

TORNIKE ZURABASHVILI

*Politics Researcher.*

# EXPLAINING INTRA-EXECUTIVE CONFLICTS IN SEMI-PRESIDENTIAL COUNTRIES: THE CASE OF GEORGIA

## ABSTRACT.

The paper attempts to explain the variation in intra-executive conflict in Georgia. It scrutinises the hypothesis that episodes of intra-executive conflicts were generated from constitutional ambiguity, which I define using Elinor Ostrom's framework of rule configurations. The paper explores the academic literature on Georgia's constitution, as well as analysing the text of the constitution, and predicts that the majority of intra-executive conflicts would be related to foreign, security and defence affairs. It then tests the hypothesis by identifying and coding the conflict episodes covering the period from November, 2013 to May, 2015. After a careful empirical scrutiny, the paper finds supporting evidence for its theory.

**Keywords:** semi-presidentialism; intra-executive conflicts; Georgia; rule configurations; constitutional ambiguity.

## INTRODUCTION.

Over the last two decades, semi-presidential constitutional arrangement, where a popularly elected fixed-term president co-exists with a prime minister and cabinet collectively responsible to the legislature, has emerged as the most widespread form of government among post-communist Central and Eastern European countries (Elgie and McMenamin 2011). Unlike its practical popularity

however, theoretical characterisation of the regime has not been seen entirely positive; because semi-presidential constitutions create a potential for conflictive relationship between two executives – the cabinet and the president – many commentators and political scientists, have viewed semi-presidentialism as perilous regime type (Linz 1994; Skach 2007, Baylis 2007, Sedelius and Ekman 2010; Elgie 2011). It is therefore not surprising, that intra-executive conflicts have regularly occurred in the post-communist Central and Eastern European semi-presidential democracies (Prot-syk 2005, 2006). Namely, Poland, Hungary and Bulgaria have seen intense intra-executive battles over matters of foreign, defence and security affairs, while conflicts concerning the control of media have erupted in Hungary, Slovakia and Poland and the legacy of the communist past became a matter of fierce debate in Bulgaria, Romania and Poland (Baylis 1996).

In a much similar manner, Georgia, a post-Soviet semi-presidential country in Eastern Europe, has experienced strained intra-executive relations both in times of cohabitation and unified government (Nakashidze 2014). Severe episodes of conflict have erupted between President Mikheil Saakashvili and Prime Minister Bidzina Ivanishvili during their cohabitation from October 2012 to November 2013. To the surprise of many, their successors – President Giorgi Margvelashvili and Prime Minister Irakli Gharibashvili – both of the ruling Georgian Dream Coalition – continued the practice of conflictive relationship now under the unified government.

The co-existence of two of the recent executive pairs in Georgia shows that intra-executive conflicts have been a defining feature of contemporary Georgian semi-presidentialism, yet we know very little about their nature and origins, echoing a general lack of understanding in the academic literature of why intra-executive conflicts emerge and why they manifest on specific policy domains and not others. Despite large volumes of work devoted to analysing the advantages and disadvantages of semi-presidentialism, little attention has been given to determinants of intra-executive conflicts. When such work exists, they are mostly concerned with observable trends rather than their explanations.

Given that intra-executive conflicts emerged quite frequently in Georgia and that there is a lack of coverage of this in the academic literature, understanding why they occurred is an intriguing puzzle for scholars and policymakers. The paper asks exactly this question; what explains the occurrence of intra-executive conflicts in Georgia? More specifically, it is concerned with identifying the determinants of variation in the nature of intra-executive conflicts between President Giorgi Margvelashvili and Prime Minister Irakli Gharibashvili.

To do so, the paper will scrutinise the hypothesis that intra-executive conflicts are primarily generated from constitutional ambiguity over specific policy domains. It operationalises constitutional

ambiguity using Elinor Ostrom's Framework of Rule Configurations and asserts that intra-executive conflicts in Georgia were generated from incomplete and inconsistent constitutional rules governing the relationship between the president and the prime minister. To identify these ambiguities in constitutional rules, the paper carefully explores the academic literature on Georgia's constitution, as well as analysing the text of the constitution, and comes to a prediction that majority of intra-executive conflicts would be related to foreign, security and defence affairs. It then tests this hypothesis by identifying and coding the instances of intra-executive conflicts covering the period from November 17, 2013 to May 31, 2015. The study replicates Lydia Beuman's approach in measuring the instances of intra-executive conflicts (Beuman 2013) and codes these instances using the policy area classification scheme borrowed from the Manifesto Research Project (Werner et al. 2011). The data is collected from the database of the online daily news service civil.ge.

With this work, I would like to add my modest contribution to the enhancement of theoretical understanding of intra-executive conflicts, a growing element in semi-presidential literature. More generally, the discussion is located within the new institutionalist tradition, a subfield of political science that has gathered momentum in last two decades of past century. Scholars in this field, focus on institutions such as presidentialism and parliamentarism to explain complex political science questions. More recently however, new institutionalist agenda has been put to question by behavioural phenomena, such as voting trends and ideology (Elgie 2015b). Therefore, shifting the focus back to institutions will be one of the primary tasks of this paper. It also hopes that the research findings will have real life implications; modelling the behaviour of executive actors in Georgia will benefit politicians and constitutionalists to prevent and manage potentially harmful future political crises.

