

**The Changes in the Form of Government and its Impact on State-
Representative Governor's Institution in Georgia.**

Case Study from 2004 to 2013 Years

By

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Submitted to

Central European University

School of Public Policy

In partial fulfillment of requirements for the degree of the Master of Arts

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Budapest, Hungary

2017

Author's Declaration

I, the undersigned Ilia Chkheidze hereby declare that I am the sole author of this thesis. To the best of my knowledge this thesis contains no material previously published by any other person except where due acknowledgement has been made. This thesis contains no material which has been accepted as part of the requirements of any other academic degree or non-degree program, in English or in any other language.

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Abstract

Constitutional amendments, which resulted in a transition from presidential to semi-presidential form of governance was one of the crucial events of the modern history of Georgia. Changes in the constitution of Georgia was meant to reject past experience of consolidating power in the hands of a president and distribute it to the parliament. However, constitutional amendments have brought several consequences, which is analyzed in the following research.

This particular thesis exposes the impact of the constitutional amendments on the institution of state-representative governor in Georgia. The research question has been formulated as follows: How has the changes in the form of governance resulted in reduction of authorities of the state-representative governor's position in Georgia, rather than complete abolition of the institution? In order to answer the research question, study employs an analysis of two periods in the history of functioning of state-governor's institution. The first period is related to 2004 to 2010 and discusses the authorities of the state-representative governor when constitutional form of governance was presidential in the country. The second case refers to changes in the constitution of Georgia in 2010, which resulted in a transition from presidential to semi-presidential form of governance and its influence on the institution of state-representative governor. Furthermore, this research examines the decentralization reform conducted after 2010, which was considered as a part of the transition to semi-presidential form of governance and considerably decreased authorities of state-representative governor in Georgia.

Findings of the research showed that the changes in the political system resulted in weakening of the role of the state-representative governor's institution in Georgia. Nowadays institution exists without any real competences and there is an urgent need for further reforms.

Acknowledgments

Firstly, I would like to express gratitude towards my supervisor Robert Csehi for the attention and professionalism, which he has shown.

Furthermore, I would like to thank people that helped me to contact with respondents and conduct interviews.

Special thanks to my German and Georgian friends Massieh, Matthias, Nikoloz, Niko and Levan for supporting and encouraging me throughout the whole year.

Many thanks to my sister Etiko.

Table of Contents

1. INTRODUCTION.....	1
2. THEORY AND LITERATURE REVIEW: THE CONCEPT OF PRESIDENTIAL AND SEMI-PRESIDENTIAL POLITICAL SYSTEMS AND THE TRANSITION PROCESS	4
3. THE RESEARCH QUESTION AND RELATED HYPOTHESES.....	9
4. METHODOLOGY	11
4.1 DATA AND DESCRIPTION	11
4.2 LIMITATIONS OF THE RESEARCH	13
5. HISTORICAL BACKGROUND.....	14
5.1 SUPER PRESIDENTIAL CONSTITUTION AND THE INSTITUTION OF STATE-REPRESENTATIVE GOVERNOR FROM 2004-2010	14
5.2 SEMI-PRESIDENTIAL FORM OF GOVERNANCE AND THE INSTITUTION OF STATE-REPRESENTATIVE GOVERNOR AFTER 2010	17
5.3 DECENTRALIZATION REFORM AFTER THE TRANSITION FROM PRESIDENTIAL TO SEMI-PRESIDENTIAL POLITICAL SYSTEM	19
6. RESEARCH ANALYSIS AND RESULTS	21
6.1 EVALUATION OF THE CURRENT LEGAL ASPECTS OF THE INSTITUTION OF STATE-REPRESENTATIVE GOVERNOR AFTER THE TRANSITION FROM SUPER-PRESIDENTIAL TO SEMI-PRESIDENTIAL FORM OF GOVERNANCE IN 2010	21
6.2 POWERS AND RESPONSIBILITIES OF A STATE-REPRESENTATIVE GOVERNOR IN GEORGIA AFTER THE TRANSITION FROM PRESIDENTIAL TO SEMI-PRESIDENTIAL FORM OF GOVERNANCE IN 2010.....	24
6.3 DECENTRALIZATION REFORM AFTER THE CHANGE IN THE FORM OF GOVERNANCE IN 2010 IN GEORGIA.....	27
7. CONCLUSION	31
APPENDICES	33
REFERENCES.....	36

1. Introduction

The main goal of this particular research is to establish the link between the change in the form of government and its impact on state-representative governor's institution in Georgia. It is notable, that despite the transition from super presidential to semi-presidential political systems the above-mentioned institution remained, but with the minor functions. Although it continues existence, the transformation of functions of state-representative governor's institution after the changes in the form of governance resulted in decreasing the role of the governor in the decentralization process.

The constitutional amendments package, which was finally proved by the parliament of Georgia in 2010, was mainly focused on the societal opinion that the problems concerning democracy were strongly connected to the strong presidential system which existed in the country. Political experts, parties and considerable part of Georgian society strongly believed that strengthening parliament and decreasing the rights of the institution of president would provide better democratic governance. It is notable, that only marginal part of Georgian political elite supported the idea of sharp separation of "American Style" presidential system, which was in the past years. (Nodia, Aprasidze, 2013) In addition, the version of constitution, which was edited previously in 2004, was often criticized because it gave much more power to president and was repeatedly called "super presidential". (Nodia, Aprasidze, 2013) Civil society and political parties were critical toward the former political system as the executive power was consolidated across the president and obviously darkened the authority of parliament and the powers of judiciary branch as well. (Demetrashvili, 2013)

The above-mentioned changes in constitution of Georgia in 2010, resulted in the transformation of political system from presidential to semi-presidential. The constitutional amendments were supposed to decentralize power and transfer more functions to other branches of government. In fact, currently the role of the state-representative governor in the

local self-governing process is only formal and includes the mediator function, which facilitates the communication of executive and local self-governing objects. However, in the past presidential system, state-representative governors enjoyed much more authority to control local self-governing bodies. In order to understand the relations between the constitutional amendments, which started the process of transition from presidential to semi-presidential political system and the regional decentralization policy process, the research question was formulated. It is as follows: How is it that the changes in the form of governance in Georgia resulted in the reduction of the authorities of state-representative governor's position, rather than complete abolition of the institution?

