

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 157 (2004)¹ on local and regional democracy in Georgia

The Congress,

1. Recalling:

a. Article 2, paragraph 3, of Statutory Resolution (2000) 1 of the Committee of Ministers mandating the Congress to draw up country-by-country reports on the situation of local and regional democracy in member states (monitoring reports);

b. its Resolutions 31 (1996), 58 (1997) and 106 (2000) setting out guiding principles for drawing up the aforementioned reports;

2. Having regard to:

a. Resolution 1257 (2001) and Recommendation 1533 (2001) of the Parliamentary Assembly on the honouring of obligations and commitments by Georgia, drawn up as part of its own monitoring procedure and explicitly referring to the Congress's conclusions on the situation of local democracy in the country;

b. Recommendation 1580 (2002) of the Parliamentary Assembly on the situation in Georgia and its consequence on the stability of Caucasus regions;

c. the Committee of Ministers' Resolution (99) 4 inviting Georgia to become a member of the Council of Europe;

3. Bearing in mind:

a. the reports of the Congress monitoring delegations on regional elections and the elections for the head of the republic held in the Autonomous Region of Adjara (Georgia) on 4 November 2001, and on the regional elections to the Adjara Supreme Council on 20 June 2004, as well as local elections in Georgia held on 2 June 2002;²

b. the report adopted by its Bureau on 21 December 1998 on the situation regarding local and regional democracy in Georgia on the occasion of the accession of Georgia to the Council of Europe;³

4. Having examined the Institutional Committee's report on the situation of local and regional democracy in Georgia prepared by Rapporteurs Mr Ian Micallef (Malta, L) and Mr David Shakespeare (United Kingdom, R),⁴ following three official visits by the rapporteurs in March and September 2003, and in March 2004, including visits to Tbilisi, Kutaisi, Poti and Batumi (Autonomous Republic of Adjara);

5. Thanking:

a. the representatives of the parliamentary, presidential and governmental authorities of Georgia for the spirit of co-operation and their constructive contributions to the organisation of the Congress monitoring mission's programme, albeit regretting that the delegation was unable to meet elected leaders of the cities visited and governors of the regions, except the Autonomous Republic of Adjara, and that the meeting with the representatives of the parliamentary faction of the Citizens Union of Georgia was cancelled at the last minute;

b. the representatives of the Council of Europe Information Office, and more particularly, the Special Representative of the Secretary General in Georgia, Plamen Nikolov for their valuable contribution to the organisation of three visits of the Congress delegation to the country;

c. representatives of Georgia's regional local government associations and international NGOs working in the country;

6. Notes that the local government reform initiated following the declaration of Georgia's independence on 9 April 1991 represented a radical and dramatic break with the highly centralised system of the Soviet state and that its success depends to a great extent on the consistent implementation of the fundamental principles and values of local and regional democracy in the country, which are enshrined above all in the European Charter of Local Self-Government;

7. Notes that the reform process has been progressing very slowly and is still facing serious difficulties and challenges which have been complicated by the persistent deadlock in the efforts to solve regional conflicts of Abkhazia and South Ossetia but also by internal political instability and the lack of consensus about its future;

8. In this context, welcomes the clearly expressed commitment of new Georgian authorities to proceed with the decentralisation process in the country to allow local authorities to manage a substantial share of public affairs, in conformity with Article 3 of the European Charter of Local Self-Government;

9. Convinced that the decentralisation process, which implicitly implies devolution of powers of the central government to local authorities, is a genuine opportunity to encourage participation by citizens in local institutions, and that local democracy is a precondition for political and economic stability in the country;

10. Welcomes the Georgian Parliament's ratification of the European Charter of Local Self-Government as an important step towards strengthened local democracy in the country and a clear indication of its will to honour the commitments and obligations entered into on its accession to the Council of Europe;

11. Regrets, nevertheless, that Georgia:

a. did not fulfil its commitment to sign the European Outline Convention on Transfrontier Co-operation between

