

## **A way ahead for Georgia**

We, the undersigned parties, taking into account our shared interest to:

End the current political dispute and advance Georgia's democratic and rule of law agenda through political, judicial and anti-corruption reforms,

Enable our country to stay strong and united in meeting the health and economic challenges posed by the COVID-19 pandemic,

Ensure Georgia's security and stability interests in the midst of regional challenges,

Act with further determination to fulfil Georgia's European and Euro-Atlantic aspirations,

Recognising the support from President of the European Council Charles Michel,

Have agreed:

to enter Parliament and to fully participate in parliamentary business upon signing this agreement;

to conduct our duties until the next parliamentary elections with mutual respect and in recognition of the importance of unity in the interest of Georgia's stability.

Therefore, we commit to fulfil expeditiously and in good faith all of the following elements:

## **1. Addressing perceptions of politicized justice**

- In the interest of Georgia's political stability and in order to implement this agreement, the signatories commit to address, within one week of signing this agreement, the two cases of perceived politicized justice, either by an amnesty and/or by taking such steps as to produce an equivalent outcome. In particular, within one week of signature of the agreement, a party represented in Parliament shall initiate an amnesty law for all violations and convictions stemming from the 19-21 June 2019 protests.
- Moreover, Parliament shall address the perception of politicized justice through legislation and amending the Rules of Procedure as necessary, to require a higher than simple majority threshold for the lifting of parliamentary immunity.

### ***Timeline:***

- 1. Within one week of signature: actions necessary to fulfil this provision shall be taken.*
- 2. All signatories then enter Parliament to vote on the legislative changes and the reform of parliamentary rules.*

## **2. Ambitious electoral reform**

- All future parliamentary elections shall be fully proportional. The next two parliamentary elections shall have a threshold between natural and 2%.
- A grouping of at least 4 Members of Parliament shall be allowed to form a parliamentary faction to which MPs of other parties can be included.
- The parties shall support the bill tabled in Parliament on 2 March, with the following complementary or modifying amendments:
- Local elections: a 4/1 ratio of proportional and majoritarian mandates for the 5 largest cities and 2/1 for all others; thresholds shall be 2.5% in Tbilisi and 3% everywhere else.
- Central Election Commission: 8 professional members and 9 political party members. Professional members appointed by two-thirds majority of the Parliament's full composition. One of the political party members representing an opposition party shall be Deputy Chairperson.
- District Election Commissions: same proportions and two-thirds majority in CEC on professional members' appointment.
- Precinct Election Commissions: same proportions subject to a parliamentary discussion on feasibility. Professional members appointed by simple majority plus one vote in DEC. PEC Protocols to be signed by at least 5 professional members plus one political party member.
- CEC Chairperson shall be elected by two-thirds majority of the Members of Parliament.
- An "anti-deadlock" mechanism for the election of the Chairperson and/or of the professional members of the Central Election Commission shall be established as follows:
  1. The first two attempts shall require a two-thirds majority. The third attempt shall require a three-fifths majority. Subsequent attempts shall require a simple majority.
  2. Votes shall take place no earlier than 4 weeks after the previous vote.
  3. Any appointment pursuant to this anti-deadlock procedure (lower than a two-thirds majority) shall be temporary, with a term limited to six months, during which the standard appointment procedure shall be re-launched.
- Clear criteria for the recounts of ballots shall be defined. The automatic 10% recount of all precincts on a random basis remains.
- A special task force shall be set up under the CEC's mandate to include Public Defender's Office and invite credible non-partisan election observer organisations, as well as trusted invited domestic and international experts, to review the dispute resolution process and provide timely recommendations to the CEC. The task force may be given additional functions such as involvement in recounts.
- In line with the Venice Commission and OSCE/ODIHR Joint Opinions of 20 March 2021, related to two draft laws tabled in January 2021 to amend provisions on party registration and on party financing, the adoption of the proposed amendments shall be reconsidered.

**Timeline:**

1. *Discussion resumes on the draft electoral bill in the Working Group, upon the other opposition parties' entry into Parliament*
2. *An updated draft, amended to fully reflect this agreement, is sent to ODIHR for opinion within two weeks of conclusion of this agreement*
3. *All required amendments shall be adopted by the Parliament in good time before the 2021 local self governmental elections*

### **3. Rule of Law/Judicial Reform**

Parliament shall adopt ambitious judicial reform in this Parliamentary term, including the following, as the first step in a broad, inclusive and cross-party reform process.

