

CONSTITUTIONAL LAW OF GEORGIA

ON THE STATUS OF THE AUTONOMOUS REPUBLIC OF AJARA

Article 1

1. This Law defines the legal status of the Autonomous Republic of Ajara, the main forms and principles of the exercise of public authority, powers and the procedure for their exercise, and other issues related to the Autonomous Republic of Ajara, as provided for by Article 3(3) of the Constitution of Georgia.
2. This Law is an integral part of the Constitution of Georgia.

Article 2

1. The Autonomous Republic of Ajara is a territorial unit which constitutes an inseparable part of Georgia and which exercises the powers determined by this Law and other powers granted according to the procedure established by this Law.
2. In the Autonomous Republic of Ajara public authority is exercised on the basis of principles established by the Constitution of Georgia. Only government bodies provided for by this Law may be established in the Autonomous Republic of Ajara.

Article 3

The city of Batumi is an administrative centre of the Autonomous Republic of Ajara.

Article 4

1. The Autonomous Republic of Ajara comprises the territory within the administrative borders existing at the time of the adoption of this Law.
2. The administrative borders of the Autonomous Republic of Ajara may be changed at the initiative of two thirds of the full composition of the Supreme Council of the Autonomous Republic of Ajara. A decision on the change of the administrative borders of the Autonomous Republic of Ajara shall be made by the Parliament of Georgia under an organic law of Georgia.

Article 5

1. The Autonomous Republic of Ajara has its own flag and coat of arms, which are defined by the Constitution of the Autonomous Republic of Ajara. The elements of the national flag and coat of arms of Georgia shall be included into the flag and coat of arms of the Autonomous Republic of Ajara.
2. The size of the flag of the Autonomous Republic of Ajara shall be three fifths the size of the national flag of Georgia.
3. During official events in the Autonomous Republic of Ajara, the national anthem of Georgia shall be performed, and in the cases determined by the legislation of Georgia, the flag and coat of arms of the Autonomous Republic of Ajara shall be displayed along with the official national symbols (flag and coat of arms) of Georgia, and the flag of the Autonomous Republic of Ajara shall also be raised when the national flag of Georgia is raised.

Article 6

1. The powers of the Autonomous Republic of Ajara are based on the Constitution of Georgia, this Law and the Constitution of the Autonomous Republic of Ajara.
2. issues that do not fall under the special jurisdiction of the higher state bodies of Georgia and the Autonomous Republic of Ajara. as provided for by the Constitution of Georgia and this Law, shall be regulated by legislative acts of Georgia.
3. The powers falling under the special jurisdiction of the higher state bodies of Georgia may not be delegated to the Autonomous Republic of Ajara.

Article 7

1. Taking into consideration Article 3(1) of the Constitution of Georgia, the following issues fall under the special jurisdiction of the Autonomous Republic of Ajara:
 - a) the adoption of and amendments to the Constitution of the Autonomous Republic of Ajara and other normative acts of the Autonomous Republic of Ajara;
 - b) the conduct of elections of the Supreme Council of the Autonomous Republic of Ajara;



- c) the determination of the structure, powers and rules of operation of the Government of the Autonomous Republic of Ajara;
- d) the promotion of education and science, the establishment and management of cultural and scientific institutions and the maintenance of cultural monuments of local importance;
- e) libraries and museums of local importance;
- f) tourism, culture and sports;
- g) construction and urban development of local importance;
- h) roads and other communication lines of local importance;
- i) sanitation; participation in the resolution of healthcare and social security issues;
- j) agriculture and hunting;
- k) monitoring the quality of food and food products;
- l) trade fairs, markets and exhibitions;
- m) the determination and implementation of a budgetary policy within the limits of the revenues of the Autonomous Republic of Ajara in accordance with the legislative acts of Georgia, the preparation of a draft budget of the Autonomous Republic of Ajara, and the approval of the budget and the monitoring of its execution;
- n) the introduction or elimination of local taxes and fees determined by the laws of Georgia;
- o) the management and administration of the property of the Autonomous Republic of Ajara;
- p) the Archive Service necessary for the Autonomous Republic of Ajara;
- q) forestry management;
- r) fire protection.