In fact, changes in the legislation of decentralization policy after the 2013, considerably limited the mandate of state governors' position and finally the above-mentioned processes resulted from "excessive" power to the "formal" status of the institution, which the entity is granted currently. In addition, the cost of financial expenses allocated from the federal budget in order to support state governors' offices must be taken into consideration. Finally, the lack of academic research conducted in this particular direction requires deeper and detailed study of the topic.

Structure of the thesis

The structure of the thesis is the following:

Theoretical concepts of forms of governance and short overview about the changes in functions of state-representative governor's institution is provided through the Chapter Two. Furthermore, theories of various scholars will be included in this part of the thesis, which covers the concepts of semi-presidential and presidential political systems, as well as differences between them. Research question and methodology of the thesis is presented in chapter Three and Four. Chapter Five includes proper explanation about the process of constitutional amendments, which resulted in the change of form of governance and the

transformation of functions of the institution of state-representative governor during the past years.

The Chapter Six will provide full discussions with the respondents. Finally, chapter seven will include conclusion, which will summarize the research.

2. Theory and Literature Review: The concept of presidential and semi-presidential political systems and the transition process

As it was stated in the introduction, this particular thesis seeks to find out the link between the process of the constitutional changes, which resulted in the transition from “super presidential” form of governance to semi-presidential political system, and its influence on the state-representative governor’s institution in Georgia. In order to answer the research question of this paper, it is essential to present the theoretical explanation of these two above-mentioned political systems and analyze its positive and negative impacts on democracy and governance. In fact, there are several empirical studies and researches conducted in this particular direction, which focus on the merits and deficiencies of the presidentialism and semi-presidentialism. Different academic works will be discussed through this chapter, which will give the reader opportunity to get more information about the theoretical concepts of the topic.

Super-presidential political system is the one, which can be formulated by the very high levels of control of legislative and other branches by the executive government and in particular president of the state (Goodnow 2013). In fact, semi-presidential systems are prone to more separation of powers and assembly has much more authorities, while the super-presidential form of governance practically rejects the notion of checks and balances. According to Goodnow (2013) super presidential governance is more façade of parliamentary or presidential systems and there is no space for separation of powers. In addition, the decision making process is consolidated in the hands of president and assembly has minor rights to interfere in it. Finally, super presidential political systems lead to authoritarian governance and often resists democratic development of the state.

Generally, there are several definitions of the presidential system, but the most common one is as follows: a system of government in which a head of government is a head of the state and executive branch is independent from the legislative one. (Siaroff, 2013) Presidential systems function in various countries in different forms and are often depended on the political

and economic situation existing in the particular state. In fact, presidential form of governance is radically opposite to the parliamentary and semi-presidential political systems, as the first one promotes more consolidation of power in the hands of the president while the latter one supports the idea of separation of powers and considers more participation of other structures as a way to more democratic environment. (Albert, 2014) Furthermore, presidents enjoy variety of powers over the legislative branch and are leading forces of the political process in presidential systems. It is notable, that in some countries that have extended presidential powers, presidents are given authority to dissolve the parliaments and before the schedule announce about the upcoming elections. (Albert, 2014)

In fact, several academic and empirical studies illustrate, that presidents have right of autonomous decision-making about forming the cabinet, while the other semi-presidential and parliamentary systems do not give to presidents such independent environment for governance. (Cheibub et al., 2014) In addition, emergency powers, which give opportunity to presidents to suspend constitution for a particular period in cases of emergency and unusual circumstances, are more characterized to presidential constitutions. It is worth mentioning, that the differences between the parliamentary and presidential constitutions drive on the strong control of political process by the legislative branch, which is in case of parliamentary form of governance. While in presidential constitutions, the power of veto is decisive authority for the head of the government. (Cheibub et al., 2014)

The main lacks of the presidential constitution is considered to be in the unequal distribution of the powers and the disproportionate separation of authorities is counted to be the roots of several political unrests, which took place in Latin America since the nineteenth century. (Cheibub et al., 2014) Constitutional decree powers and the control of the cabinet formation are the dangers posed by the presidential political systems, which often lead to the usurpation of the legislative and judicial powers. It is the reason why the above-mentioned

concentration of powers is considered as a threat to democratic process in various states. (Cheibub et al., 2014)

The discussions about the comparative advantages of a certain political system and different regime types is important topic on the agenda of various states. The arguments, which support the risks connected to the presidential form of governance and the virtues of parliamentary system is well known throughout the world. (Linz, 1990) As it was mentioned in the above paragraphs, presidential regimes are considered theoretically dangerous political systems, as they are constantly associated with the critics of legitimacy and the “winner takes all” mode of the presidential elections is risky for democratic processes in the country. (Elgie, 2004) Furthermore, there is an academic consensus about the perils of the presidential constitutions and is said to create a profitable environment for the populist leaders to accomplish their ideas. The rivals of the presidential form of government have gained a considerable support in the last period. Some of them argue that “properly crafted” premier-presidential systems have perspective of creation of advantages, which could overcome the disadvantages of presidentialism. (Shugart and Carey, 1992)

There had been many discussions whether which is the right form of definition of the semi-presidential form of government, but the most widespread formulation is by Robert Elgie (2004). He argues that semi-presidential system is a political regime in which popularly elected president exists together with prime minister and cabinet. (Cheibub et al., 2014) It is notable, that the definition includes the explanation that prime minister and cabinet should be responsible to the parliament as well. As it was previously mentioned, presidents have autonomous rights to dissolve and create the cabinet in presidential system. While in parliamentary one such authorities are left to assembly. However, semi-presidential form of governance holds middle position in this respect, as in some circumstances, the dismissal of the cabinet is in hands of the president and in others, it is under the authority of the assembly.

