



Government formation and cabinet types in new democracies: Armenia and Georgia in comparative European perspective



Malkhaz Nakashidze

Department of Law, Batumi Shota Rustaveli State University, Georgia

ARTICLE INFO

Article history:

Received 29 February 2016

Accepted 21 June 2016

Available online 7 July 2016

Keywords:

Constitutional design

Cabinet

Parties

Armenia

Georgia

ABSTRACT

This article is an interdisciplinary comparative research in constitutional law and political science on government formation. The article analyses the possibility of application of European model of government formation to models in the post-soviet countries based on the analyses of the constitutional frameworks and key political, contextual factors that influence the formation of different types of governments. The research looks at the processes of government formation in Armenia and Georgia and defines the extent to which the government formation processes correspond to the broader European experience. The article provides an empirical basis for further comparative research on coalition formation in Central and Eastern European as well as newly democratic post-Soviet countries. Article is based on constitutional system and political practice of Armenia and Georgia in 2003–2012.

© 2016. Mykolas Romeris University. Production and hosting by Elsevier B.V. All right reserved. This is an open access article under the CC BY-NC-ND license (<http://creativecommons.org/licenses/by-nc-nd/4.0/>).

1. Introduction

The transformation of systems of government has become one of the most significant subjects of research in political and legal sciences and constitutional design since the collapse of communist regimes in the early 1990s. It should be noted, that this important issue was researched by number of scientists both from the fields of law and politics (for example, Müller & Strom, 2003, 2010; Lupia & Strom, 2010; Van Heffen, Kickert, & Thomassen, 2000; Martin & Stevenson, 2001; Meyer-Sahling & Veen, 2012 and etc.). These researches were carried out on the formation of different types of governments in Western European countries. Also these studies have tended to analyze the traditions of government formation in parliamentary democracies. The electoral systems (majoritarian, proportional, mixed) and results of parliamentary elections are the key element for the creation of government and political parties are the main actors in the process of government formation in Western Europe. Over the last 20

years, the above-mentioned works on Western Europe have been extended to Central and Eastern Europe. As a multitude of coalition studies confirm, the models of government formation and the constitutional procedures identified in Western Europe can be applied to post-communist countries in Central and Eastern Europe. However, this article attempts to look at the extent to which these models are generally applicable when applied to post-soviet countries.

This interdisciplinary article addresses the above-mentioned question in relation to government formation issues in Armenia and Georgia. To what extent are the government formation models established in Western European and Central and Eastern European countries (in use) exercised in the South Caucasus region? In this research, author reveals the legal background of Government formation in Georgia and Armenia and defines the types of governments formed in these countries following parliamentary elections. The reasons for the formation of one type of government versus another type are discussed

<http://dx.doi.org/10.1016/j.icj.2016.06.001>

2351-6674/© 2016. Mykolas Romeris University. Production and hosting by Elsevier B.V. All right reserved. This is an open access article under the CC BY-NC-ND license (<http://creativecommons.org/licenses/by-nc-nd/4.0/>).

below. The research deals with the defining of the main motivations that make political parties join the government after parliamentary elections. Are they encouraged with office-seeking, policy-seeking or vote-seeking motivations? What specific contextual factors of these countries had an impact on the formation of government? These questions have a large significance for identifying the basic differences and similarities of government formation processes between the European and newly democratic post-Soviet countries.

The objectives of this work are to analyze the constitutional procedures of government formation in semi-presidential and parliamentary systems and evaluate the character of political negotiations between political parties for formation of different types of coalition cabinet. We aim to show the main principles of coalition cabinets in European and post-soviet countries. In research, we use qualitative and quantitative methods of research, comparative analyses of constitutional norms and other documents of European and post-soviet countries as well as statistical analyses of results on parliamentary election of above-mentioned countries.

2. Constitutional design and government formation

2.1. Constitutional framework in Georgia

Constitutional norms for elections, formation of coalition and checks and balances between legislative and executive powers, role of President and Parliament in formation of Government, their responsibility and accountability are very important for explaining government formation processes in these countries. Based on the constitutional design, in scientific literature Armenia and Georgia are considered as semi-presidential countries ([The Constitution of Georgia, 1995](#)). Constitution of Georgia defines that the President of Georgia shall be the Head of State of Georgia and shall lead and exercise the internal and foreign policy of the state. The President of Georgia shall be also the higher representative of Georgia in foreign relations ([The Constitution of Georgia, 1995](#)). This constitutional norms show that president of Georgia is not only head of state, but she/he has a strong power in executive branch of state. Constitution notes that the Government of Georgia shall ensure the exercise of the executive power, the internal and foreign policy of the state in accordance with the legislation of Georgia. It is clear that Government are authorized only ensure the exercise of the executive power, when the President personally exercises executive power. Thus internal and foreign policy of the state is not an exclusive competition of Government of Georgia. The second significant issue is that the Government shall be responsible before the President and the Parliament of Georgia. This constitutional norm confirms that responsibility of government is divided between President and Parliament and formation of government is not connected to Parliament as in many parliamentary systems.

The President has strong powers in executive branch, but formally head of the Government the is Prime Minister

who shall determine the directions of the activity of the Government, organize the activity of the Government, exercise co-ordination and control over the activity of the members of the Government, submit report on the activity of the Government to the President and be responsible for the activity of the Government before the President and the Parliament of Georgia ([The Constitution of Georgia, 1995](#)). Composition of government shall be also formed with active participation of the President. Constitution defines that the Prime Minister shall appoint other members of the Government by the consent of the President, be authorized to dismiss the members of the Government. And next significant issue determines role of President is that the Government and the members of the Government shall withdraw the authority before the President of Georgia and not before the Parliament of Georgia.

The President of Georgia has very strong power in working process of Government. The President of Georgia shall be authorized to convene and preside over the sittings of the Government with regard to the issues of exclusive state importance. Decision adopted at the sitting shall be formed by the act of the President. It is important that there is not defined in the constitution what are “issues of exclusive state importance” and usually President shall determine issues of state importance and convene and preside over the sittings of the Government. Practice shows that President Saakashvili has been always initiator of sitting of Government on these issues.

The constitution of Georgia allow to the President be active part of Government formation after Presidential and Parliamentary election. According the constitution, after taking the oath by the President of Georgia, the Government shall withdraw the authority before the President of Georgia. The President shall uphold the withdrawal of the authority of the Government and be entitled to charge the Government with the exercise of the responsibilities until the appointment of a new composition. There must be noted that government withdraws the authority before the President and not before Parliament of Georgia.

Authority of the Government after the consultations with the Parliamentary Factions shall choose a candidate of the Prime Minister, whereas the candidate of the Prime Minister the candidates of the members of the Government by the consent of the President within a term of 10 days. Within 3 days from the end of the above mentioned procedure the President of Georgia shall submit the composition of the Government to the Parliament for confidence.

Government of Georgia needs confidence from the Parliament. Within a week from the submission of the composition of the Government by the President of Georgia the Parliament shall consider and vote the issue of declaration of confidence to the composition of the Government and the Governmental program. In case a composition of the Government and its governmental program do not gain the confidence of the Parliament, the President of Georgia shall submit the same or a new composition of the Government to the Parliament within a term of a week. In case a composition of the Government and the program of the Governmental thereof do not gain the confidence of the Parliament for three times, the President

Download English Version:

<https://daneshyari.com/en/article/7531888>

Download Persian Version:

<https://daneshyari.com/article/7531888>

[Daneshyari.com](https://daneshyari.com)