Supreme Court shall be informed immediately. If he does not give his consent, the detained or arrested judge shall be released at once.

2. The state ensures the safety of a judge and his family.

Article 88

1. The Georgian Constitutional Court implements judicial power in accordance with constitutional legal procedure.

2. The Georgian Constitutional Court is composed of nine judges who are members of the Constitutional

Court. Three members of the Court are appointed by the president of Georgia, three members are elected by Parliament by a majority of no less than three-fifths of listed deputies, and three members are appointed by the Supreme Court. The term of office of members of the Constitutional Court is 10 years. The Constitutional Court elects its chairman from among its own members for a period of five years. One and the same person may not be elected chairman a second time.

3. A member of the Constitutional Court may not be a person who has previously held this position.

4. A citizen of Georgia who has reached the age of 35 and has a higher legal education is eligible to become a member of the Constitutional Court. Questions concerning the selection, appointment, and election of members of the Constitutional Court and the termination of their powers and also other questions regarding constitutional legal procedure and the activities of the Court are determined by law.

5. A member of the Constitutional Court enjoys immunity. It is impermissible to instigate criminal proceedings against him, detain or arrest him, and search his apartment, car, place of work or conduct a body search without the consent of the Constitutional Court. The exception is when he is detained at the scene of a crime, of which the Constitutional Court shall be informed immediately. If it does not give its consent, the detained or arrested member of the Constitutional Court shall be released at once.

Article 89

1. The Georgian Constitutional Court, on the basis of a suit filed or submission made by the president of Georgia, at least one-fifth of the members of Parliament, the court, the supreme representative bodies of Abkhazia and Ajaria, the People's Advocate, and a citizen, in accordance with the procedure established by fundamental law:

a) Adopts decisions on questions concerning the correspondence to the Constitution of laws and normative acts of the president and the supreme bodies of power of Abkhazia and Ajaria;

b) Examines disputes concerning the delimitation of jurisdiction among state bodies;

c) Examines questions concerning the constitutionality of the creation and activities of political associations of citizens;

d) Examines disputes connected with the constitutionality of referendums and elections;

e) Examines the question of the constitutionality of international treaties and agreements;

f) On the basis of a suit filed by a citizen, examines the constitutionality of normative acts pertaining to questions stipulated in Chapter 2 of the Georgian Constitution;

g) Exercises other powers determined by the Georgian Constitution and fundamental law.

2. The decision of the Constitutional Court is final. A normative act or a part of it that have been recognized as unconstitutional become invalid in law upon publication of the corresponding decision of the Constitutional Court.

Article 90

1. The Georgian Supreme Court supervises legal proceedings in general courts in Georgia according to the established judicial procedure and, as the court of first instance, examines cases determined by law.

2. On the recommendation of the president of Georgia, the chairman of the Georgian Supreme Court and Supreme Court judges are elected by a majority of the listed members of Parliament for a period of at least 10 years.

3. The powers, organization, and rules governing the activities of the Georgian Supreme Court and the procedure for the early termination of the powers of members of the Supreme Court are determined by law.

4. The chairman and members of the Georgian Supreme Court enjoy immunity. It is possible to instigate criminal proceedings against the chairman and members of the Supreme Court, detain and arrest them, and search their homes, cars, and places of work and conduct body searches only upon consent from Parliament. The exception is when they are detained at the scene of a crime, of which Parliament shall be informed immediately. If Parliament does not give its consent, the detained or arrested person shall be released at once.

Article 91

1. The Georgian Procurator's Office is an institution of judicial power that carries out criminal prosecution, supervises the preliminary investigation and the execution of a punishment, and supports the state prosecution.

2. The Georgian Procurator's Office is a single centralized system. On the recommendation of the president of Georgia, the procurator general is appointed by a majority of the listed members of Parliament for a term of five years. Lower-ranking procurators are appointed by the procurator general.

3. The powers, organization, and rules governing the activities of the Procurator's Office are determined by fundamental law.

Chapter 6

State Finances and Control

Article 92

1. The Georgian Parliament, by a majority of its listed members, annually adopts the Law on the State Budget that is signed by the president of Georgia.

2. The procedure for drawing up and adopting the State Budget of Georgia is determined by law.

Article 93

1. Only the president of Georgia has the right to submit the draft budget to Parliament.

2. The president submits the draft budget for the following year no later than three months before the end of the current fiscal year. Along with the draft budget, the president submits a report on the progress being made in implementing the budget for the current year. The president submits a report on the implementation of the State Budget to Parliament for ratification no less than three months after the end of the fiscal year.

3. It is impermissible to introduce changes to the draft budget without the consent of the president. The president may request additional state expenditure from Parliament only on condition that he indicates the sources that will cover it.

4. If Parliament has been unable to adopt a new budget by the start of the new fiscal year, the expenditure necessary for fulfilling obligations assumed earlier by the state will be covered according to last year's budget.

Article 94

1. It is compulsory to pay taxes and duties according to the amount and procedure established by law.

2. The structure and rules governing the introduction of taxes and duties are established only by law.

3. Exemption from the payment of taxes and payments from the state treasury are permissible only on the basis of the law.