(Shugart and Carey, 1992) Semi-presidentialism, as a form of political regime is often associated to hybrid system that can be considered neither parliamentary, nor presidential. Rather than merging the two dimensions of the political systems, semi-presidential form of governance takes from both, presidential and parliamentary as well. (Shugart, 2005)

Overall, according to Cheibub (2014), presidential institutions are not always beneficial to democratic development of the states. Systems, which are relied on the decision of the legislative assembly and not on the one individual politician – parliamentary and semi-presidential –, have become much more prevalent in these past several years. Some states made decisions to transform their political systems from presidential to semi-presidential in these past decades. The last statistics illustrate, that 25% of countries are having this kind of constitution, which is supposed to provide better governance and democratic development. (Cheibub et al., 2014)

Another crucial part of the democratic development process is a proper functioning of regional self-governance. Regional governance is one of the most important levels of state government and is considered as a crucial element in the process of state policy implementation. Over recent years, the concept of the regional governance has become reason for widespread debates in social sciences and politics as well. (Jäger, Köhler, 2007) The forms of political governance and “society-state relationships” have been considerably transformed during the past decades reaching a new stage of evolution. (Jäger, Köhler, 2007) In various countries, regional governance is an executive or performer of projects, as well as programs initiated by the state governments and overall takes part in the socio-economic development of the country. In fact, every democratic state should develop adequate decentralization policy in order to build capacity and inspire economic and political self-improvement of local governance, rather than promote formation of politically obedient sub-structures. (Sorensen, Triantafillou, 2009)

In fact, Regional governance holds an important role in the process of economic growth of the country often regardless of the territorial size and development level. The state institutions and local infrastructure, which exist on the balance of regional municipalities, are the key elements for creating stable economic and political environment in the country. Furthermore, regions are supposed to increase level of competition across the state, providing public good equally to the population and promote regional development. (Brenner, Neil, 2003)

According to Kobakhidze (2015), State-representative governor's position was more suitable for the presidential form of governance, as a state used the institution in order to increase the control over the municipalities. In fact, the function of supervision, which state-representatives enjoyed in presidential political system, was a tool to interfere in decentralization process. However, developing countries do not have a advanced and a well-organized local self-governing structures, that is why the role of the self-representative governor as a mediator between the central and local governments is crucial in some occasions. (Kobakhidze, 2015) It means that the institution of state-representative governor can have its role in both political systems but it depends on the specificity of functions and powers granted to this particular structure.

The lacks of the regional governance and decentralization crisis is evident even from the constitution of Georgia, which was considerably transformed from presidential to semi-presidential political system in 2010. (Nodia, Aprasidze, 2013) The competences of the state governors' position on the regional level as a state institution is to participate in the regional development only in case if central government assigns special coordination of certain project upon them. (Article 27,1, 2004) In addition, state-governor participates in the initiation of programs of "Socio-economic development projects" and in various events related to the development of the region. (Statute of the State-Governor. Article 5, 2013)

3. The Research Question and Related Hypotheses

The main topic of this particular research is to study how changes in the form of governance influenced the state-representative governor's institution. The changes in the forms of governance in different historical periods will be analyzed and the review of the decentralization reform will be provided through the research.

As for the research question, it is as follows: How has the changes in the form of governance in Georgia resulted in the reduction of the authorities of state-representative governor's position, rather than complete abolition of the institution?

Proceeding from the above-mentioned factors, the following hypotheses will be tested in the research based on the analysis of theoretical and empirical literature:

1. In presidential form of government, state-representative had more control over the local self-governance.
2. Despite the importance of more decentralization in the semi-presidential form of governance, there was no real political will from the central government of Georgia to promote local self-governance.
3. Poor development level of municipalities often result in the need for the institution of state-representative governor to provide role of mediator and additional support.

The distinctiveness of the research lies in the comprehensiveness of the study, which is ensured by providing the views of all applicable sides. On the one hand, the ideas of the state-governors and on the other hand, the positions of local self-governing bodies and experts of this particular sphere will be provided in the following research. Moreover, the study will take into consideration ideas of the foreign and international organizations or experts, which are working in the field of local self-governance in Georgia. The part of the respondents have participated in the monitoring process of the reform conducted in 2013. In addition, ongoing

processes in the field of local self-governance will be presented in the framework of the research.

4. Methodology

4.1 Data and Description

The subsequent chapter discusses a methodology of the research. It is notable, that this particular thesis studies the impact of changes in the political system on the institution of the state-representative governor in Georgia. Proceeding from the specifics of this particular thesis topic, the qualitative method was selected, as a most suitable research method for this academic paper. Furthermore, qualitative method guaranteed a path for obtaining as much information as possible from variety of parties acting in the sphere of self-governance and decentralization in Georgia. Documents analysis and semi-structured interviews were conducted in frames of the research, with detailed scrutiny of primary and secondary sources.

The institution of the state-representative governor was selected as a case. A reason for choosing the state-representative governors' case, which exists since the independence of Georgia is that decentralization reform conducted after the transition from presidential to semi-presidential system considerably limited the power and authorities of the state-representative governors' position.

Furthermore, the importance of studying versatile information about the institution of the state-representative governor resulted in studying of relevant documents and literature, which exists nowadays. In addition, in the process of academic research, it became necessary to apply to the parliament and Ministry of Regional Development and Infrastructure of Georgia in order to request the public information. The documents mostly included the information about the reform. It is notable, that among the literature related to the topic the research contains the analysis of Georgian Constitution, Georgian law about the structure and authority and rules of action of Georgian state government, Statute of the state-representative governor, reports about the reform and academic works of different authors working in the sphere of the decentralization.

This particular research involves the periodical analysis of the changes in constitution about the forms of governance in 2004 and 2010. In order to conduct the above-mentioned study, research includes the review of academic work of prominent Georgian political experts. (Nodia, Aprasidze, 2013) It is worth mentioning, that different academic works helped to define the scope of changes in political systems in Georgia and outlined the processes, which led to transition from “Super presidential” to semi-presidential governance.

It is notable, that semi-structured interviews were selected in terms of this particular research. Such interviews are necessary, because this specific method of conducting interviews is based on an idea, assumptions and experience of the participants involved in the process. It was crucial for the purposes of the thesis to gather the information from the respondents, which would give, not only descriptive imagination of the topic, but also deep understanding of the ongoing process. The interviewees chosen for the research are participants of the above-mentioned processes and hold considerable knowledge as well.