2. If the Autonomous Republic of Ajara does not regulate any of the issues provided for by paragraph 1 of this article, the higher state body of Georgia may regulate it within the scope of its competence by a normative act of Georgia.

Article 8

Government bodies of the Autonomous Republic of Ajara shall independently decide upon the issues falling under the special jurisdiction of the Autonomous Republic of Ajara, except for the cases provided for by Article 7(2) of this Law.

Article 9

1. The Autonomous Republic of Ajara may not impose such restrictions or take such measures as to directly or indirectly hinder the free movement of citizens, goods, services or capital within or across its territory.
2. The Autonomous Republic of Ajara may not regulate the issues provided for by Chapter II of the Constitution of Georgia by a normative act.

Article 10

1. The Supreme Council of the Autonomous Republic of Ajara is a representative body of the Autonomous Republic of Ajara, which, within the scope of its authority, carries out legislative activities and monitors the activities of the Government of the Autonomous Republic of Ajara.
2. The Supreme Council of the Autonomous Republic of Ajara is composed of not more than 21 deputies elected for four year terms. The procedure for electing deputies of the Supreme Council and their number is determined by the Constitution of the Autonomous Republic of Ajara and the legislation of the Autonomous Republic of Ajara.
3. The Supreme Council of the Autonomous Republic of Ajara shall be elected on the basis of universal, equal and direct elections, by secret ballot, by the citizens of Georgia residing in the territory of the Autonomous Republic of Ajara.
4. The regular elections of the Supreme Council of the Autonomous Republic of Ajara shall be conducted in October of a calendar year, in which the term of powers of the Supreme Council of the Autonomous Republic of Ajara expires. The date of the elections of the Supreme Council of the Autonomous Republic of Ajara shall be determined by the President of Georgia as provided for by the procedure established by the Organic Law of Georgia.



Article 11

The powers of the Supreme Council of the Autonomous Republic of Ajara shall be terminated:

- a) upon the recognition of the powers of a newly elected Supreme Council of the Autonomous Republic of Ajara;
- b) upon the entry into force of an edict of the President of Georgia on the dismissal of the Supreme Council of the Autonomous Republic of Ajara;

Article 12

1. The President of Georgia shall be authorised to dismiss the Supreme Council of the Autonomous Republic of Ajara with the consent of the Parliament of Georgia if the actions of the Supreme Council pose a danger to the sovereignty and territorial integrity of the country, to the exercise of constitutional powers by state government bodies, and/or if the Supreme Council fails to exercise other powers granted by this Law and the Constitution of the Autonomous Republic of Ajara.
2. The President of Georgia shall be authorised to dismiss the Supreme Council of the Autonomous Republic of Ajara if the Council fails, twice in a row, to approve a candidate for chairperson of the Government of the Autonomous Republic of Ajara.
3. In the case of the dismissal of the Supreme Council of the Autonomous Republic of Ajara, its powers shall be exercised by an interim presidential council which shall be appointed by the President of Georgia. The powers of an interim presidential council shall be terminated upon the recognition of the powers of a newly elected Supreme Council of the Autonomous Republic of Ajara.
4. An act adopted by an interim presidential council shall be subject to the approval of the Supreme Council of the Autonomous Republic of Ajara within one month after the recognition of its authority. If the Supreme Council of the Autonomous Republic of Ajara fails to approve an act adopted by the interim presidential council, the act shall cease to have legal effect.
5. In the case of the dismissal of the Supreme Council of the Autonomous Republic of Ajara, extraordinary elections shall be conducted not earlier than 60 days and not later than 90 days after its dismissal. If an emergency situation is announced in the whole territory of Georgia or in the territory of the Autonomous Republic of Ajara, extraordinary elections for the Supreme Council of the Autonomous Republic of Ajara shall be conducted within 60 days after the emergency situation has been lifted.