The paper is organised as follows. The subsequent section will define the concepts of semi-presidentialism and intra-executive conflicts. The next section will provide justification for case selection. The following sections will review the existing literature on intra-executive conflicts and constitutional ambiguity. The subsequent section will explain the research methodology. The next section will be devoted to the empirical analysis and the interpretation of results. The final section concludes and proposes directions for further research.

## SUBTYPES OF SEMI-PRESIDENTIALISM AND INTRA-EXECUTIVE CONFLICTS

The paper will employ the definition of intra-executive conflicts proposed by Sedelius and Ekman, who state that the relationship between the president and the cabinet can be seen as conflictive when there is:

“an observable clash between the president and the prime minister and/or between the president and other government ministers, manifested through obstructive or antagonistic behaviour from either side directed towards the other”. (Sedelius and Ekman 2010. p. 513)

The definition by Sedelius and Ekman covers a wide variety of conflicts ranging from disputes on appointments and dismissals to public criticism over specific policy proposals (Sedelius and Ekman 2010). A more detailed overview on measurement of conflicts will be provided in the methodology section below.

The research follows a well established approach in the academic literature to divide semi-presidentialism into two distinct sub-systems – premier-presidential and president-parliamentary regimes. The major difference between the two is the issue of cabinet accountability. In premier-presidential systems the prime minister and cabinet alone are accountable to parliamentary confidence but in presidential-parliamentary systems the prime minister and cabinet are accountable to both – parliament and the president (Shugart and Carey 1992). According to this definition, Georgia belongs to the premier-presidential subtype of semi-presidentialism. The country adopted the president-parliamentary subtype in 2004 and transformed into a premier-presidential republic following presidential elections in 2013. Accordingly, Saakashvili-Ivanishvili’s thirteen months of cohabitation took place within the president-parliamentary constitutional framework, whereas Margvelashvili-Gharibashvili’s pair has co-existed under the premier-presidential framework.

There are several reasons why this study focuses on Georgia exclusively during the premier-presidential system. First and foremost, premier-presidentialism has become the most popular regime type in Central and Eastern Europe (Elgie and McMenamin 2011). Elgie classifies thirteen post-communist Central and Eastern European countries as premier-presidential (Armenia, Bulgaria, Croatia, Czech Republic, Georgia, Lithuania, Macedonia, Poland, Romania, Serbia, Slovakia, Slovenia, Ukraine) and only three as president-parliamentary (Azerbaijan, Belarus, Russia) (Elgie 2015a). Because analysing the intra-executive conflicts during the premier-presidential form of government would add to the understanding of intra-executive conflicts in a much larger sample of countries, the study focuses only on the executive relations of Margvelashvili-Gharibashvili tandem.

Second, the institutional make-up of the two subtypes implies that intra-executive conflicts will take different forms depending on the subtype of semi-presidentialism. Empirical evidence as well, suggests the same. President-parliamentary constitutions produce highly presidentialised systems, where presidents dominate the prime minister and cabinet. On the contrary, premier-presidential systems generate an environment where the cabinet is distanced from presidential control and is considerably more independent than their president-parliamentary counterparts. The fact that presidents in premier-presidential systems lack the ability to exert direct influence over the cabinet increases the

likelihood of increased intra-executive conflicts, making it a more popular subtype for students of intra-executive conflicts.

## JUSTIFICATION FOR CASE SELECTION

Georgia forms an intriguing case by many accounts. There are four reasons for selecting Georgia as a case study.

First, Georgia as a former Communist country has had a relatively successful experimentation with democracy (Freedom House 2015). Intra-executive conflicts in democracies are rather peaceful and confined within the institutional rules of the game, enabling observers to analyse the occurrence and nature of these conflicts and make generalisations on countries of similar institutional make-up and democratic experience. Therefore, Georgia as a democratic country represents a suitable case for the study of institutional conflicts in semi-presidential settings.

Second, President Margvelashvili's election in 2013 coincided with the enactment of constitutional amendments and the country's transition from president-parliamentary to premier-parliamentary subtype of semi-presidentialism. Studying how constitutional ambiguity influences intra-executive relations is particularly interesting in the transitional periods as conflicts are believed to be most frequent before institutionalisation completes (Sedelius and Mashlater, 2013).

This particular case is interesting for another reason as well: the transition from president-parliamentary to premier-presidential constitution coincided with the transfer of presidential office from the representative of parliamentary opposition to the representative of ruling party. In October, 2013 – the candidate of the ruling Georgian Dream Coalition Giorgi Margvelashvili replaced President Mikheil Saakashvili of the United National Movement, effectively ending thirteen months of conflictive cohabitation. Analysing intra-executive conflicts during periods of unified government holds a number of factors constant, most importantly – the ideological distance between the president and the cabinet, which has been widely seen as the primary explanation for why intra-executive conflicts emerge (Protsyk 2005, 2006; Sedelius and Mashtaler 2013).