Seven interviews were conducted for the research totally. Semi-structured interviews included experts, state-representative governors and the representatives of regional municipalities. Two state-governors, which will be referred as SRG 01 and SRG 02 in the text and three experts (Ex 01, Ex 02, Ex 03. See Appendix 1) were interviewed in Georgia, while online method was used for others. In addition, members of municipalities (MOM 01, MOM 02) participating in the research discussed the issues concerning the institution of the state-representative governor of Georgia. As for the number of regions, they were determined according to the consultation with experts and the administrative- territorial units were selected according to their size.

In addition, the reason for selecting the particular periods from the modern history of Georgia was the constitutional amendments, which enacted in these years (2004-2013). The changes in the constitution in 2004 resulted in strengthening presidential power of the president

in Georgia, while from 2013, semi-presidential political system was introduced in the country. The reason for scrutinizing both forms of governance was to illustrate its impact on the state-representative governor's institution.

4.2 Limitations of the research

The main difficulty of the research can be attributed to issues of obtaining objective information. The possibility of receiving the limited or biased information can be related to different factors. Firstly, the existing friendly relationships between the governor and the representatives of municipalities might hamper neutral answers. Secondly, state-representative governors are considered to be a part of a political team, as the acting prime minister appoints them and it might become the reason, why they will not answer all the questions objectively.

5. Historical Background

5.1 Super Presidential Constitution and The Institution of State-representative Governor from 2004-2010

The constitution, which was written in 1995 guaranteed the presidential rights of the institution of president and equipped the head of the state with practically complete powers to govern legal, political and financial processes in the country. (Kverenchkhiladze, 2010) The initial legislation intended strong political power to be transferred in the authority of the president. In fact, the political as well as economic situation was not stable and large part of society supported the concentration of huge political influence into the hands of president. With increased political opportunities, president was considered to provide secure and stable environment in the country.

Thus, the period from 1991 to 2004 was distinguished with vast authority of the institution of president, which had power to control and appoint state-governors in all the regions throughout the country. In addition, self-governors enjoyed stronger political power as well and had function of supervision over the budgetary and security issues, which resulted in more centralized regional governance across the country. (Decree N18, 1995)

The constitutional changes made by the government of Georgia in 2004 lasted until 2010. In fact, the civil society and political parties mostly denounced the above-mentioned amendments. The main reason of that was the excessive power of president and extremely weakened legislative branch, which posed a significant threat to political plurality and democracy in the country. It is notable, that the extreme authority of the head of government was considered as a dangerous and there was evident political hazard of authoritarian decisions made by the president in the future. (Nodia, Aprasidze, 2013)

The “super presidential” political system, which was initiated by the former government of Georgia in 2004, foresaw much more authorities to executive branch, which

was headed by the president. It is worth mentioning, that such well-defined and strong political rights to president shaded legislative and judicial branches and left no “space” for the checks and balances system, which is crucial for democratic governance. (Nodia, Aprasidze, 2013) In fact, majority of experts considered existing political system as a semi-authoritarian or hybrid democracy. The significant part of civil society organizations and political parties considered that the main cause of democratic crisis was unfair distribution of power. (Nodia, Aprasidze, 2013) The main problem was indeed the constitutional arrangement, in which other branches could not balance the powers of president.

As it was already mentioned, the constitutional model, which was initiated in 2004, included the right of president of Georgia to be the head of the state and be responsible for leading and implementing foreign, as well as local political issues of the country. (Elgie, Moestrup, 2016) In fact, a president used to be legally crucial political figure in foreign relations and domestic affairs, which guaranteed its supreme political power. Furthermore, the former model included the term of 5 years, which was the period for the president to stay in the office. (Elgie, Moestrup, 2016)

Notably, the 2004 constitutional changes strengthened the power of the president over the parliament as well. (Godoladze, 2013) Parliament as a legislative branch of the country was able to determine the political directions of the state and had a function of exercising power over the government activities. Meanwhile, according to the 2004 amendments, president of Georgia was granted a right of legislative initiatives in exclusive cases, but the term “exclusive” was extremely vague and in practice president could define any initiative as an exclusive one. (Elgie, Moestrup 2016) Furthermore, the immense political powers of the president included the right to issue decrees concerning the taxation. The role of the president in participation of the budgetary issues was increasing after the 2004 constitutional changes as well, as

government was not able to present the complete budget plan to parliament without consent of the president. (Losaberidze, 2015)

The ongoing political and constitutional changes in 2004 affected the regional policy as well. In addition, Executive branch tried to concentrate the reins of power in the hands of president. (Losaberidze, 2015)

As it was already mentioned, the ongoing political processes consequently resulted in the transition of political systems in 2004 and soon became the roots of super presidential form of governance in Georgia. In fact, the above-mentioned type of governance remained until 2010, before the parliamentary elections and legislation experienced considerable transformations, as old functions were removed and new competences added to it. In addition, from 2004 to 2007, the authority of state representative governor had diminished significantly. (Decree N 318, 2004) For example, state representative governor was no more able to get information and control the activity of state enterprises and institutions in the region. Furthermore, the former function of control of social order protection was deprived in order to increase the authority of local police forces. (Decree N 318, 2004) Structural changes in the institution of state representative governor caused elimination of regional administration, which existed in previous years. However, it is notable that the right to form boards and councils was granted to the state representative governor, which continued until 2013.

Moreover, the institution was deprived of several crucial controlling functions. However, in relation to local self-governance state representatives could still enjoy some influential authorities, such as e.g. termination of the decisions made by the local assembly of the region for the period of one month. In addition, according to statute issued in 2004 governors were able to lay off policy decisions made by mayors of the cities of particular region and immediately address president about the cancellation of those orders. (Georgian law about

the structure, authority and rules of action of Georgian state government, 2004) Notably, the above-mentioned article was also part of the statute (2007), which was initiated later.

As we see, the problems, which were caused by the constitutional changes in 2004, affected decentralization and self-governing institutions in the country. The changes in political system, which strengthened the role of the president, resulted in suspension of local democratic processes. (Losaberidze, 2015) The level of inclusion of local people in the decision-making and policy implementation decreased, which affected accountability and transparency of self-governing entities. (Losaberidze, 2015) Furthermore, the political crisis of 2007 and military conflict against Russia in 2008 created the obvious need for the entire reform of political system, which took place in 2010.