Article 13

1. A member of the Supreme Council of the Autonomous Republic of Ajara may not be a member of another representative body or a member of the Government of the Autonomous Republic of Ajara at the same time. Other cases of incompatibility are determined by the Constitution of the Autonomous Republic of Ajara.
2. The internal organisation, procedures and rules of operation of the Autonomous Republic of Ajara are defined by the Constitution of the Autonomous Republic of Ajara and the rules of procedure adopted by the Supreme Council.
3. The Parliament of Georgia shall be authorised, on the basis of a resolution, to file a constitutional claim with the Constitutional Court of Georgia and request the cancellation of an act of the Supreme Council of the Autonomous Republic of Ajara if it contradicts the Constitution of Georgia, this Law, treaties and international agreements of Georgia and laws of Georgia. The admission by the Constitutional Court of a constitutional claim of the Parliament of Georgia for consideration shall suspend the relevant act of the Supreme Council of the Autonomous Republic of Ajara.

Article 14

1. The Supreme Council of the Autonomous Republic of Ajara shall:
 - a) adopt the Constitution of the Autonomous Republic of Ajara, laws of the Autonomous Republic of Ajara related to issues falling under the special jurisdiction of the Autonomous Republic of Ajara, and in the cases expressly defined by the legislative acts of Georgia;
 - b) approve the budget of the Autonomous Republic of Ajara;
 - c) monitor the spending of budget resources of the Autonomous Republic of Ajara by the executive bodies of the Autonomous Republic of Ajara;
 - d) approve the Chairperson of the Government of the Autonomous Republic of Ajara and the composition of the Government of the Autonomous Republic of Ajara on the recommendation of the Chairperson of the Government;
 - e) be authorised to adopt a vote of no confidence against the Government of the Autonomous Republic of Ajara by two thirds of its total membership;
 - f) exercise other powers within the scope of its authority under this Law, the legislation of Georgia and the Constitution of the Autonomous Republic of Ajara.
2. The Chairperson of the Government of the Autonomous Republic of Ajara shall sign and promulgate laws of the Autonomous Republic of Ajara. The Chairperson shall be authorised to return the laws with his/her comments to the Supreme Council of the Autonomous Republic of Ajara. The Supreme Council of the Autonomous Republic of Ajara shall put to a vote the comments of the Chairperson of the Government. The majority of votes required for the adoption of a law of the Autonomous Republic of Ajara shall be sufficient to adopt the comments. The affirmative vote of three fifths of the total membership of the Supreme Council of the Autonomous Republic of Ajara shall be necessary to adopt the original version of a law of the Autonomous Republic of Ajara.



3. Other issues related to the approval of the budget of the Autonomous Republic of Ajara and to the legislative process of the Autonomous Republic of Ajara shall be regulated by the Constitution and legislation of the Autonomous Republic of Ajara in compliance with requirements under the legislative acts of Georgia.

Article 15

1. The Government of the Autonomous Republic of Ajara is an executive body of the Autonomous Republic of Ajara, which exercises the executive authority of the Autonomous Republic of Ajara and determines basic areas of activities of the executive authority of the Autonomous Republic of Ajara.

2. The Government of the Autonomous Republic of Ajara consists of the Chairperson of the Autonomous Republic of Ajara and the Ministers of the Autonomous Republic of Ajara.

3. The structure, powers and rules of operation of the Autonomous Republic of Ajara shall be determined by a law of the Autonomous Republic of Ajara, which shall be submitted to the Supreme Council of the Autonomous Republic of Ajara by the Chairperson of the Government of the Autonomous Republic of Ajara.

4. The Government of the Autonomous Republic of Ajara shall be accountable to the President of Georgia and the Supreme Council of the Autonomous Republic of Ajara.

5. The President of Georgia shall be authorised to suspend or cancel an act adopted by the Government of the Autonomous Republic of Ajara if it contravenes the Constitution of Georgia, this Law, treaties and international agreements of Georgia, laws of Georgia and legal acts of the President of Georgia.

Article 16

1. The termination of the powers of the Chairperson of the Government of the Autonomous Republic of Ajara shall lead to the termination of the powers of the whole composition of the Government of the Autonomous Republic of Ajara.

2. The powers of the Government of the Autonomous Republic of Ajara shall also be terminated:

a) upon the recognition of the powers of a newly elected Supreme Council of the Autonomous Republic of Ajara;

b) when two thirds of the total membership of the Supreme Council of the Autonomous Republic of Ajara adopt a vote of no confidence in the Government of the Autonomous Republic of Ajara;

c) when the Government of the Autonomous Republic of Ajara is dismissed by the President of Georgia in the cases defined by this Law.