Fourth, to my knowledge, this will be one of the very first introductions of Georgia in the literature of semi-presidentialism. Previous studies of intra-executive conflicts in semi-presidential systems have mostly focused on Central European countries as well as Ukraine and Russia. Introducing Georgia to the literature will open up a new case for further examination and add to the theoretical understanding of the effects of constitutional ambiguity and the nature of institutional conflicts.

## LITERATURE REVIEW

The first scholar to focus on the phenomenon of institutional conflicts in semi-presidential regimes was Roy Pierce, who studied the executive relations of President Mitterrand and Prime Minister Chirac in 1986-88. The first French experience of cohabitation, which describes the situation when president and prime minister are from opposing parties, was characterised by relatively consensual relations. Therefore, Pierce's view about cohabitation was somewhat more optimistic than that of the subsequent authors (Pierce 1991). A more sceptical account of institutional relations in semi-presidential countries were offered by Matthew Shugart and John Carey, who studied the historical instances of institutional relations in the Weimar Republic, France, Portugal, Finland and Sri Lanka and argued that there is a potential for conflictive relations when opposing components of the executive branch fail to respect the division of responsibilities (Shugart and Carey 1992).

As demonstrated, earlier studies of intra-executive conflicts were mostly limited to Western European experiences and to a particular mode of semi-presidentialism - cohabitation. The academic knowledge on semi-presidentialism and on intra-executive conflicts particularly broadened with the wide-spread adoption of semi-presidentialism in Central and Eastern Europe in early 1990s.

The earliest work focusing specifically on intra-executive conflicts belongs to Thomas Baylis who studied the relationship of presidents and prime ministers in Central and Eastern European countries (Baylis 1996). Among the "fundamental structural factors" that Baylis attributes the conflicts to, the author includes a set of personality, ideological, policy-related and constitutional ambiguity factors (Baylis 1996).

With more intra-executive conflicts, previous academic works on Western European experiences were complemented with large n-studies covering a wide array of countries, including those outside Western Europe (Elgie and Moestrup 2007; Elgie 2008; Sedelius and Ekman 2011). Later studies have also narrowed focus and begun exploring the origins of intra-executive conflicts more systematically. For instance, Protsyk examined the intra-executive relations in post-communist Central and Eastern European countries and showed that (1) the shared ideological orientation reduced the likelihood of intra-executive conflicts; (2) partisan cabinets were more likely to be opposed to presidential activism than technocratic governments; (3) minority governments were most likely to invite high intra-executive struggles (Protsyk 2005, Protsyk 2006).

Sedelius and Mashtaler used a set of eight post-communist countries and among others, found that ideological distance mattered for the likelihood of intra-executive conflicts (Sedelius and Mashtaler 2013). They also found that conflicts were a frequent phenomenon both in the ear-

ly transitional and later periods (Sedelius and Mashtaler 2013). Apart from that, Sedelius and Mashtaler identified the issues of intra-executive conflicts and categorised them into five conflict types: “(1) formal and/or constitutional issues; (2) reforms and/or specific policy issues; (3) appointment and/or dismissal issues; (4) political scandals; and (5) other issues (e.g. personality clashes)” (Sedelius and Mashtaler 2013. p. 118). Having examined the issues of intra-executive struggles, the authors come to a conclusion that conflicts are driven by the quest for power and dominance within the executive branch (Sedelius and Mashtaler 2013). They also note that the underlying reason for the occurrence of conflicts is “built into semi-presidentialism, i.e. the somewhat vaguely defined, and partly overlapping, competences between the president and the prime minister” (Sedelius and Mashtaler 2013. P. 124). Earlier, a similar opinion was voiced by Cheibub and Chernykh, who noted that “many constitutional provisions are, intentionally or not, rather vague” (Cheibub and Chernykh 2008. p. 203).

In sum, despite large volumes of work devoted to analysing the pros and cons of semi-presidentialism, little attention has been given to determinants of intra-executive conflicts. When such works exist, they are mostly concerned with observable trends rather than the origins of conflicts.

## CONSTITUTIONAL AMBIGUITY AND THE FRAMEWORK OF RULE CONFIGURATIONS

The first to speak of the role of constitutional rules in the literature on semi-presidentialism was the founding father of semi-presidentialism, Maurice Duverger, who noted that “[constitutional rules] constitute a fundamental aspect of the players’ strategy and tactics, the framework of which they define” (Duverger 1980. p. 166-167). Duverger challenged the idea that constitutions have only one interpretation and stated that each institutional actor had its own interpretation of constitutional rules (Duverger 1980). Despite the fact that the role of constitutions and its provisions was underlined in the seminal work of Duverger and later by several authors (Baylis 1996; Cheibub and Chernykh 2008; Sedelius and Mashtaler 2013), the relationship between constitutional ambiguity and intra-executive conflict has not been adequately covered in the literature on semi-presidentialism.

Possibly the only exception to this general rule was Jasper de Raadt who studied how constitutional ambiguities over foreign and defence issues have generated intra-executive conflicts in Poland and Hungary (Raadt 2009). Raadt applied Elinor Ostrom’s Rule Configurations Framework, which, much like Duverger, emphasises that the behaviour of collective actors is dependent on how rules governing their relationship are interpreted (Ostrom 1983). In Ostrom’s framework, two factors matter for uniform interpretation of rules – completeness and consistency (Ostrom 1983).