Territorial Communities or Authorities and its additional protocols within three years after its accession of the Council of Europe;

b. has not yet ratified the Framework Convention for the Protection of National Minorities (signed) and the European Convention on Regional or Minority Languages;

12. Concerned with the persistent backlog in the nomination of a new national delegation to the Congress which resulted in the suspension of Georgian elected representatives from its work, as the six-month period for nominating new delegates after an election had expired;

13. In view of the foregoing, wishes to draw the attention of the presidential, parliamentary and governmental authorities of the Republic of Georgia to the following considerations and recommendations;

14. General considerations and recommendations

a. When joining the Council of Europe, the Georgian authorities committed themselves to continuing democratic reforms in the country, and more particularly in the field of local and regional self-governance, and to pursuing their efforts towards substantial progress as regards the implementation of the obligation and commitments which Georgia accepted, *inter alia*, with regard to local and regional democracy. Whilst lately, certain progress has been registered in the elaboration of the legislative framework for local government, much more remains to be done to bring legislative provisions fully into line with the European Charter of Local Self-Government;

b. In this context, the recent ratification by the Georgian Parliament of the European Charter of Local Self-Government will consolidate the legal framework of local government in the country and provide clear bearings for future legislative work in this field as well as give an unambiguous indication of Georgia's will to honour the commitments and obligations entered into on its accession to the Council of Europe;

c. The constitutional framework for local and regional self-government needs to be reinforced;

Specific considerations and recommendations

A. With regard to local democracy:

14.1. Constitutional and legal foundation of local self-government (Articles 2 of the Charter):

a. Although the principle of local-self-government is clearly mentioned in the Constitution it is made conditional or subject to the exigencies of the sovereignty of state. The formulation means that local self-government as a constitutional concept is defined as auxiliary or subordinate to the state authority and sovereignty. Given the wide powers vested in the President of Georgia "to halt or dismiss the representative bodies of local self-government if their activities endanger the sovereignty of the country or the exercise of the constitutional authority of state authorities within the country" (Article 73.1.h of

the Constitution), the Constitution seems to provide for a possibility of serious limitations to local self-government;

b. The Law on Local Self-Governance and Governance expressly recognises the right of Georgian citizens to local self-government (Article 2.1) and makes a clear distinction between the state and local self-governance as a basic principle of local self-government (Article 6.h). This provision complies with the Charter's minimum requirements;

c. The Congress recommends, in view of the foregoing comments, that the competent authorities of the Republic of Georgia consider the possibility for amending the afore-mentioned formulation of the Constitution and/or elaborating clear legal procedures which will allow for the resolving of possible conflicts of interests and to protect territorial sovereignty;

14.2. The concept of local self-government (Article 3.1)

a. The present law defining local self-governance as the "right, opportunity and responsibility of citizens of Georgia to resolve the matters of local importance independently and at their own responsibility..." complies in principle with a respective provision of the European Charter;

b. However, since it is the intention of the Charter that local authorities should have a broad range of responsibilities which they are capable of performing at local level and should not be limited to merely acting as agents of higher authorities, a closer look at this formulation is necessary;

c. In this light, the expression "matters of local importance" cannot be considered acceptable because in reality most public affairs have both local and public implications and responsibility for them may vary over time⁵ and there is no clear definition of the autonomy of local authorities in the exercise of the powers and responsibilities assigned to them;

d. Furthermore, the law is based on distinct dualism of "matters of local importance" and local matters of "state importance" to the extent that the former fall under "local self-governance" (Article 1.1 of the law) and the latter under "local governance" (Article 1.4);

e. As to the requirement of being able to manage a "substantial share of public affairs", it is noteworthy that local governance bodies, that is, bodies of state power, have been assigned conspicuously wide and significant functions in the field of education, culture, health care, social welfare, etc. These functions may be said to belong to a core area of local interests. Placing them outside the scope of local self-government and limiting local authorities to matters which do not have wider implications would risk relegating them to a marginal role;

f. This state of affairs may be understood as a basis for restricted practices with regard to local authorities;

g. Besides, the term "opportunity" used in this formulation has the connotation of a convenient occasion or a good chance which is not exactly what is meant by the ECLSG with regard to the concept of local self-government. On

the contrary, the idea of the Charter, as reflected in the term “ability”, expresses the notion that the legal right “to regulate and manage a substantial part of public affairs” must be accompanied by the means of doing so effectively⁶ and in an autonomous manner;

h. The Congress recommends, in view of the foregoing comments, that the competent authorities of Georgia:

- i.* ensure practical implementation of the provision of the Charter stipulating that responsibilities allocated to municipalities must account for a substantial share of public affairs;
- ii.* amend the above-mentioned formulation of Article 1 of the present law so that it fully complies with the provisions of the Charter;

14.3. Powers and responsibilities of municipalities (Articles 4 of the European Charter of Local Self-Government)

a. The overall legislative framework provides a clear definition of local self-government authority as envisaged in Article 4.1 of the Charter. The current Law on local self-governance and governance, as amended in August 2001, clearly divides the competences of legislative and executive bodies of local self-government and makes a clear distinction between exclusive, delegated and optional functions of local self-government bodies;

b. However, fewer exclusive functions have been devolved to local self-government than desirable, that is to say, these functions are far from being full;

c. In general, powers and responsibilities of Georgia’s municipalities are rather limited, as shown hereinbefore (paragraph 14.2. *b, c, d* and *e*), failing to account for any substantial share of public affairs⁷ as stipulated in the European Charter of Local Self-Government;⁸

d. Moreover, delegated functions are passed through the rayon (state) level and the ability of local self-governments to resolve local matters of the protected areas of health, education, culture, recreation and sports has been virtually eliminated in the new law;

e. The rayon governing bodies possess wide-ranging powers of transferring authorities to local self-governing bodies on an ad hoc basis, the legal procedures for which are still rather vague;

f. On the other hand, rayon (state) local governing bodies are assigned with functions of “approval of and exercising control over the execution of local budget, introduction and abolishment of local taxes and duties in accordance with Georgian legislation” (Article 8.*d* of the law), which may be understood as interfering with the competences of local self-governing bodies (Article 7 of the law);

g. In this connection, it should be pointed out that the Charter seeks to ensure that basic responsibilities are not assigned to local self-government bodies on an ad hoc basis but they should be sufficiently rooted in the legislation;

h. The Congress recommends, in view of the foregoing comments, that the competent authorities of the Republic of Georgia guarantee by law that the responsibilities and powers assigned to local self-governance bodies must not only be exclusive but full and that municipalities should have full discretion to exercise their initiative with regard to any matter which is neither excluded from their competence nor assigned to any other authority;⁹

14.4. The principle of subsidiarity (Article 4.3 of the Charter)

a. The subsidiarity principle as such is formally recognised by the law on local self-government (Article 6.1.4). However, according to this provision, it is to be observed when “local self-governance bodies shall exercise voluntary authority on their own initiation”;

b. Such an emphasis with regard to the subsidiarity principle as a guideline for the devolution of powers and responsibilities has been applied only to a very limited degree in Georgia and it appears that there is no intention to implement, devolve and strengthen the powers afforded to local self-government;

c. Since the allocation of powers and responsibilities remains to be quite centralised, Georgia faces the challenge of transferring substantial self-government powers to local authorities in order to achieve compatibility with the Charter;

d. Furthermore, it should be remembered that public responsibilities should generally be exercised preferably by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy (*principle of subsidiarity*);¹⁰

e. Bearing in mind these comments, the Congress recommends that the respective authorities of Georgia amend the Law on Local Self-Governance and Governance in order to fully comply with the principle of subsidiarity, as mentioned in Article 4.3 of the Charter;