5.2 Semi-presidential Form of Governance and The Institution of State-representative

Governor After 2010

Another significant period for transformation of entire political system took place in 2010, when the ruling party started to work on the constitutional changes, which would weaken authority of the president and strengthen legislative branch. The ongoing political processes and critical situation in the country caused urgent necessity of creating new semi-presidential system.

New constitutional law was adopted in 2010, but the changes enacted in 2013, directly after the presidential elections. It is notable, that the main framework of the above-mentioned reforms were directed to the institution of the president and the political power shifted towards the prime minister. In fact, the main argument of the constitutional changes was that it would improve semi-presidential system and incentivize democratic processes in the country. However, political opposition considered those reforms as an opportunity for the government to remain in the power. (Elgie, Moestrup 2016)

The constitutional amendments of 2010 considerably transformed the political system and shifted power to parliament and prime minister. In fact, after the amendments president was still a head of the state, as well as the main guarantor of the freedom and unity of the country, but was no longer responsible for the domestic and foreign policies of the state. (Kverenchkhiladze, 2010) Furthermore, after 2010 president does not supervise the work of the separate state bodies, does not have right to hold a party position and does not participate in domestic political decision-making processes. (Elgie, Moestrup 2016)

In addition, president is no longer eligible to dissolve the parliament, as he/she was able to do according to the past constitution. These considerable changes in the supreme legislation of the country completely changed the political system and status of the government, as the latest became supreme body of power with the ruling head – prime minister. Furthermore, significant changes influenced the parliament as well and the importance of the consent of the legislative branch became much more crucial.

The reorganization process in the political system of Georgia reflected on the decentralization as well. Major changes and shift of the power from the president to the parliament and prime minister affected the institution of the self-representative governor. In fact, after the amendments in 2010, self-representative governors were no longer accountable to the president as they were legally subjected under the subordination of the executive branch of the government.

Furthermore, the decentralization reform, which was initiated to increase the local self-governing entities after the changes in constitution in 2010, resulted in transformation of state-representative governor's position as well. It is notable, that, the Regional Advisory Council operates in each regional part of the country, within the scope of authorities granted since 2014. Unlike to the former Regional administration, the above-mentioned entity has a function of consultancy and the board meets once in three months. The members of the council are deputies

of the self-representative governor and head of municipalities located in the particular region of the country. (Statute of the State-Governor, Article 5, 2013)

Generally, decentralization of the government is one of the crucial components of a state policy and implies such major dimensions as establishing and strengthening self-governing institutions including financial and budgetary provision. High levels of decentralization are features of strong democracies throughout the world as regions have more opportunity to engage in pluralistic and democratic processes inside the country. In fact, the reform of decentralization conducted in 2013 was intended for increasing power and authority of local self-governing entities as the changes in political system was meant to give more space to regions and promote democracy in the country, but there has been several notorious defects in the reform, which indicates the opposite.

5.3 Decentralization reform after the transition from presidential to semi-presidential political system

As it was mentioned above, the transformation of political system and constitutional amendments, which guaranteed more authority to parliament, had to include better future distribution of decentralized governance in the country. In fact, precisely the above-mentioned circumstance became prerequisite for the decentralization reform, which was conducted in 2013 and was intended to enact in a new political system and reality. However, the opinions of experts and civil society about the reform of decentralization differs from the initial intention of the reform. In addition, both supporters, as well as opposition of the above-mentioned decentralization reform consider it as an imperfect. (Losaberidze, 2015)

Originally, the new legislation intended to form regional self-governing entities and establish legally free financial and political decision-making process without any supervision. It is worth mentioning, that “Regional Advisory Boards” were formed, but state-representative governor’s institution still operates on the regional level, which poses two important questions.

Is the state-representative governors' local institution made by the central government for controlling the regions? Alternatively, is it an institution just with formal functions? (Losaberidze, 2015)

Furthermore, reform has not included territorial and spatial optimization of local self-governing entities, which is important issue for the development of democratic and decentralized decision-making process. In addition, the pre-implementation strategy implied provision of direct elections for the regional mayors and heads of the municipalities, the local councils should have been completed by the proportional choice, but neither of the above-mentioned reforms were fully executed. (Losaberidze, 2015, p. 14)

Finally, according to initial government strategy, regional self-governing revenues should have been increased by changing taxation system and the transfer of property from the central to local government's balance was part of the pre-implementation process as well. (Losaberidze, 2015, p. 8) Unfortunately, experts and considerable part of the society considers that the independence of the local self-governance is under the threat, as none of the above-mentioned initiatives were discussed and implemented by the government during these years.

6. Research Analysis and Results

Research analysis and results are provided in this particular section of the thesis. Experts, state-representative governors and members of the regional municipalities were interviewed, in order to provide their professional opinions about the reform through the research. This part of the thesis illustrates the link between the past constitutional amendments and weakening of the state-representative governors' institution, as experts will discuss the positive and negative trends of both reforms.

6.1 Evaluation of the Current Legal Aspects of the Institution of State-representative Governor after the Transition from Super-presidential to Semi-presidential Form of Governance in 2010

The participants of the research expressed various views and attitudes about the existing form of the institution of state-representative governor, current legislation, responsibilities and future strategies. The constitutional changes were discussed and analyzed in relations with the state-representative governor's institution and in link with decentralization policy as well. However, despite the variety of opinions about the decentralization policy and constitutional arrangement of the state, experts and political figures expressed the same attitudes about the several particular issues. For example, all of the participants mentioned the lacks of the existing legislative norms concerning the institution of the state-representative governor, especially during the discussion of the functions and effectiveness of the above-mentioned public structure.