Raadt cites two examples from the Polish constitution to illustrate the extent of completeness of specific constitutional rules. In the first case, he cites Article 62 of 1997 the Polish Constitution which states that “a president may be granted the right to dissolve parliament and call elections when three attempts to form a cabinet have been unsuccessful” (Raadt 2009). In Raadt’s opinion, this particular provision is complete as it clearly specifies the preconditions for parliament’s dissolution (Raadt 2009). The second provision however, which stipulates that the Polish president should “safeguard the sovereignty and security of the state” (Article 28 of 1992 Constitutional Act of Poland) is an incomplete rule as it does not specify the complete set of rules that are “required and permitted to take action” (Raadt 2009).

In regards to the other factor – consistency of rules, Ostrom notes that if rules are consistent, “no alternative action is simultaneously to be considered permitted under one rule and forbidden under another” (Ostrom 1983. p. 21). To clarify what is meant by consistency of rules, Raadt brings up the 1992 Polish Constitution again and notes that while Article 28.2 entitles the president to “safeguard the sovereignty and security of the state, (and) the inviolability and integrity of its territory”, Article 52.8 authorises the cabinet to “ensure the external and internal security of the State” (Raadt 2009). For Raadt, these two provisions overlap and create a potential for conflicts over matters of internal affairs and national security (Raadt 2009).

In short, according Ostrom’s Rule Configuration’s Framework, a constitutional rule is not ambiguous if it specifies comprehensive set of actions that are “required, permitted and forbidden” and/or if no alternative rules contradicts to it (Ostrom 1983).

## CONSTITUTIONAL AMBIGUITY IN THE GEORGIAN CONTEXT

The Constitution of Georgia was adopted in 1995. Since then, it has been amended several times. The current constitutional framework is a product of amendments passed by the Parliament of Georgia in 2010 and enacted in 2013 following the presidential elections.

Under the new constitutional framework, presidential powers were largely curtailed; the president lost control over the appointment and dismissal of prime minister and cabinet members and he/she is no longer the chief executive responsible for implementing internal and external policies. Apart from that, the president lost the right to propose legislation and the parliamentary threshold for overriding the presidential veto was lowered from 2/3 to simple majority.

Despite the fact that much of the constitutional powers were stripped from the president, he still represents Georgia in foreign relations and maintains the position of the Supreme Commander-in-Chief of the Armed Forces, as well as the Head of the State of Georgia.



The fact that the amendments would only come to force in 2013, following the inauguration of the new President of Georgia, gave sufficient time for constitutionalists and political scientists to comment on its possible implications. Scholarly work was also complemented by the Venice Commission, Council of Europe's advisory body comprising of legal experts, who provided several opinions related to constitutional amendments.

The Venice Commission's Final Opinion on the Draft Constitutional Law on Amendments and Changes to the Constitution of Georgia identifies foreign policy as a possible issue of conflict between the president and the cabinet. According to Paragraph 1 of Article 73 of the Constitution, the President of Georgia shall: "conduct negotiations with other countries and international organisations in agreement with the Government, conclude international agreements and treaties." At the same time, Article 78 states that "the Government of Georgia shall be the supreme body of executive power to implement the internal and foreign policy of the country." The Venice Commission's Final Opinion reads:

"the delimitation of the competences between the President and the Government in the field of foreign affairs does not seem to be entirely clear. If it is intended ... that the President has generally a representative function and can decide only in the most important cases, it is not understandable why the President should have the power of "concluding international conventions and agreements" (all of them, at all levels), even if this has to be "by agreement with the Government." (Venice Commission 2010. p. 8)

To put it in Ostrom's terms, the constitutional rule concerning president's role in foreign relations is inconsistent; it overlaps with government's authority in implementing foreign policy.

Constitutionalist Tinatin Erkvania speaks of this inconsistency as well. She argues that the presidential and cabinet competencies in the field of foreign affairs (Article 73 and Article 78) are not explicitly delineated and adds that this can become a reason for constitutional crisis (Erkvania 2013).

On the other hand, constitutionalists Vakhtang Khmaladze and Zurab Jibgashvili talk about the incompleteness of the very same paragraph (Khmaladze Jibgashvili 2010). They argue that the clause does not specify whether the president requires government's agreement to conclude international agreements and treaties (Khmaladze Jibgashvili 2010). Khmaladze and Jibgashvili add that if the president does not require government's agreement, the provision would come to contradiction with the supreme constitutional status of the government in regards to foreign policy (Khmaladze Jibgashvili 2010). Another Georgian constitutionalist Irakli Kobakhidze echoes the authors' concerns and states that it is unclear who should represent Georgia at international events (Kobakhidze 2010). In his opinion, the provision "conduct negotiations with other countries and international organisations in

agreement with the Government, conclude international agreements and treaties”, does not answer whether governmental agreement is needed for only conducting negotiations or both – conducting negotiations and concluding international agreements and treaties. To put it in Ostrom’s words, the rule concerning president’s role in foreign relations is incomplete, as it does not specify the complete set of rules that are “required and permitted to take action”.

