

CONSTITUTIONAL LAW OF GEORGIA
ON THE AUTONOMOUS REPUBLIC OF AJARA

Article 1

1. The Autonomous Republic of Ajara is an inseparable territorial unit of Georgia.
2. The Autonomous Republic of Ajara comprises the territory within the administrative borders existing at the time of the adoption of this Law. The administrative borders of the Autonomous Republic of Ajara may be changed at the initiative of the Supreme Council of the Autonomous Republic of Ajara under the organic law of Georgia. The Supreme Council of the Autonomous Republic of Georgia shall make a decision on the change of the administrative borders of the Autonomous Republic of Ajara by a majority of at least two thirds of the total number of its members.
3. In the Autonomous Republic of Ajara, authority shall be exercised in accordance with the Constitution and the legislation of Georgia. Authorities of the Autonomous Republic of Ajara may be established only in accordance with legislative acts of Georgia.
4. The Constitution of the Autonomous Republic of Ajara shall be adopted and revised by the Supreme Council of the Autonomous Republic of Ajara by a majority of two thirds of the total number of its members. A relevant constitutional law of the Autonomous Republic of Georgia shall enter into force once the organic law of Georgia on the approval of the constitutional law of the Autonomous Republic of Georgia enters into force.
5. The Autonomous Republic of Ajara has a flag and a coat of arms, which are established by the Constitution of the Autonomous Republic of Ajara. The elements of the national flag and coat of arms of Georgia shall be included, respectively, in the flag and coat of arms of the Autonomous Republic of Ajara. The procedure for using the flag and the coat of arms of the Autonomous Republic of Ajara shall be determined by the legislation of Georgia and the Autonomous Republic of Ajara.
6. The city of Batumi is an administrative centre of the Autonomous Republic of Ajara.

Article 2

1. The powers of the Autonomous Republic of Ajara shall be determined by the Constitution of Georgia, this Law, the Constitution of the Autonomous Republic of Ajara, and other legislative acts of Georgia and the Autonomous Republic of Ajara.
2. The authorities of the Autonomous Republic of Ajara shall exercise the special powers of the Autonomous Republic of Ajara independently. The special powers of the Autonomous Republic of Ajara shall be to:
 - a) adopt laws and other normative acts of the Autonomous Republic of Ajara;
 - b) determine the structure, powers and procedure for the activity of the Government of the Autonomous Republic of Ajara;
 - c) determine and implement the budget policy of the Autonomous Republic of Ajara, adopt the budget law of the Autonomous Republic of Ajara and control the implementation thereof in accordance with the procedures established by the legislation of Georgia and the Autonomous Republic of Ajara;
 - d) manage and dispose of the property of the Autonomous Republic of Ajara in accordance with the procedures established by the legislation of Georgia and the Autonomous Republic of Ajara;
 - e) manage and dispose of land, forest and water resources owned by the Autonomous Republic of Ajara in accordance with the procedures established by the legislation of Georgia and the Autonomous Republic of Ajara;
 - f) ensure the spatial and territorial planning and development of the Autonomous Republic of Ajara in accordance with the procedures established by the legislation of Georgia and the Autonomous Republic of Ajara;



- g) manage motor roads and other infrastructure of autonomous republic importance;
- h) establish, manage and support educational, scientific, art and sports institutions of autonomous republic importance;
- i) determine and grant awards and honorary titles of the Autonomous Republic of Ajara in accordance with the procedures established by the legislation of Georgia and the Autonomous Republic of Ajara;
- j) manage the archival service of the Autonomous Republic of Ajara.

3. The Autonomous Republic of Ajara may exercise any power in the areas of economy, agriculture, tourism, health and social protection, education, culture, sports and youth policy, and environmental protection, which under the legislation of Georgia does not fall within the special powers of state authority or within the exclusive powers of local self-government, and the exercise of which is not excluded from the powers of the Autonomous Republic of Ajara under the legislation of Georgia.

4. The delegation of powers by the State to the Autonomous Republic of Ajara shall be permitted by law, with the transfer of appropriate material and financial resources.

5. The Autonomous Republic of Ajara shall enjoy financial autonomy within the limits established by the legislation of Georgia. To ensure the exercise of powers by the Autonomous Republic of Ajara, part of the state tax and non-tax revenues, and special funding from the State Budget of Georgia, may be granted to the Autonomous Republic of Ajara on the basis of a law of Georgia. The Autonomous Republic of Ajara has its property, and the rule for forming this property shall be determined by the legislation of Georgia.