14.5. Relations between central authorities at local level¹¹ and self-governing bodies (Articles 4 and 8 of the European Charter of Local Self-Government)

a. The present law does not refer to consultations as a general principle in the decision-making process which directly concerns the interests of local self-governing bodies;

b. However, Article 8.3.*a* of the present law stipulates that the “delegation of authorities to a local self-governance body by a local governance body” should be conducted on the “grounds of preliminary consultations and respective agreements concluded between them only”;

c. Article 47, dealing with temporary legal regulation of certain relationships envisaged by this law refers to the Presidential Decree of 14 May 1999 “on the rules regulating the issues of administrative arrangement of Georgia” as a major legal instrument dealing temporarily

with the territorial and administrative set-up before a special constitutional law is adopted;

d. It further stipulates that a representative body of local governance – council and an executive body – *Gamgeoba* shall be created at the rayon level, which shall be “a state governance body” empowered to administer “local governance” and make “decisions regarding the delegated powers” (Article 7.6);

e. The rayon council is made up of elected chairmen of the lowest level councils of local self-governing units, whereas the head of *Gamgeoba* is appointed from among the council members by the President of Georgia;

f. Unlike the *Gamgeoba*, the status of the rayon council is not legally defined, though it is empowered (with some significant limitations) to make decisions on matters that fall under the competences of the lowest level self-governing body (Article 12.2.a, b and c and Articles 13.4 and 13.6 of the law);

g. This situation leads to a conflicting outcome: there exists a rayon council which is assigned the responsibilities of a local self-government representative body whereas its executive branch is nothing but a state body;

h. The Congress recommends, bearing in mind the foregoing comments, that Georgia’s competent authorities consider the possibility for amending the present law so that it will ensure:

i. a clear division of powers between the devolved state authorities and local self-governing bodies, particularly where such authorities are in competition with the latter or operate in action fields in which there is no clear apportionment of responsibilities;

ii. consultations with local authorities, insofar as is possible, in due time and in an appropriate manner in the planning and decision-making process for all matters which concern them directly;

14.6. Election of local councils and chief officials, and the status of local elected representatives (Article 7 of the European Charter of Local Self-Government)

a. The law in force guarantees the right of the local population to elect local self-governance representative bodies, *Sacrebulos*, in compliance with the respective provisions of the Charter;

b. The law allows direct elections of the *Gamgebelis* – mayors of cities, towns and villages, with the exception of Tbilisi and Poti where they are still appointed and dismissed by the President of Georgia – which is incompatible with Article 3 of the Charter;

c. This arrangement clearly denotes a parallel responsibility to the central government which is fraught with the risk of conflicts between the elected council and the appointed chief executive;

d. It should be remembered that there are no elections at the rayon level whose legal status raises serious questions.

Rayon chief executives are also appointed by the President of the Republic of Georgia;

e. The electorate system is governed by the comprehensive and up-to-date Electoral Code of 2001, which also applies to local elections;

f. However, the last local elections, held in June 2002, were marred by serious irregularities and violations of the Electoral Code, and the elections in general fell short of international standards, as was recorded by the Congress observation mission and other international observers;¹²

g. Given the last amendments to the Electoral Code, made in August 2003, incorporating a number of improved registration procedures for candidates and increased transparency in the work of election commissions, current legislation provides a better framework for the conduct of local and regional elections if implemented impartially and uniformly;

h. The status of councillors is partially dealt with in Article 22 of the present law which also refers to specific legislation on this matter (not available);

i. Nevertheless, a provision of this article, stipulating that councillors would perform their duties without any compensation, does not comply with Article 7 of the Charter, which aims at ensuring that some categories of elected representatives may not be prevented by purely material considerations from standing for office. The material considerations include appropriate financial compensation for expenses stemming from the exercise of functions and, as appropriate, compensation for loss of earnings, particularly in the case of councillors elected to full-time executive responsibilities, remuneration and corresponding social welfare protection;

j. With regard to the responsibility of the executive bodies to the directly elected councils, the present law establishes a system of dual and overlapping accountability, with rayon bodies being a graphic illustration of this situation;

k. Taking into account the existing administrative and financial constraints, it is certain that local elected councils cannot enjoy a sufficient degree of autonomy in exercising their functions;

l. Furthermore, there exist serious discrepancies between the scopes of responsibilities of the councils with rayon subordination and those which are not. The latter are automatically granted the right to exercise “local governance” whereas the former may be assigned this function through delegation;