Irakli Kobakhidze touches upon the other major domain of the presidential influence - defence and security affairs. According to the constitution, the president is the Supreme Commander-in-Chief of the Armed Forces of Georgia, has the right to appoint members of the National Security Council and also appoint and dismiss, in agreement with the Government, the Chief of the General Staff of the Armed Forces of Georgia and other commanders. Kobakhidze considers that these provisions “unjustifiably” intervene in the competencies of the cabinet and the Ministry of Defence, making the rule governing president’s involvement in defence and security matters inconsistent (Kobakhidze 2010).

Tinatin Erkvania considers this rule problematic as well (Erkvania 2013). She explains that the exact meaning of the term – “in agreement with the Government” remains vague and it is not clear what would happen if such agreement would not be reached (Erkvania 2013). To put it in Ostrom’s words, the rule concerning president’s role in appointing military officials is incomplete as it does not specify the complete set of rules that are required and permitted to take action.

In sum, according to the literature, constitutional provisions concerning foreign and defence affairs are neither consistent nor complete. And this is exactly where the paper derives its hypotheses from: *The paper expects that majority of episodes intra-executive conflict will take place over matters of defence, security and foreign affairs.* This hypothesis will be considered as confirmed if instances of conflicts over defence, security and foreign policy significantly outnumber the instances of conflicts on non-defence, non-security and non-foreign policy issues.

It has to be noted that this will not be the first attempt to link constitutional ambiguity to intra-executive conflicts over defence, security and foreign affairs in the literature on semi-presidentialism. For instance, Baylis pointed out that Polish and Bulgarian presidents possess constitutional authority over foreign and defence affairs and noted that the imprecision over these competencies have often generated conflicts (1996). In her detailed account of institutional conflicts in Timor-Leste, Beuman has found that constitutional ambiguity has produced conflicts in the area of defence and security policy (2013). And as noted earlier, Raadt also linked constitutional ambiguity to the occurrence of conflicts on foreign and defence policies in Hungary and Poland (2009).

## MEASUREMENT OF INTRA-EXECUTIVE CONFLICTS

The paper identified instances of intra-executive conflicts using the online daily news service *civil.ge*, the oldest and the most comprehensive online archive of daily news in Georgia. In the course of the analysis, out of the total of 1920 (between November 17, 2013 and May 31, 2015) approximately 250 news articles related to intra-executive relations were separated and analysed. The paper replicated Lydia Beuman's approach of measuring the instances of intra-executive conflicts (Beuman 2013). According to this approach, conflict occurs between the president on the one side and the cabinet and parliamentary majority on the other, when president:

- “Issues a veto;
- Issues a presidential decree;
- Refers bills to the court for constitutional review;
- Calls for a referendum;
- Objects the candidates for the post of minister proposed by the prime minister;
- Refuses to appoint or to dismiss ambassadors, permanent representatives and special envoys;
- Criticises the government in messages to the parliament and country” (Beuman 2013. p. 5).

Beuman also measures the conflict between the president and the parliamentary majority and points out that conflict occurs when parliament:

- “Overrides presidential vetoes;
- Rejects presidential decrees;
- Prevents the president from making state visits;
- Refrains from enacting laws which empower the president to fully exercise his constitutional competencies” (Beuman 2013. p. 5).

For the purposes of this research and for capturing as much episodes of conflict as possible, Beuman's two measures will be merged and modified. This way, an instance will be coded as an episode of intra-executive conflict if the president:

- Issues a veto and the parliamentary majority objects to it at the request of the cabinet;
- Issues a presidential decree but it is rejected by the cabinet or the parliamentary majority;
- Refers bills to the court for constitutional review;
- Calls for a referendum;
- Objects the candidates for the post of minister proposed by the prime minister;
- Refuses to appoint or to dismiss ambassadors, permanent representatives and special envoys;

- Is deprived of the right to make state visits;
- Is deprived of the right to fully exercise his constitutional competencies;
- Criticises the government in messages to the parliament and country and the criticism is explicitly rejected by the government ministers and/or parliamentary majority.

The rationale behind the modification of first two components is the following: issuing a veto or a presidential decree is not a measure of conflict *per se*, since some of these vetoes and decrees might be supported by the cabinet and the parliamentary majority. In order for a veto and a decree to be classified as an instance of intra-executive conflict, they have to be explicitly rejected by the cabinet. This is in line with the definition of intra-executive conflicts by Sedelius and Ekman, who state that there has to be an “observable clash between the president and the prime minister and/or between the president and other government ministers” (Sedelius and Ekman 2010. p. 513). In the same manner, presidential criticism of a government activity has not been considered as an instance of conflict unless this criticism was explicitly rejected by the government ministers and/or parliamentary majority.

Identifying all the possible conflicts, manifest or hidden, would of course be a rather difficult task. Some conflicts never see the light of the day having been effectively held behind the labyrinths of state institutions. It is impossible to detect such episodes, so the approach was to capture only the observable instances of conflicts.