3. In the cases provided for by paragraph 2(a) of this article, or upon the resignation of the Government of the Autonomous Republic of Ajara, the Government of the Autonomous Republic of Ajara shall exercise its powers until a new composition of the Government of the Autonomous Republic of Ajara is approved.

4. In the cases provided for by paragraph 2(b) and (c) of this article, before a new composition of the Government of the Autonomous Republic of Ajara is approved, the powers of the Government of the Autonomous Republic of Ajara shall be exercised by a state trustee appointed by the President of Georgia for the Autonomous Republic of Ajara and by the administration of this trustee.

5. Other issues related to the Government of the Autonomous Republic of Ajara shall be regulated by the Constitution of the Autonomous Republic of Ajara.

Article 17

1. The President of Georgia shall, with prior consent of the Government of Georgia and after having consulted with the political entities represented in the Supreme Council, nominate a candidate for chairperson of the Government of the Autonomous Republic of Ajara for approval by the Supreme Council within 10 days after the powers of the newly elected Supreme Council of the Autonomous Republic of Ajara are recognised. The Chairperson of the Government of the Autonomous Republic of Ajara shall be considered approved if supported by more than half of the total membership of the Supreme Council of the Autonomous Republic of Ajara. If the Supreme Council of the Autonomous Republic of Ajara does not approve the candidate nominated by the President of Georgia, the President of Georgia shall be authorised to present the same or another candidate to the Supreme Council of the Autonomous Republic of Ajara for approval within 10 days.

2. The Chairperson of the Government of the Autonomous Republic of Ajara shall, within 10 days after his/her approval and after having completed the procedure of the agreement determined by Article 20(3) of this Law, present the composition of the Government of the Autonomous Republic of Ajara to the Supreme Council of the Autonomous Republic of Ajara for approval. The composition of the Government of the Autonomous Republic of Ajara shall be deemed approved if supported by a majority of the members present at a meeting of the Supreme Council of the Autonomous Republic of Ajara, but in no event less than one third of the total membership of the Supreme Council of the Autonomous Republic of Ajara.

3. If the powers of a member of the Government of the Autonomous Republic of Ajara are terminated, the Chairperson of the Government of the Autonomous Republic of Ajara shall appoint a new member of the Government of the Autonomous Republic of Ajara in agreement with the head of the respective government institution (institutions).

4. If after the approval of the composition of the Government of the Autonomous Republic of Ajara by the Supreme Council of Autonomous Republic of Ajara, more than half of the members of the Government of the Autonomous Republic of Ajara is renewed, the Chairperson of the Government of the Autonomous Republic of Ajara shall present the renewed composition of the Government of the Autonomous Republic of Ajara to the Supreme Council



of the Autonomous Republic of Ajara for approval, in accordance with the procedure established by paragraph 2 of this article.

5. Other actions related to the formation of the Government of the Autonomous Republic of Ajara shall be regulated by the Constitution of the Autonomous Republic of Ajara.

Constitutional Law of Georgia No 4134 of 27 December 2006 - LHG I, No 3, 11.1.2007, Art. 45

Constitutional Law of Georgia No 5631 of 27 December 2011 – website, 9.1.2012

Article 18

1. The Chairperson of the Government of the Autonomous Republic of Ajara:

- a) is a high official of the Autonomous Republic of Ajara and represents the Autonomous Republic of Ajara;
- b) manages the activities of the Government of the Autonomous Republic of Ajara;
- c) is authorised to cancel acts issued by ministers of the Autonomous Republic of Ajara;
- d) is authorised to dismiss ministers of the Autonomous Republic of Ajara;
- e) administers the property of the Autonomous Republic of Ajara according to procedures established by the legislation of Georgia and the Autonomous Republic of Ajara;
- f) submits the budget of the Autonomous Republic of Ajara to the Supreme Council of the Autonomous Republic of Ajara for approval;
- g) exercises other powers provided for by this Law, the legislation of Georgia and the legislation of the Autonomous Republic of Ajara.