Article 95

1. The Georgian National Bank ensures the functioning of Georgia's financial and credit system.

2. The Georgian National Bank devises and implements financial and credit and currency policy in accordance with the basic directions determined by Parliament.

3. The National Bank is the bank of banks and the banker and fiscal agent of the Georgian Government.

4. The National Bank is independent in its activities. The rights and obligations and the regulations governing the activities and the guarantee of independence of the National Bank are determined by fundamental law.

5. The name of the currency and the monetary unit are determined by law. Only the National Bank has the right to issue money.

Article 96

1. The supreme body of the Georgian National Bank is the National Bank Council whose members are elected by the majority of listed members of Parliament for a period of seven years on the recommendation of the president of Georgia. Members of the National Bank Council may be released from their posts only by a decision of Parliament in accordance with Article 64.

2. The president of Georgia appoints the president of the National Bank from among the members of the National Bank Council on the recommendation of the National Bank Council and removes him from his post.

3. The National Bank is responsible before Parliament and submits to it an annual report on its activities.

Article 97

1. The Georgian Chamber of Control oversees the utilization and expenditure of state resources and other material assets of the state. It also has the right to review the activities of other state bodies of financial and economic control and submit to Parliament proposals on improving tax legislation.

2. The Chamber of Control is independent in its activities. It is accountable to Parliament. The chairman of the Chamber of Control is appointed by a majority of the listed members of Parliament for a period of five years on the recommendation of the president of Georgia. He may be removed from his post only by a decision of Parliament in accordance with Article 64.

3. The Chamber of Control submits a report to Parliament twice a year — during discussion of the preliminary and final reports on implementation of the budget — in connection with the government report and once a year on its activities.

4. The powers, organization, and rules governing the activities and the guarantee of independence of the Chamber of Control are determined by law.

5. Other bodies of state control are formed in accordance with the law.

Chapter 7

Defense of the State

Article 98

1. A defensive war is the sovereign right of Georgia.

2. Georgia has Armed Forces to protect the independence, sovereignty, and territorial integrity of the country and also to fulfill international obligations.

3. The different branches and strength level of the Armed Forces are determined by law; the president of Georgia approves the structure of the Armed Forces and Parliament ratifies their numerical strength by a majority of listed members on the recommendation of the National Security Council.

Article 99

1. A National Security Council headed by the president of Georgia is created to organize military organizational development and the defense of the country.

2. The composition, powers, and rules governing the activities of the National Security Council are determined by fundamental law.

Article 100

1. It is impermissible to use the Armed Forces during a state of emergency or to fulfill international obligations without the consent of Parliament.

2. The president of Georgia adopts the decision on the introduction, use, and transfer of armed forces of other states with the aim of defending the state and in special cases and those determined by law. The decision is immediately presented to Parliament for ratification and becomes valid as soon as Parliament gives its consent.

Article 101

1. The defense of Georgia is the duty of every citizen of Georgia.

2. The defense of the country and the performance of military service is the duty of every citizen of Georgia who is suitable for this. The form of military service is established by law.

Chapter 8

Review of the Constitution

Article 102

1. The right to submit a bill on a general or partial review of the Constitution is held by:

a) The president;

b) More than one-half of the full composition of Parliament;

- c) No fewer than 200,000 electors.
2. A bill on the review of the Constitution is submitted to the Georgian Parliament, which publishes it for general debate. Debate of the bill in Parliament begins one month after its publication.
 3. A bill on the review of the Constitution is regarded as adopted if it is supported by at least two-thirds of the full composition of Parliament.
 4. The president of Georgia signs and promulgates the Law on the Review of the Constitution in accordance with the procedure laid down in Article 68 of the Constitution.

Article 103

The declaration of a state of emergency or martial law entails the suspension of the review of the Constitution until the state of emergency or martial law have been lifted.

Chapter 9

Provisional Rules

Article 104

1. The Georgian Constitution comes into force as soon as the powers of the newly elected president of Georgia and Parliament have been recognized.
2. Articles 49, 59, and 70 of the Constitution come into force as soon as the Constitution is published.

Article 105

1. A political association of citizens that has been registered according to the procedure established by law and whose initiative has been confirmed by the signatures of at least 50,000 electors or that had its own representative in Parliament at the time of the adoption of the Constitution has the right to participate in the 1995 elections.
2. Elections according to the proportional system are held on the basis of single party lists.
3. A political association and electoral bloc have the right to nominate a parliamentary candidate in a majority electoral district who is, at the same time, on their party list.
4. A candidate who has received the majority of votes but no less than one-third of the votes of the electors participating in the voting is regarded as having been elected in a majority electoral district.
5. If no candidate has been able to obtain the necessary number of votes in the first round, a second round is

held in which the two candidates with the best results participate. The candidate who receives the majority of votes is regarded as having been elected.

6. This article comes into force as soon as the Constitution has been published and remains in force until the powers of the newly elected Parliament have been recognized.