As explained in the previous section, the paper expects the conflicts between the prime minister and president to take place primarily over defence, security and foreign affairs. Testing this hypothesis requires coding of all types of conflicts, be it related to foreign relations or agricultural policy. Therefore, once the paper identified the instances of intra-executive conflicts, the paper assigned the episodes to their closest thematic area. To ensure that the policy areas would not be subjectively assigned, the paper borrowed the policy classification scheme from Manifesto Research Project (Werner et al. 2011). Namely, coding was conducted using the following classification:

- External Relations (including defence, security and foreign affairs)
- Freedom and Democracy
- Political System
- Economy
- Welfare and Quality of Life
- Fabric of Society
- Social Groups

Each previously identified episode of conflict was assigned to a single thematic area. The example below will illustrate the classification and coding decisions.

On June 27, 2014 Georgia signed an Association Agreement with the European Union. Although Article 73 of the Constitution suggests that the signatory from Georgian side could also have been the president, it was the prime minister to put his signature on the Agreement. On May 20, 2014 President Margvelashvili announced that the Association Agreement with the European Union should have been signed by the President of Georgia, arguing that the constitutional right to do so was within his authority. On May 23, PM Gharibashvili declared that the government and the parliamentary majority had decided that the prime minister and not the president would sign the agreement. On May 27, Margvelashvili issued a presidential order delegating the right to sign the Association Agreement to the prime minister. Enforcement of this order necessitated countersignature from Gharibashvili, which he declined to do, claiming that he required no additional authority to sign the Agreement.

This particular instance was considered as an episode of conflict since it directly corresponds to one of the conflict categories: “is deprived of the right to fully exercise his constitutional competencies”. Moreover, it was assigned to the “Defence, Security and Foreign affairs” group since the conflict is explicitly related to foreign relations.

Another case will further clarify the classification and coding decisions. Shortly after the inauguration of the President, the Government of Georgia established the State Security and Crisis Management Council as the advisory body of the Prime Minister on issues of domestic and foreign state security. Because the Crisis Management Council duplicates many of the NSC functions, its establishment was viewed as an attempt to downplay the role of the National Security Council under the President of Georgia. In the course of Margvelashvili’s presidency only two of the NSC sessions were conducted, one without Gharibashvili’s participation and another a week after a much larger Crisis Management Council session on the very same topic. This particular instance is coded as an episode of conflict since it directly corresponds to the same conflict category: “is deprived of the right to fully exercise his constitutional competencies”. Again, the episode was assigned to the “Defence, Security and Foreign affairs” group since the episode was explicitly related to foreign relations and national defence.

## FINDINGS

Empirical analysis has found supporting evidence for the theory of constitutional ambiguity. Out of the total 18 episodes of conflict, 12 (67%) was related to Defence, Security and Foreign affairs; 2 to

Freedom and Democracy (11%); 1 (5.5%) to Economy and 3 (17%) was impossible to code (Table 1). Since the episodes belonging to Defence, Security and Foreign affairs significantly outnumber other types of conflicts (separately and together), the paper confirms the hypothesis that majority of episodes intra-executive conflict would take place over matters of defence, security and foreign affairs.

**Table 1: Episodes of Intra-Executive Conflict with Thematic Area and Episode Classification**

Title of the Conflict Episode	Thematic Area	Episode Classification
Establishment of the State Security and Crisis Management Council (under the Prime Minister) that duplicates the National Security Council's functions.	Defence, Security and Foreign affairs	Is deprived of the right to fully exercise his constitutional competencies.
Veto threat on postponement of the new rule of witness questioning.	Freedom and Democracy	Criticises the government in messages to the parliament and country and the criticism is explicitly rejected by the government ministers and/or parliamentary majority.
Absence of the Cabinet Members at the Annual State of the Nation Address of the President (2014).	Other	Is deprived of the right to fully exercise his constitutional competencies.
Disagreement over who should have met the President of Russia.	Defence, Security and Foreign affairs	Is deprived of the right to make state visits.
President's decision to move to Avlabari Presidential Palace (constructed under the previous president).	Other	Is deprived of the right to fully exercise his constitutional competencies.
Disagreement over who should have signed the Association Agreement with the European Union.	Defence, Security and Foreign affairs	Is deprived of the right to fully exercise his constitutional competencies.
Criticism concerning the appointment of president's foreign policy adviser.	Defence, Security and Foreign affairs	Is deprived of the right to fully exercise his constitutional competencies.
Disagreement over who should have led the Official Delegation to the United Nations General Assembly.	Defence, Security and Foreign affairs	Is deprived of the right to make state visits.
Disagreement over declassifying secret parts of 2009-2013 spending records of the Special State Protection Service (SSPS).	Defence, Security and Foreign affairs	Criticises the government in messages to the parliament and country and the criticism is explicitly rejected by the government ministers and/or parliamentary majority.