Article 3

1. The Supreme Council of the Autonomous Republic of Ajara is the highest representative body of the Autonomous Republic of Ajara, which shall, within the powers of the Autonomous Republic of Ajara, carry out legislative activities, control the Government of the Autonomous Republic of Ajara and exercise other powers determined by legislation.

2. The Supreme Council shall be composed of not more than 21 deputies elected for a term of 4 years. The Supreme Council shall be elected by citizens of Georgia registered in the territory of the Autonomous Republic of Ajara, on the basis of universal, equal and direct suffrage by secret ballot. Regular elections of the Supreme Council shall be held on the last Saturday of October of the calendar year in which the term of the Supreme Council expires. If martial law or a state of emergency is declared in the entire territory of Georgia or the territory of the Autonomous Republic of Ajara, the elections of the Supreme Council shall be held within 60 days after the state of emergency or martial law is revoked. Elections shall be appointed by the President of Georgia no later than the 60th day before the elections, in accordance with the procedures established by the organic law of Georgia. The number of deputies of the Supreme Council shall be determined by the Constitution of the Autonomous Republic of Ajara, and the procedure for their election shall be determined by the legislation of Georgia and the Constitution and legislation of the Autonomous Republic of Ajara. The Supreme Election Commission of the Autonomous Republic of Ajara shall draw up a summary protocol of the elections of the Supreme Council in accordance with the procedures established by the legislation of Georgia and the Autonomous Republic of Ajara.

3. The first meeting of the Supreme Council shall be held no later than 1 month after the elections. The first meeting of the Supreme Council shall be called by the President of Georgia. The Supreme Council shall start to work if the authority of at least two thirds of the members of the Supreme Council is confirmed.

4. A member of the Supreme Council 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 shall be determined by the legislation of Georgia, the Constitution of the Autonomous Republic of Ajara, and the Rules of Procedure of the Supreme Council of the Autonomous Republic of Ajara.

5. The Supreme Council shall:

- a) adopt the Constitution and other laws of the Autonomous Republic of Ajara;
- b) approve the Government of the Autonomous Republic of Ajara;
- c) be authorised to pass a vote of no confidence in the Government of the Autonomous Republic of Ajara by a majority of the total number of its members;



- d) adopt a budget law of the Autonomous Republic of Ajara by a majority of the total number of its members;
 - e) determine awards and honorary titles of the Autonomous Republic of Ajara;
 - f) exercise other powers defined by this Law, the legislation of Georgia, and the Constitution and the legislation of the Autonomous Republic of Ajara.
6. The Chairperson of the Government of the Autonomous Republic of Ajara shall sign and promulgate laws of the Autonomous Republic of Ajara, except the Constitution of the Autonomous Republic of Ajara. The Chairperson shall be authorised to return the laws with his/her comments to the Supreme Council. The Supreme Council shall put to a vote the comments of the Chairperson of the Government. The number of votes required for the adoption of a law shall be sufficient to adopt the comments. The affirmative vote of the majority of the total number of members of the Supreme Council shall be necessary to adopt the original version of a law. If the Chairperson of the Government does not sign a law, the Chairperson of the Supreme Council shall sign and promulgate it.
7. The powers of the Supreme Council of the Autonomous Republic of Ajara shall be terminated once the powers of the newly elected Supreme Council are recognised or the edict of the President of Georgia dissolving the Supreme Council enters into force.
8. The President of Georgia shall be authorised to dissolve the Supreme Council of the Autonomous Republic of Ajara with the consent of the Parliament of Georgia if the actions of the Supreme Council threaten the sovereignty and territorial integrity of the country, or the exercise of constitutional powers by state bodies, if the Supreme Council fails to exercise the powers granted by this Law and the Constitution of the Autonomous Republic of Ajara, or the Supreme Council did not approve the Government of the Autonomous Republic of Ajara twice in a row. The dissolution of the Supreme Council shall result in the termination of the powers of the Government of the Autonomous Republic of Ajara. In the case of the dissolution of the Supreme Council, the powers of the Supreme Council and the Government of the Autonomous Republic of Ajara shall be exercised by a provisional state council, which shall be appointed by the President of Georgia. The powers of a provisional state council shall be terminated upon the recognition of the powers of a newly elected Supreme Council. A law adopted by a provisional state council shall be subject to approval by the Supreme Council within 1 month after its powers are recognised. If the Supreme Council fails to approve a law within the said period, it shall be considered invalid. In the case of the dissolution of the Supreme Council, extraordinary elections shall be held no earlier than the 60th day and no later than the 90th day after the dissolution. Extraordinary elections of the Supreme Council shall be called by the President of Georgia no later than the 60th day before the elections.
9. The internal organisation and procedure for the activity of the Autonomous Republic of Ajara shall be determined by the Constitution of the Autonomous Republic of Ajara and the Rules of Procedure adopted by the Supreme Council.