- To increase the independence, accountability and quality of the judicial system, the Georgian authorities will, in line with two packages of judicial reforms adopted in 2017 and 2019:
  - a) further enhance transparency and merit-based selections in the appointment of judges to first instance and appeal courts, notably by publishing written justifications for appointments of judges with reference to integrity and competence criteria;
  - b) submit to the Parliament draft legislation on the appointments to the Supreme Court in line with the related Venice Commission opinion No. 949/2019 of 24 June 2019, notably as concerns the staggered approach to appointments, open voting in the High Council of Justice, and the need for the latter to justify the nominations;
  - c) refrain from making appointments to the Supreme Court under existing rules;
  - d) adopt the legislation implementing the ruling of the Constitutional Court of Georgia from June 2019 by setting rules for the publication of judicial decisions.
- In the meantime, as regards the Supreme Court, all ongoing appointments shall be paused and the application process shall be reopened, including to new candidates, once the new legislation have entered into force.
- Substantive reform of the High Council of Justice to increase transparency, integrity and accountability, including in appointments, appraisals, promotions, transfers, disciplinary measures and appeals shall be drawn up, submitted to the Venice Commission and the OSCE/ODIHR for an opinion and their recommendations shall be fully implemented.
- As regards future Prosecutors General, following necessary procedures for constitutional revision, including a public debate, the parties commit to pursuing a shared political position that a vote of a qualified majority of the Members of Parliament, ensuring the broadest, cross-party political support, shall be required for the appointment of the next Prosecutors General and to align these appointments with international best practices to ensure appointments are made in a transparent, non-partisan manner, based on merits. Furthermore, the parties commit to pursuing a shared political position on establishing an “anti-deadlock” mechanism for the election of future Prosecutors General, as follows:
  1. The first two attempts shall require a qualified majority. Subsequent attempts shall require a simple majority.
  2. Votes shall take place no earlier than 4 weeks after the previous vote.
  3. Any appointment pursuant to this anti-deadlock procedure (lower than the qualified majority) shall be temporary, with a term limited to one year, during which the standard appointment procedure shall be re-launched.
- The parties commit to further judicial reform through an inclusive process, including an assessment of the effectiveness of the 3rd and 4th waves of judicial reform. International advice and support will be sought for implementation of these reforms, in particular as regards the integrity of appointees.

**Timeline:**

1. *Discussion on the implementation of this agreement and on the further reforms starts upon the other opposition parties' entry into Parliament.*
2. *A draft is tabled and sent before 1 July to the Venice Commission for opinion.*
3. *A first vote takes place in the autumn session of 2021.*
4. *Parliament adopts the reforms expeditiously and no later than during the Spring 2022 session.*

#### **4. Power Sharing in the Parliament**

- Opposition MPs shall be assigned 5 committee chairmanships, 2 of which shall be among the following five committees:
  1. Committee on Procedural Issues and Rules
  2. Committee on Legal Issues
  3. Human Rights Committee
  4. Budget and Finance Committee
  5. Foreign Relations Committee
  
- Opposition MPs shall be assigned the position of 1 chairmanship among the following Parliament delegations to international fora: Euronest PA, EU-Georgia Parliamentary Association Committee, Parliamentary Assembly of the Council of Europe and the OSCE PA.
  
- Other positions shall be assigned in the future using a more inclusive formula such as the D'Hondt rule.
  
- The parties shall seek to establish a Jean Monnet Dialogue with the European Parliament.

***Timeline:*** *Within one week of signature: start the process to define more power sharing in the Parliament with the changes to take effect upon convening of the autumn session of 2021.*

## 5. Future elections

Following the offer made by Georgian Dream on 16 April 2021, early parliamentary elections shall be called in 2022 if the Georgian Dream party receives less than 43% of valid proportional votes in the October 2021 local self-government elections.

The parties take note of the assessment by the OSCE ODIHR, according to which “the 31 October parliamentary elections were competitive and, overall, fundamental freedoms were respected. Nevertheless, pervasive allegations of pressure on voters and blurring of the line between the ruling party and the state reduced public confidence in some aspects of the process. (...) The systemic rejection of the majority of complaints on formalistic grounds, significantly limited the opportunity to seek effective legal remedy.”

The parties acknowledge their differing assessment of the 2020 elections and agree to take up their parliamentary mandates and participate in future elections on the basis of the electoral reform agreed here above, in the interest of Georgia’s political stability and in order to implement this agreement.

An International Observation Mission shall be requested by the Georgian authorities for the October 2021 local elections.

***Timeline:*** *This political commitment is made upon signature of the agreement.*