m. The Congress recommends, taking into consideration the foregoing comments, that the respective authorities of Georgia:

i. take measures to ensure strict implementation of the Electoral Code;

ii. amend the legislation in order to allow all local and rayon authorities to be directly elected by the population, instead of appointed by the President of the Republic and

to exclude their dual subordination and overlapping in their responsibilities, in compliance with the European Charter of Local Self-Government;

iii. amend the Law on the Capital City of Tbilisi with a view to introducing free democratic election of its mayor;

iv. amend the Law on Local Self-Government so that the Mayor of Poti is no longer appointed by the President;

v. amend the Law on Local Self-Government and, if necessary, the Law on the Status of Local Elected Representatives in order to guarantee free exercise of their mandates;

14.7. Supervision of local authorities' decisions (Article 8 of the Charter)

a. The law does make reference to external supervision of local authorities' decisions to ensure their legality (Article 6.1.3) which may be regarded as compatible with the Charter;

b. As to the supervision of the delegated authorities, the law is somewhat more ambiguous but seems to favour the supervision limited to legality only;

c. There is no direct reference to administrative supervision, which could be exercised with regard to expediency in respect of delegated tasks;

d. However, in the case of transferred competences the state authorities are empowered to "annul the decisions made by local governance bodies in the scope of rights transmitted to them" (Article 42.3);

e. Furthermore, the superior state authority and the President of Georgia are entitled to exercise a very wide and unconditional power, at least formally, of invalidating the decisions taken by the rayon level self-government bodies (Article 42.7);

f. The latter kind of supervision is clearly incompatible with the provisions of the Charter undermining the principle of "proportionality, whereby the controlling authority, in exercising its prerogatives, is obliged to use the method which affects local autonomy the least whilst at the same time achieving the desired result;

g. The law is practically silent on supervisory procedures, which may allow ad hoc encroachments on the local self-governments' discretion to exercise their functions;

h. In view of these observations, the Congress recommends that the competent authorities of the Republic of Georgia amend the existing legislation in order to comply with the respective provisions of the European Charter of Local Self-Government and afford local self-government rights to free exercise of its powers and to take legal action against the state when the state interferes with the decisions taken by the local self-government authorities on matters which fall within their remit;

14.8. Financial resources of municipalities (Article 9 of the Charter)

a. The existing legislation is formally in compliance with the requirement of the Charter with regard to local financial resources (Article 34.2);

b. However, in reality financial independence and the tax-raising capacity of local communities in Georgia are very limited, to say the least; the only revenue available to them comes from non-lucrative local taxes and charges;

c. This problem is aggravated by the fact that they still do not have their own assets, and that taxes on the more lucrative assets or activities remain under the control of the central authorities;

d. Besides, transfer of property from the devolved authorities to the municipalities has not yet been completed;

e. Local authorities have no influence on tax-collecting bodies which are part and parcel of the centralised fiscal system;

f. Furthermore, the municipalities are apparently unable to dispose freely of their resources in order to exercise their powers;

g. State transfers are not distributed on the basis of objective, clear, transparent and specific criteria established by law, thus making it possible to make arbitrary and unpredictable decisions by central authorities concerning their allocations;

h. In this context, the respective authorities of Georgia should be commended on the elaboration, in co-operation with the Council of Europe, of a draft law on municipal property which was transmitted to the national parliament in May 2003, as well as on the effort to work out, in collaboration with the Council of Europe, a legislative package governing local government finance (i.e. draft law on local budgeting, draft law on revenue assignment and draft law on tax-sharing);

i. The Congress recommends, in view of the foregoing, that the competent authorities of the Republic of Georgia:

i. pursue co-operation with the newly elected parliament of Georgia in order to speed up the adoption of the draft law on local government property;

ii. continue the legislative effort, in co-operation with the Council of Europe, in drafting the package on local government finance and other key sectorial legislation, including a draft governing the status of local government staff;

iii. introduce effectively, and increase, the tax-raising capacity of the municipalities so that, *de facto*, at least a substantial proportion of their financial resources can derive from local taxes and charges of which they have the power to determine the rate, within the limits of statute.¹³ To that end it is important to ensure that such taxes and charges are sufficiently lucrative, buoyant and diversified;¹⁴