Title of the Conflict Episode	Thematic Area	Episode Classification
Absence of President Magvelashvili's speech at the Ratification of the Association Agreement with the European Union.	Defence, Security and Foreign affairs	Is deprived of the right to fully exercise his constitutional competencies.
Absence of the Prime Minister at the National Security Council meeting.	Defence, Security and Foreign Affairs	Is deprived of the right to fully exercise his constitutional competencies.
Presidential criticism over the arrest of the officials of the Ministry of Defence and General Staff of Armed Forces.	Defence, Security and Foreign Affairs	Criticises the government in messages to the parliament and country and the criticism is explicitly rejected by the government ministers and/or parliamentary majority.
Presidential Veto on Government's Surveillance Bill.	Freedom and Democracy	Issues a veto and the parliamentary majority objects to it at the request of the cabinet.
Establishment of Inter-Agency Council on Foreign Policy without presidential participation.	Defence, Security and Foreign Affairs	Is deprived of the right to fully exercise his constitutional competencies.
Boycotting of Special Parliamentary Session by ruling coalition and cabinet ministers.	Economy	Is deprived of the right to fully exercise his constitutional competencies.
Absence of the cabinet members at the Annual State of the Nation Address of the President (2015).	Other	Is deprived of the right to fully exercise his constitutional competencies.
Prime minister's disregard of the president's right to request particular matters to be discussed at Government meetings.	Defence, Security and Foreign affairs	Is deprived of the right to fully exercise his constitutional competencies.
President's criticism over frequent changes of defence ministers.	Defence, Security and Foreign Affairs	Criticises the government in messages to the parliament and country and the criticism is explicitly rejected by the government ministers and/or parliamentary majority.

As it concerns the nature of intra-executive conflicts, out of the total of 18 episodes of conflict, 11 was grouped in "is deprived of the right to fully exercise his constitutional competencies"; 4 in "criticises the government in messages to the parliament and country and the criticism is explicitly rejected by the government ministers and/or parliamentary majority"; 2 in "is deprived of the right to make state visits"; 1 in "issues a veto and the parliamentary majority objects to it at the request of the cabinet".

## CONCLUSION

Georgia, a post-Soviet semi-presidential country in Eastern Europe, has experienced strained intra-executive relations both in times of cohabitation and unified government, yet we knew very little about their nature and origins, echoing a general lack of understanding in the academic literature of why intra-executive conflicts emerge and why they manifest on specific policy domains and not others.

The paper asked exactly this question; it was concerned with identifying the determinants of variation in the nature of intra-executive conflicts between President Margvelashvili and Prime Minister Gharibashvili from November 2013 to May 2015. It scrutinised the hypothesis that intra-executive conflicts were primarily generated from constitutional ambiguity over foreign, security and defence affairs measured in Ostrom's Rule Configurations framework. In short, according to Ostrom's Framework, a rule is not ambiguous if it specifies comprehensive set of actions that are "required, permitted and forbidden" and/or if no alternative rule contradicts to it. As a result of the analysis of the constitution-related literature and the text of the Constitution of Georgia, rules concerning foreign, security and defence affairs were found to be neither consistent nor complete.

The paper tested the theory of constitutional ambiguity by identifying and coding the instances of intra-executive conflicts using the online daily news service *civil.ge*, the oldest and the most comprehensive online archive of daily news in Georgia. In the course of the analysis, out of the total of 1920 (between November 17, 2013 and May 31, 2015), approximately 250 news articles related to intra-executive relations were separated and analysed. The study replicated Beuman's approach in measuring the instances of intra-executive conflicts and coded these instances using the policy area classification scheme borrowed from the Manifesto Research Project. Empirical analysis has found supporting evidence for the theory of constitutional ambiguity; the episodes belonging to Defence, Security and Foreign affairs significantly outnumbered other types of conflicts (separately and together).

There are several reasons why this study is important. Apart from the paper's contribution to the theoretical understanding of the effects of constitutional ambiguity and the nature of institutional conflicts, this was one of the very first introductions of Georgia in the literature of semi-presidentialism. Previous studies of intra-executive conflicts in semi-presidential systems have mostly focused on Central European countries as well as Ukraine and Russia. By introducing Georgia to the academic literature on semi-presidentialism, one more case will be opened for further examination. One more important contribution of this research is the modified scheme of measurement of intra-executive



conflicts; it can be easily replicated due to its universal nature enabling a comparison of the Georgian experience with other countries.

Further research on intra-executive relations in Georgia should focus on the role of constitutional ambiguity in the cohabitational contexts as well (if it occurs under the current system). While it might prove to be difficult to clearly separate the influence of ideological distance from rule-related disagreements, it is impossible to offer an all-encompassing explanation of intra-executive conflicts based solely on the example of unified government. It should also concentrate on capturing the unobserved episodes of conflicts, which could be possibly collected through retrieval of institutional correspondences and in-depth interviews with relevant authorities, an endeavour that this research was unable to conduct due to time limitations.