First, the deficiencies related to the definition of the power and functions of the state-representative governor were assessed. Despite the fact, that there is a definition about the institution of the state-representative governor given in the - law of Georgian government about the activity, structure and authority - the legislation does not provide exact description of authorities and powers. In fact, the above-mentioned issue creates problems, on the one hand, in the direction of communication with central government and decentralization policy of the

state and on the other hand in relations with the local self-governing bodies. In the first case, there is a statement in the legislation that state-representative governor coordinates the territorial activities of the ministries, but there is no further explanation about the meaning of the coordination or what does it mean in this particular occasion. In addition, several parts of the legislation is vague and the exact authorities are not clearly defined, which gives us reason to think that these functions do not exist at all. However, some of the experts in the field of decentralization consider, that the definition of power and authorities of the state-representative governor's institution needs proper regulation and own legislative framework as well. (Ex 02, June 10, 2017. See Appendix 1.)

Another interesting issue, which was revealed in the discussion with experts (Ex 01, Ex 02, Ex 03, June 9-10, 2017) about the lacks of the legislative side of the institution, was the following: In fact, several crucial powers of the state-representative governor are provided in the statute of the state-representative governor and not in the legislation. It is notable, that by the opinion of experts the above-mentioned fact contradicts the constitution of Georgia and is serious error of the law. Experts state (Ex 01, Ex 02, Ex 03, June 9-10, 2017), that the statute of the state-representative governor is a subordinate document of the legislation and all the authorities and functions provided in it must only specify the powers defined by the law, which does not happen.

One of the experts (Ex 02, June 10, 2017) in the field of the decentralization policy mentioned that the factual condition of the state-representative governor should be in compliance with the formal environment. in particular, with the status granted by the legislation. Furthermore, the gap in the law concerning state-representative governor's institution creates dangerous reality for the development of the decentralization policy, as governors appear to be political figures with high legitimacy, but without any formal status. Experts think, that such gap might be "profitable" for the central government, because it

provides better environment for controlling the functions and powers of the governor and on the other hand, it can give opportunity to governors to exaggerate their competences. (Ex 02, June 10, 2017)

Further basic issues related to the above-mentioned problem include the territorial arrangement and chaos in this direction. According to the expert (Ex 03, June 10, 2017) the legislative side of the regional policy in Georgia is in “crisis” nowadays, which is caused by its irrelevance with the constitution. In particular, local self-governance legislation had been transformed and several important changes were included in the reform, but the misunderstanding and unclearness still exists. The above-mentioned fact gives us a reason to think that government intentionally avoided political decisions, which would increase decentralization in the country. Experts also state (Ex 01, Ex 02, Ex 03, June 9-10, 2017), that the part, which regulates the state-representative governor’s communication with municipalities, is extremely vague as well.

Moreover, one of the experts (Ex 03, June 10, 2017) says, that the further certain negative side of the legislation is that the state-representative governor is a mediator between the central government and municipality, but local self-governing entities do not have any rights to be included in the selection process of governors. The reason for the above-mentioned fact is that they are directly appointed by the executive government – Prime Minister. In addition, the function of supervision, which was during the presidential form of governance under the authority of state-representative governor, was now transferred to prime minister of Georgia. This is the step towards more centralized trend, as expert mentions. (Ex 03, June 10, 2017)

Finally, all experts interviewed through the research agree (Ex 01, Ex 02, Ex 03, June 9-10, 2017), that the transition from presidential to semi-presidential form of governance, which was thought to open the space for more decentralization reached its historical “record”

of diminishing powers to the institution of state-representative governor in Georgia. However, institution still exists but with “formal” status. Proceeding from the above-mentioned fact, it is vitally important to correct legislative side of the institution, which itself would define the exact role of the state-representative governor and eradicate gaps connected with the powers and authorities. It is notable, that experts severally mentioned the importance of the reformation of current legislation of the state-representative governor and consider that the existing form of the institution is not effective at all.

6.2 Powers and responsibilities of a state-representative governor in Georgia after the transition from presidential to semi-presidential form of governance in 2010

As it was mentioned above, the authorities and functions of the institution of state-representative governor are minor and the decentralization policy is controversial in several cases, but the institution still exists.

Experts (Ex 01, Ex 02, Ex 03, June 9-10, 2017) emphasized the various factors triggering the general problem. For example, one of them (Ex 01, June 9, 2017) thinks, that the problem is not in the particular functions of state-representative governors, which are regulated under the standing orders of executive branch. In fact, expert (Ex 01, June 9, 2017) considers that the problem arises, when state-representative governor appears as a head of “Regional Advisory Board” and leaves the area of functions delegated by the central government. Expert (Ex 01, June 9, 2017) thinks that, due to controversial legislation, in this particular case government can interfere in decision-making process, as executive branch appoints them.

Another significant problem, which was mentioned by the experts, is related to the problem of responsibility and powers of state-representative governor. They say, that if the institution has less functions, then it is obvious to have minor accountability as well. “The existence of the institution must not be depended on the certain missions assigned by the government to the state-representative governors. It is crucial to provide such definition of

authorities and duties in the legislation, which would guarantee the autonomous dealing of governors, otherwise there are considerable doubts about the intentions of the central government to interfere in decentralization policy of the country” – stated one of the experts (Ex 02, June 10, 2017). In order to prove the above-mentioned statement, expert provided the legislative record from the Georgian law about the government structure, authority and rules of action (2013), which cites - “Just in case if government assigns”. “This particular statement in the legislation is the fact that governors do not enjoy wide range of discretion and duties in Georgia.” – says Expert (Ex 02, June 10, 2017).

One of the main issues in the plenary powers of state-representative governor in frames of decentralization policy is the function of coordination. According to the experts, the execution of decentralization policy is important, as a market economy often needs implementation on the regional level and the institution of governor is the structure, which should be responsible for it. In order to provide strong local self-governance, it is crucial to make functions of coordination granted to governors in a more detailed method. Experts also mentioned the importance of consideration of European experience in the direction of decentralization policy, as it would facilitate the process of planning and avoid the unintended consequences. Expert (Ex 02, June 10, 2017) thinks that the implementation of local governing policies will be constantly controversial unless the system will be clear enough to exist autonomously.