14.9. Municipalities' right to co-operate and associate (Article 10 of the European Charter of Local Self-Government)

- a.* The existing legislation expressly entitles local self-government units both to co-operate and to form common bodies (Article 8.2); the constitution (Article 26.1) and the present law also recognise their right to form associations (Article 26.1);
- b.* In reality, however, the social and political context is not conducive to such activities; there is still a marked "Soviet" mentality whereby the centre gives orders and local governments obey and where the grass-root activities were mostly controlled and organised from above, principally to create support amongst the population for the regimes' courses of action;
- c.* There is still a communication breakdown between the central administration and local authorities;
- d.* NGOs continue to be perceived, at best, as political opponents and often suffer interference in their activities, as was the case with the first national local government association set up with the financial support of foreign donors. On the other hand, there are "NGOs" which seem to be more of an extension of the central branch than independent NGOs;
- e.* It is regrettable that the country still has no association to represent all municipalities nationwide. Setting up such an association, which should not be confused with co-ordinating centres or councils (inter-municipality co-operation bodies set up in order to improve implementation of specific powers and responsibilities), would enable municipalities to:
- i.* launch a dialogue between the central administration and local authorities on the relevant issues of local democracy;
 - ii.* better represent their interests vis-à-vis the central authorities when the latter debate issues of direct concern to the municipalities, which would require the competent central authorities to formally and regularly consult the association of municipalities;
 - iii.* improve co-operation with local authorities in other states, possibly through the intermediary of an international association of local authorities;
- f.* The Congress recommends, in view of the foregoing, that the competent authorities of the Republic of Georgia:
- i.* give their full support to the Council of Europe's action in this area and actively participate in the project carried out in the framework of the Joint Programme with the European Commission aimed at facilitating the creation of a National Association of Georgian local and regional authorities;
 - ii.* do their utmost to engage in the negotiations with all the stakeholders about the future of local government in Georgia;

iii. pursue an active role in promoting transfrontier co-operation between local and territorial authorities of Georgia and neighbouring countries;

B. With regard to regional affairs:

- a.* The Constitution of Georgia does not refer to regional organisation of the country, postponing the solution of this problem to a time when appropriate conditions will be created for the restoration of state jurisdiction over the breakaway regions of Abkhazia and South Ossetia; a national parliament thereafter will be formed with two Chambers, namely the Council of the Republic and the Senate (Article 4.1 of the Constitution);
- b.* In June 2004, the Georgian Parliament adopted a constitutional law on the status of the Autonomous Republic of Adjara, following new elections to the regional legislature, which is an important step forward in the right direction;
- c.* The law on Adjara, however, needs to be reviewed in order to bring it fully into line with the European Charter, particularly with respect to the distribution of powers and responsibilities between the central government and regional authorities;
- d.* Regrets that no progress has been made on a political settlement of the South Ossetian and Abkhazian conflicts;
- e.* Seriously concerned over the repeated violations of the cease-fire agreement on South Ossetia that involved loss of life on both sides during the recent conflict in mid-August;
- f.* Stresses the need for a demilitarisation of the conflict zone by all sides and for reaffirmation of the willingness to achieve a peaceful resolution to the conflict;
- g.* This situation is obviously not conducive to making headway with the decentralisation process which is sometimes considered as a threat to the country's unity;
- h.* However, the Congress recommends that the competent authorities of the Republic of Georgia continue to actively engage in the negotiations with the respective authorities of Abkhazia and South Ossetia, in co-operation with international organisations, in order to implement confidence-building measures and to achieve a final settlement of the persistent conflicts, as well to design, draft and implement a comprehensive decentralisation policy for the country;