Article 106

1. After the Constitution has come into force, only those legal acts or parts of them that do not contradict the Constitution are valid.
2. Within two years after the Constitution has come into force, the president of Georgia and the Georgian Parliament ensure the state registration of normative acts adopted before the Constitution came into force and their conformity with the Constitution and laws.
3. Within two years after the Constitution has come into force, the Georgian Parliament should adopt fundamental laws provided for by the Constitution or confirm the legality of normative acts existing in this sphere.

Article 107

1. Existing legislation on the judicial system remains in force until a fundamental law on the judicial system is adopted in accordance with the Constitution.
2. Paragraphs 2 and 3 of Article 18 of the Constitution come into force after the corresponding legislative acts on criminal procedure have been adopted.
3. A fundamental law on the Constitutional Court should be adopted by 1 February 1996.

Article 108

In connection with the complete restoration of Georgian jurisdiction on the entire territory of Georgia, the introduction of corresponding changes or additions to Paragraph 2 of Article 102 of the Constitution is permitted as an exception without publication of the bill for universal discussion.

Article 109

1. The head of the Georgian state signs and promulgates the Constitution that has been adopted in accordance with the corresponding procedure.
2. Members of the Georgian Parliament and the Constitutional Commission sign the text of the Constitution. The text of the Constitution should be readily available for at least one year in all local bodies in Georgia so that the population can familiarize itself with its contents.

Moldova

Recent Banking Sector Events Evaluated

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[Report by Oksana Tishkova and Aleksandr Tanas, Financial Information Agency, under the rubric "Savings": "Moldovan Government Did Not Even Notice That Its Savings Bank Had Been Privatized"]

[FBIS Translated Text] Moldova has become the first CIS country in which the government has allowed control over the former Sberbank [State Savings Bank] slip out of its hands. Even more interesting is the fact that privatization of the Banque de Economie, which is a depository of two-thirds of all individual bank deposits, turned out to be a complete surprise for the government. Now the Cabinet of Ministers is hurriedly searching for ways to regain the lost positions.

At the beginning of September 1995, the Chisinau Banque de Economie announced an early floating of the third issue of its securities in the amount of 12 million leu [L] (\$2.65 million). This increased its paid-in capital fivefold, bringing it to L15 million.

A block of stock with a combined value of L8.9 million (\$1.96 million) was bought outside the stock exchange by three subsidiaries of the international company Neftegaz-Group: Compass-Inter, the Moldovan-Maltese AO [joint-stock company] M-Credit, and AO TV-Invest, which prior to that were not among the bank's stockholders. As a result, their share in the bank's paid-in capital amounted to 59.7 percent, and the state share of stock shrunk to 14.2 percent.

The transfer of the controlling share to private investors has so far not caused a panic among the population, which keeps an equivalent of \$25 million in savings in the bank. Although the new owners kept the interest rate on deposits at the old level (28 percent a month, while commercial banks pay between 30 and 46 percent), practically no flight of deposits has occurred. Local banking experts explain this by the habit of confidence in the bank, and by the uninformed population, especially in remote regions of the republic.

The republic government is not putting up with the blunder and has worked out several options for a potential increase in its share in Banque de Economie.

One of them envisions a state buy-out of the stock in the next, fourth issue, which envisages floating L100 million (\$22 million) worth of securities.

The Cabinet of Ministers, however, would be much happier with the option under which the state's share

in the Banque de Economie capital would be simply indexed (in experts' opinion, it is currently undervalued by L6.71 million). Hence, the proposal is to limit the forth issue to this amount and transfer the funds earned from it to the state without reimbursement.

This will reduce the three companies' share in the bank's capital to 38.69 percent, while the state will get a controlling share of 40.7 percent.

The implementation of such indexation, however, would be in conflict with Moldova's current law, which stipulates that the property share cannot exceed 15 percent of a bank's paid-in capital. In this connection, a special government commission consisting of representatives of the Ministry of Finance, the Ministry of Economics, and the republic's National Bank, at the end of October sent parliament a proposal to amend the legislation and approve the methodology of indexing the state property's share simultaneously in five republic banks: Moldovaagroindbank (former Promstroybank), Sociale (former Zhilsotsbank), Moldinkondbank (former Agro-Industrial), Eximbank (the republic branch of the Bank for Foreign Economic Activity of the former USSR), and Banque de Economie.

This proposal was criticized by the republic Association for Protection of Stockholders' Rights, whose members believe that reappraising the state share will encroach on the rights of other stockholders and therefore is unacceptable. The situation was further complicated by the general exacerbation of the political struggle in the republic, as a result of which the situation with the former Sberbank has now become even more uncertain.

[begin box] Russia: Sale of the state share of Sberbank's stock has been announced but postponed until better times because of fears of withdrawal of individual deposits.

Belarus: The state-owned Sberbank has been merged with the privately owned Belarusbank; the new financial structure's status is at this point unclear.

Uzbekistan: In order to "raise depositors' confidence," the former Sberbank has been reorganized into the People's Bank, whose only founder is the republic's Ministry of Finance.

Azerbaijan: Because of financial problems, the local Sberbank suspended operations with short-term deposits on 1 October. The government and the National Bank have set up a temporary committee to manage the bank. [end box]