## BIBLIOGRAPHY

1. Babeck, Wolfgang, et al. *Rewriting a Constitution: Georgia's Shift Towards Europe*. Nomos, 2012. Web.
2. Banfield, Christina J. "The Importance of Interpretation: How the Language of the Constitution Allows for Differing Opinions." (2014)Web.
3. Baylis, Thomas A. "Embattled Executives: Prime Ministerial Weakness in East Central Europe." *Communist and Post-Communist Studies* 40.1 (2007): 81-106. Web.
4. "Presidents Versus Prime Ministers: Shaping Executive Authority in Eastern Europe." *World Politics* 48.03 (1996): 297-323. Web.
5. Beuman, Lydia. "Cohabitation in New Post-Conflict Democracies: The Case of Timor-Leste." *Cohabitation in New Post-Conflict Democracies: The Case of Timor-Leste* (2011): n. pag. Web.
6. Cheibub, José Antonio, and Svitlana Chernykh. "Are Semi-Presidential Constitutions Bad for Democratic Performance?" *Constitutional Political Economy* 20.3-4 (2009): 202-29. Web.
7. De Raadt, Jasper. "Contestable Constitutions: Ambiguity, Conflict, and Change in East Central European Dual Executive Systems." *Communist and Post-Communist Studies* 42.1 (2009): 83-101. Web.
8. Duverger, Maurice. "A New Political Model: Semi-Presidential Government." (1980) *European Journal of Political Research* 8 (1980): 165-187. Web.
9. Elgie, Robert, and Iain McMenamin. "Explaining the Onset of Cohabitation Under Semi presidentialism." *Political Studies* 59.3 (2011): 616-35. Web.
10. Elgie, Robert, and Sophia Moestrup. *Semi-Presidentialism Outside Europe: A Comparative Study*. Routledge, 2007. Web.
11. Elgie, Robert, and Petra Schleiter. "Variation in the Durability of Semi-Presidential Democracies". *Conference of 21st World Congress of International Political Science Association*. Web.
12. Elgie, Robert. *List of President-Parliamentary and Premier-Presidential Countries with Dates*. Semi Presidentialism, Blog, 2015a. web.
13. *Semi-Presidentialism: Sub-Types and Democratic Performance*. Oxford University Press, 2011. Web.
14. "Three Waves of Semi-Presidential Studies." *Democratization*.ahead-of-print (2015b): 1-22. Web.
15. Erkvania, Tinatin. Specifics of Institutional Relations in the Context of 2010 Constitutional Amendments. In Nodia, Ghia, and David Aprasidze, eds. *From the Superpresidency to the Parliamentary - Constitutional Amendments in Georgia*. Tbilisi: Ilia State University Publishing, 2013. Print.
16. Freedom House. "Georgia country page."Web. <[https://freedomhouse.org/country/georgia#.Vd-CbX\\_mqqko](https://freedomhouse.org/country/georgia#.Vd-CbX_mqqko)>.
17. Hoffmann, Stanley H. "I. the Final Text and its Prospects." *American Political Science Review* 53.02 (1959): 332-57. Web.
18. Khmaladze, Vakhtang, and Jibgashvili, Zurab. Commentary of the Constitutional Amendment Project. Print
19. Kobakhidze, Irakli. *Critical Analysis of the Constitutional Reform*.Print.
20. Linz, Juan José. *Presidential Or Parliamentary Democracy: Does it make a Difference?.*, 2005. Web.
21. Nakashidze, Malkhaz. *the Changing Face of Semi-Presidentialism in Georgia*, 2014. Print.
22. Ostrom, Elinor. "An Overview of Rule Configurations." (1983)Web.
23. Pierce, Roy. "The Executive Divided Against itself: Cohabitation in France, 1986-1988." *Governance* 4.3 (1991): 270-94. Web.
24. Protsyk, Oleh. "Intra Executive Competition between President and Prime Minister: Patterns of Institutional Conflict and Cooperation Under Semi Presidentialism." *Political Studies* 54.2 (2006): 219-44. Web.
25. Protsyk, Oleh. "Politics of Intraexecutive Conflict in Sempresidential Regimes in Eastern Europe." *East European Politics & Societies* 19.2 (2005): 135-60. Web.
26. Sedelius, Thomas, and Joakim Ekman. "Intra executive Conflict and Cabinet Instability: Effects of Semi presidentialism in Central and Eastern Europe." *Government and Opposition* 45.4 (2010): 505-30. Web.
27. Sedelius, Thomas, and Joakim Ekman. "Intra executive Conflict and Cabinet Instability: Effects of Semi presidentialism in Central and Eastern Europe." *Government and Opposition* 45.4 (2010): 505-30. Web.
28. Sedelius, Thomas, and Olga Mashtaler. "Two Decades of Semi-Presidentialism: Issues of Intra-Executive Conflict in Central and Eastern Europe 1991-2011." *East European Politics* 29.2 (2013): 109-34. Web.
29. Shugart, Matthew Soberg, and John M. Carey. *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*. Cambridge University Press, 1992. Web.
30. Skach, Cindy. "The "newest" Separation of Powers: Semipresidentialism." *International Journal of Constitutional Law* 5.1 (2007): 93-121. Web.
31. Venice Commission. Final Opinion on the Draft Constitutional Law on Amendments and Changes to the Constitution of Georgia. 2010. Web
32. Werner, Annika, Onawa Laceywell, and Andrea Volkens. "Manifesto Coding Instructions (4th Fully Revised Edition), may 2011." URL: <http://goo.gl/g512Q> (2011)Web.