The research illustrated, that the state-representative governors are actively involved in the process of implementation of regional projects. The state-representative governor in one of the regional parts (SRG 01, June 8, 2017) provided an example of the ongoing program, which is supported by the Ministry of Agriculture of Georgia. In addition, they are in touch with such projects as the improvement of the distribution of gas and electricity supply in their regions, which are implemented by the private companies through the public tenders. The participation

of state-representative governors in various social projects related to the fight against the poverty was revealed through the research as well. According to the governor (SRG 01, June 8, 2017), his involvement in the process is based on the simplicity of the communication, as the investors are prone to have more relationships with the governor. It is notable, that SRG 01 mentioned the availability of information as the main reason for the above-mentioned fact. (SRG 01, June 8, 2017)

It is worth mentioning, that both state-representative governors, which were interviewed said, that the participation in the projects and communications with investors are held based on consultancy, which means that they can only provide their recommendation or advices. In fact, these answers illustrate the lack of any real functions that state-representative governors obtain nowadays. This particular information illustrates the diminishing trend of the rights of institution of state-representative governor after the transition from presidential to semi-presidential form of governance.

Furthermore, both self-representative governors who were interviewed through the research expressed the desire to have more financial support. They consider that the establishment of a separate fund for the state-representative governors' institution would give them more opportunity to play bigger role in the development and political life of the regions. The state-representative governor of one of the regions, which is one the biggest territorial units in Georgia, said that in case of existence of such fund, he would finance a professional development programs for public employees. Governor thinks that the above-mentioned program would help to regulate the mismatch problem, which is obvious on the labor market nowadays. (SRG 02, June 9, 2017)

The state-representative governor (SRG 01, June 8, 2017), noted that in case of more financial support, he would initiate more social projects. (E.g. Funds for rehabilitation of houses for victims of natural disasters, social welfare programs for homeless people etc.) In

addition, as it was already mentioned state-representative governors enjoy the right to vote and participate in the scheduled meetings of the executive government. (Article 271, 2013) However, as the study has shown, this particular authority is not frequently used. In fact, both governors stated that they are not participating in the meetings arranged by the executive branch of the government on a regular basis. However, as one of the governors (SRG 02, June 9, 2017) said , he is constantly having dynamic communication with ministers, ministries and the administration of the prime minister of Georgia. Governors mentioned during the interview, that prime minister regularly meets with them and discusses several ongoing projects in the regions.

6.3 Decentralization Reform after the Change in the form of governance in 2010 in Georgia

As it was already mentioned in the previous chapters of the research, one of the crucial authorities of the state-representative governor's position since the introduction of the institution was - state supervision. This particular function of the state-representative governor included enforcement of the government's policy on the regional level and the right to correct the normative acts issued by the self-governing entities according to the legislation of Georgia. However, after the constitutional amendments in 2010, which guaranteed the transition from presidential to semi-presidential form of government and the decentralization reform conducted in 2013, state supervision function was transferred in hands of the prime minister of Georgia. In fact, the constitutional changes initiated in 2010, were supposed to create better environment for democratic processes as the powers of president should have been decreased and the participation of legislative branch in the political processes should have been increased. It is notable, that generally parliamentary and semi-presidential forms of governing are more characterized with the better opportunities for increasing accountability and inclusion of more groups of society in decision-making process. In addition, giving more space to democratic processes results in improved self-governing policy, which was presented as one of the crucial

ideas of changing political system and conducting constitutional amendments in the country in 2010. It is notable, that before the transition from presidential to semi-presidential form of governance, president enjoyed the right to appoint the state-representative governors, while after the reform this function was transferred to executive government particularly to the head of the government – prime minister of Georgia. In addition, the research showed, that governors were deprived of the state supervision function while the prime minister was granted the same power after the reform.

Moreover, the interviewing process divided the opinions of state-representatives and experts into two parts. It is worth mentioning, that state-representative governors consider that this particular advantage shifted in the area of supervision of own administration. State-representative governors stated that the communication with local self-governing municipalities is easier now than before without the above-mentioned supervision power. Expert (Ex 02, June 10, 2017) also mentioned that the experience of the institution granted by this particular right was not satisfactory in the past periods.

The experts (Ex 01, Ex 03, June 9-10, 2017) presented radically different opinions from the rest of the participants. In fact, they said that the increasing rights of the prime minister over the institution of state-representative governor exerts pernicious influence on the democratic processes, which was supposed to neutralize the change in the political system. One of the experts (Ex 01, June 9, 2017) stated that leaving state-representative governors without the function of supervision and giving them to prime minister was a populist decision and did not contribute in changing the environment after the transition from one form of governance to another. Furthermore, experts think that the government is not interested in distributing more power to self-governing entities and the reason of weakening, but not abolishing the institution of state-representative governor was a part of that intention. Some of the experts think, that

even in terms of the current institution, state-representative governors can exert political influence on local municipalities.

Moreover, the minor functions, which are left to the state-representative governor's institution, include the coordination with the local self-governing entities such as municipalities etc. in the process of implementation of the reform. The statute of the self-representative governor specifies this function and gives authority to the "Department of Relations with the Local-Self Government structures", which is the part of the self-representative governor institution, to participate in the above-mentioned process. According to the statute, governor should promote the implementation of the reform via departments and provide adequate recommendation and instructions. (Statute of the State-Governor, Article 5, 2013) However, governors and the representative of municipalities (MOM 01, MOM 02, June 7, 2017) which were interviewed through the research were not able to deliver any kind of information about this issue, while experts stated that the reason for that is well known. Experts consider that unfortunately, implementation of the reform was limited only with adoption of new organic law about local self-governance and nothing important has changed after the transition from presidential to semi-presidential political system. Several experts also stated that none of the planned systematic changes in the direction of regional governance, which were supposed to be introduced by the pre-implementation strategy, was in fact implemented. (Ex 01, Ex 03, June 9-10, 2017)

Among the experts interviewed, there is one (Ex 01, June 9, 2017), which participated in the creation of the pre-implementation plan. He states, that generally if local self-governing entities and municipalities are not able to provide any certain high quality public services in the existing system, then the state-representative governor's institution should interfere from the higher level of the governance and provide adequate support. The mediating function of the

institution should include the effective model, which is widespread experience for the European countries.