Article 4

1. The Government of the Autonomous Republic of Ajara is the highest executive body 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. Within 2 weeks after the powers of the newly elected Supreme Council of the Autonomous Republic of Ajara are recognised or the powers of the Government of the Autonomous Republic of Ajara are terminated, the President of Georgia shall, after having consulted with the political subjects represented in the Supreme Council, nominate for approval by the Supreme Council a candidate for Chairperson of the Government of the Autonomous Republic of Ajara and candidates for ministers nominated by the candidate for Chairperson of the Government. The whole Government of the Autonomous Republic of Ajara shall be put to a vote for approval. The Government of the Autonomous Republic of Ajara shall be deemed approved if supported by a majority of the total number of members of the Supreme Council. If the Supreme Council does not approve the Government within 2 weeks, the President of Georgia may, within 2 weeks, submit to the Supreme Council for approval the same or a different composition of the Government, which shall be put to a vote for approval within 2 weeks.
4. The Chairperson of the Government of the Autonomous Republic of Ajara is the highest official of the Autonomous Republic of Ajara and represents the Autonomous Republic of Ajara. The Chairperson of the Government of the Autonomous Republic of Ajara manages the Government of the Autonomous Republic of Ajara, appoints and dismisses ministers of the Autonomous Republic of Ajara in accordance with procedures established by law, disposes of the property of the Autonomous Republic of Ajara in accordance with the procedures established by the legislation of Georgia and the Autonomous Republic of Ajara, submits the budget of the Autonomous Republic of Ajara for approval to the Supreme Council of the Autonomous Republic of Ajara, and exercises other powers as defined by this Law, the Constitution of the Autonomous Republic of Ajara, and the legislation of



Georgia and the Autonomous Republic of Ajara.

5. The ministries of the Autonomous Republic of Ajara may be established only in the areas defined by the Constitution of the Autonomous Republic of Ajara.

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

7. The Government of Georgia shall be authorised to suspend or cancel an act of the Government, the Chairperson of the Government or the Minister of the Autonomous Republic of Ajara if it contravenes the Constitution of Georgia, this Law, international agreements of Georgia, laws of Georgia or legal acts of the President of Georgia or the Government of Georgia.

8. The powers of the Government 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) when the Supreme Council of the Autonomous Republic of Ajara passes a vote of no confidence in the Government of the Autonomous Republic of Ajara;

c) when the Chairperson of the Government of the Autonomous Republic of Ajara resigns or his/her powers are otherwise terminated;

d) when the Supreme Council of the Autonomous Republic of Ajara is dissolved.

9. In the cases provided for by sub-paragraphs (a), (b) and (c) of paragraph 8 of this article, the Government of the Autonomous Republic of Ajara shall exercise its powers until a new composition of the Government is approved.

10. The structure, powers and procedure for the activity of the Government of the Autonomous Republic of Ajara shall be determined by the Constitution of the Autonomous Republic of Ajara and the law of the Autonomous Republic of Ajara, the draft of 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.

Article 5

1. This Law shall enter into force upon its promulgation.

2. The Constitutional Law of Georgia on the Status of the Autonomous Republic of Ajara shall be declared invalid upon the entry into force of this Law (Legislative Herald of Georgia, No 16, 4.7.2004, Art. 53).

3. The Supreme Council of the Autonomous Republic of Ajara shall, no later than 6 months after the entry into force of this Law, submit to the Parliament of Georgia for approval amendments to the Constitution of the Autonomous Republic of Ajara deriving from this Law. The current provisions of the Constitution of the Autonomous Republic of Ajara shall be in force until a relevant constitutional law of the Autonomous Republic of Ajara is approved by the organic law of Georgia.

President of Georgia

Giorgi Margvelashvili

Kutaisi

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