2. The President of Georgia shall be authorised to suspend or cancel acts adopted by the Chairperson of the Government of the Autonomous Republic of Ajara if they contravene the Constitution of Georgia, this Law, treaties and international agreements of Georgia, laws of Georgia and legal acts of the President of Georgia.

Article 19

1. The President of Georgia shall be authorised to dismiss the Government of the Autonomous Republic of Ajara if:

- a) the actions of the Government threaten the sovereignty and territorial integrity of the country, and the exercise of constitutional powers of state government bodies;
- b) it fails to exercise the powers granted to it by this Law and/or the Constitution of the Autonomous Republic of Ajara.

2. In the case provided for by paragraph 1(a) of this article, within one month after the elimination of the given circumstances, and in the case provided for by paragraph 1(b) of this article, within two months after the dismissal of the Government of Autonomous Republic of Ajara, the President of Georgia shall select a candidate for chairperson of the Government of the Autonomous Republic of Ajara and present him/her for approval to the Supreme Council of the Autonomous Republic of Ajara, after consulting with the factions of the Supreme Council of the Autonomous Republic of Ajara.

Constitutional Law of Georgia No 4134 of 27 December 2006 - LHG I, No 3, 11.1.2007, Art. 45

Article 20

1. The ministries of the Autonomous Republic of Ajara may be established only in the following areas:

- a) economy, finance and tourism;
- b) healthcare and social security;
- c) education, culture and sports;
- d) agriculture.

2. It shall be prohibited to establish a ministry of internal affairs, a ministry of state security, a ministry of defence or other militarised bodies in the Autonomous Republic of Ajara.

3. The Chairperson of the Government of the Autonomous Republic of Ajara shall, in agreement with the head(s) of appropriate government institution(s) of Georgia, present a candidate for minister of the Autonomous Republic of Ajara to the Supreme Council of the Autonomous Republic of Ajara for the approval in accordance with the procedure determined by this Law.

Article 21



1. The status, structure, procedure for the establishment and rule of operation of territorial bodies of government institutions and state subordinate institutions of Georgia located in the territory of the Autonomous Republic of Ajara shall be determined by the legislation of Georgia.

2. An armed unit subordinate to the respective state body of Georgia, the location, relocation and use of which is decided by an authorised state body of Georgia, may function in the territory of the Autonomous Republic of Ajara.

Article 22

1. The Autonomous Republic of Ajara shall enjoy financial autonomy within the scope of the laws of Georgia. The Autonomous Republic of Ajara shall administer the revenues received by means of collecting local taxes and fees introduced by the Autonomous Republic of Ajara.

2. To ensure the exercise of powers by the Autonomous Republic of Ajara, part of the state tax and non-tax revenues, and a special financing from the State Budget, may be granted to the Autonomous Republic of Ajara in accordance with the law of Georgia.

3. The Autonomous Republic of Ajara has its property and the rule for forming this property is determined by the legislation of Georgia.

Article 23

The Constitution of the Autonomous Republic of Ajara shall be adopted by two thirds of the total membership of the Supreme Council of the Autonomous Republic of Ajara and shall enter into force upon the enactment of the Organic Law of Georgia on the Approval of the Constitution of the Autonomous Republic of Ajara.

Article 24

The Government of Georgia shall decide upon the legal and organisational issues of the transfer of the state property to the Autonomous Republic of Ajara within three months after the entry into force of this Law, taking into consideration the issues falling under the jurisdiction of the Autonomous Republic of Ajara as provided for by this Law and the issues falling under the jurisdiction of the higher state bodies of Georgia as provided for by the Constitution of Georgia.

Article 24¹ -

After the entry into force of this Law, the regular elections of the Supreme Council of the Autonomous Republic of Ajara shall be conducted from October 1 to December 31 of 2008. The date of the elections shall be determined by the President of Georgia.

Constitutional Law of Georgia No 4134 of 27 December 2006 - LHG I, No 3, 11.1.2007, Art. 45

Article 25

This Law shall enter into force upon its promulgation.

President of Georgia

Mikheil Saakashvili

Tbilisi

1 July 2004

No 305-სს