Furthermore, experts said that decentralization is a tool for implementation of more effective state governance in which governors should have their own role, which is missing in Georgian case. In fact, experts agreed that the decentralization reform was the part of the constitutional amendments, which led to transition from presidential to more democratic semi-presidential form of governance. However, the reform of decentralization showed that there is no political will for real changes in this direction from the executive branch of the government. They also indicated that current political processes are the part of political decision-making, which is completely depended on the government.

In conclusion, experts who were interviewed through the research consider that the institution of self-representative governor stayed without considerable functions because government did not intend to provide functional and systematic changes in the direction of decentralization. They are sure that institution nowadays is a government structure with only formal status, while in case of strong political will from the government and proper implementation of decentralization reform, it could become one of the crucial parts of the regional policy-making process. As one of the experts (Ex 01, June 9, 2017) mentioned, “decentralization is not a task, it is a tool in the hands of the government to provide better environment for democratic process. Separately decentralization does not mean anything. It is the instrument for management, which executive branch owns nowadays and it is necessary to determine what is the mission and how can decentralization provide assistance as a tool in implementation process”. (Ex 01, June 9, 2017)

7. Conclusion

The main goal of this particular research was to explore how changes in the form of governance decreased, but not abolished the role of the state-representative governor's institution in Georgia. In fact, two essential periods can be emphasized during the assessment of the development process of local self-governance in the modern history of Georgia:

The first part includes the period from 2004 to 2010, when the state's political system was characterized by "super presidential" constitutional arrangement. (Nodia, Aprasidze, 2013) It is notable, that the presidential form of governance had its impact on the decentralization policy, as government tried to consolidate more powers on the level of the central government and particularly in the hands of the president. During the presidential system of 2004-2010, government was constantly discussing the importance of a regional governance. However, the political decision were more directed to seizure of the power of local self-governing entities rather than giving them real power to act. (Losaberidze, 2015)

The second period is related to the constitutional changes, which resulted in the transition from the presidential to semi-presidential political system. The decision about the above-mentioned constitutional amendments was received in order to decrease the presidential powers and distribute more power to parliament. These historical changes were supposed to make a space for more democratic processes and the decentralization reform conducted in 2013, was the part of these challenges.

In fact, the rule of law must be a guarantor of execution of the power of any institution in a perfect democratic system. One of the crucial ideas of democracy is an independent functioning of various institutions, which leads to coherent system of checks and balances. According to the findings of this research, the authorities of the institution became minor after the change in the form of governance in Georgia, however the institution has not been abolished but still functions only with formal authorities. In addition, the above-mentioned problems

resulted in decreasing the need for the institution in a way that it exists today. Respondents discussed about the absence of the political will for the real changes in the direction of local self-governance from the government. Some of them emphasized how state-representative governor's institution could exert political influence over the municipalities even with a current formal status.

Legislation should not allow opportunity to leave any space for interpretation. In this particular case, country faces a situation when policy is mostly depended on the political will of certain person appointed by the prime minister of the country. Finally, the government of Georgia is responsible for thinking about the need of the institution of state-representative governor and the revision of the above-mentioned functions should be in their timeline.

Appendices

Questions for experts in the field of decentralization

Experts:

David Melua –Executive “Director of National Association of Local Self-Governance”

Aleksandre Svanishvili – Expert of the UN Development Program

David Losaberidze – “Local Democracy Network Center” Chairman

In order to guarantee anonymity of experts participating in the research they will be referred randomly in the text as Ex 01, Ex 02, Ex 03.

Date of Conducting Interviews: (Ex 01) -June 9, 2017; (Ex 02) - June 10, 2017, (Ex 03) – June 10, 2017.

1. Is there a full legal framework for the functioning of the state-representative governor’s institution?
2. How would you evaluate the existing situation in respect to state-representative governor’s institution?
3. How would you assess the existing powers of state-representative governor?
4. How do you think, do the existing powers of the state-representative governor grant them legitimacy?
5. How would you assess the changes according to which governor’s rights decreased?
6. How right was it to deprive powers of state-representative governor’s?
7. Do you think it is important to increase their powers in order to promote decentralization?
8. Do you think the changes in the form of institution is related to the changes of political system in Georgia?
9. As you know, pre-implementation strategy of the decentralization reforms of 2013 included the creation of regional self-governing entities. How do you think the above-mentioned plan was not implemented in reality?
10. How you would you evaluate the Advisory Board Councils institution implemented through the reform?
11. How do you think, is there a need for the self-representative governor’s institution nowadays after the decreased functions and powers?

Semi-structured interviews for state representative-governors

State-representative governors:

Gia Salukwadze

Akaki Machutadze

Date of Conducting Interviews: June 8 and 9, 2017

In order to guarantee anonymity of state-representative governors participating in the research they will be referred randomly in the text as SRG 01 and SRG 02.

1. Which municipalities are covered under your authority?
2. Can you remember any recent regional development projects, which was conducted by the state-representative governor's administration?
3. How is the institution participating in the development of the region?
4. How do you initiate social-economic development programs and work on it?
5. How do you provide the coordination with central government and different government entities with local self-governing units?
6. How do you think why was the institution reorganized after the reform of 2013?
7. What additional functions or powers are needed for improving self-representative governors' performance?
8. What do you think is the most hampering problem, which deters effectiveness of the institution?
9. What do you think will provide better effectiveness (financial resources, human resources, legislation changes?)
10. How do you think the changes in political system affected the institution?

Semi-structured interviews for the representatives of local municipalities

Anonymous

Member of municipality N 1

Member of municipality N 2

Date of Conducting Interviews: June 7, 2017

In order to guarantee anonymity of members of municipalities participating in the research they will be referred randomly in the text as MOM 01 and MOM 02.

1. How often do you communicate with state-representative governor?
2. How often do you communicate with the administration of state-representative governor?
3. What are the basic issues about which you communicate?
4. How often does state-representative governor participate in cooperation with municipalities? Example
5. How do you think, how state-representative accomplishes its mission to coordinate central and local governments?
6. How important is it to co-operate with state-representative governor?
7. The supervision function, which state-governors had before, is now under the control of the prime minister. How do you think, which option is more effective?
8. Do you think that the reform of 2013 increased decentralization in the regions?

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