14.10. Training of local elected representatives

- a.* The authorities of Georgia are to be congratulated on the progress achieved in the developing, in co-operation with the Council of Europe, of a national training strategy for local government and of a "Guide on local democracy";
- b.* However, in view of the situation in the country, characterised by the lack of common understanding of the very essence of local democracy, training of local staff and elected representatives, raising awareness about local

democracy, generating consensus on decentralisation and developing constructive co-operation between the central government and local and regional authorities should be seen as the key challenge;

c. The Congress invites the respective authorities of Georgia to actively support the Council of Europe's activities in this area by:

- i.* widely disseminating the "Guide on local democracy";
- ii.* facilitating the launching of a national training strategy by actively seeking donor support for ensuring the follow-up to the Council of Europe's actions aimed at establishing a national training agency;
- iii.* training of elected representatives and raising awareness of local democracy and generating consensus on decentralisation and developing co-operation between state and local authorities;
- iv.* encouraging the contribution of the European Network of Training Organisations for Local and Regional Authorities, in collaboration with the Directorate of Co-operation for Local and Regional Democracy to the elaboration and implementation of the national training strategy in Georgia;
- v.* supporting a local democracy agency project;

14.11. National delegation of Georgia to the Congress of Local and Regional Authorities of the Council of Europe

a. It is regrettable that up till now, more than two years since the last local elections, a new national delegation of Georgia has not yet been formed, and Georgia's elected representatives have been unable to take part in its work;

b. The Congress recommends that the competent authorities engage urgently in intensive consultations with local and regional bodies with the purpose of establishing a new delegation in full compliance with the requirements of the Congress' Charter and the Rules of Procedure;

14.12. In the light of the above considerations, the Congress notes with regret that most of the requests set out in the report drawn up on Georgia's accession to the Council of Europe have not been met and that, despite the promises, these requests must now be reiterated in this text in the form of an official recommendation;

15. Therefore invites:

- a.* the presidential, parliamentary and governmental authorities of the Republic of Georgia to comply fully, without delay, with this recommendation and to keep the competent authorities of the Council of Europe¹⁵ abreast, on a periodical basis, of any progress made in this respect, particularly, and as a matter of urgency, on the matters mentioned in paragraphs 14.6 and 14.11 above;
- b.* the Committee of Ministers to transmit the present recommendation and its explanatory memorandum to the governmental authorities of the Republic of Georgia;
- c.* the Parliamentary Assembly to take account of the above recommendations under its procedure for monitoring Georgia's commitments and undertakings;
- d.* the minister responsible for issues of local and regional self-government in the country to attend its next Plenary Session (Strasbourg, 31 May-2 June 2005) in order to outline the measures taken and/or envisaged, with a view to implementing the present recommendation.

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1. Debated and adopted by the Standing Committee of the Congress on 4 November 2004 (see Document CG (10) 22 rev., draft recommendation presented by I. Micallef (Malta, L, EPP/CD) and D. Shakespeare (United Kingdom, R, EPP/CD), rapporteurs).
 2. Document CG/Bur (8) 97 approved by the Bureau on 12 December 2001, rapporteur: Mr Whitmore; Document CG/Bur (9) 17 adopted by the Bureau on 5 July 2002, rapporteur: Mr Whitmore.
 3. Document CG/BUR (5) 62 rev. approved by the Bureau on 21 December 1998, rapporteurs: Mr Michel Guégan (France, L) and Mr Gabor Kolumban (Romania, R).
 4. (in liaison with Mr Leon Kieres before May 2004.)
 5. Explanatory report on the European Charter of Local Self-Government (ETS No. 122).
 6. *Idem.*
 7. Relating to state administration.
 8. Article 3.1 of the European Charter of Local Self-Government.
 9. Article 4.2 of the European Charter of Local Self-Government.
 10. Article 4.3 of the European Charter of Local Self-Government.
 11. Authorities coming under the executive of the state.
 12. Document CG/Bur (9) 17.
 13. Article 9.3 of the European Charter of Local Self-Government.
 14. Article 9.4 of the European Charter of Local Self-Government.
 15. Secretariat of the Congress of Local and Regional Authorities of the Council of Europe and Directorate of Co-operation for Local and Regional Democracy – Secretariat General.