

Mission to Tbilisi, Georgia 3-7 December 2012

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The purpose of the mission was to assist ICOMOS Georgia with their input to the development of a new cultural heritage policy of Georgia and take part in a EU funded workshop on the same topic with participants from Armenia, Azerbaijan, Ukraine and Georgia.

The change of the Georgian government just a month ago makes the policy question very acute. The newly elected deputy minister of culture, Marine Mizandary expresses that the new government intends to develop a more efficient and result oriented heritage policy than has been the practice up till now.

The observations of the development in Tbilisi since I was there in 2008 are almost wholly negative:

- The publicly funded interventions in Old Tbilisi is nothing but demolition of a considerable number of valuable historic structures and replacement with quite inaccurate copies in historic styles but wholly new materials based on steel enforced concrete. The archaeological evidence is also destroyed. As heritage management this project has negative value.
- The aquisition of the historic properties on Gudiashvili square by the Georgian Cultural Heritage Preservation Fund has not given the expected results. The blue house is being a restored in a totally unacceptable house, another house is demolished and the plan is further demolitions. Many houses are delisted. Bothe the fund and Tbilisi municipality has failed completely in saving the heritage values concentrated on the square.
- A number of important late 19th. Century buildings on Freedom square have been replaced with historic buildings with extra floors. The whole appearance is theatre facades.
- All over the historic city old houses are demolished and replaced with infills without respect for the environment both due to excessive hights and lack of architectonic qualities.
- The new concert hall on the left bank is very loud in its architectural expression and is an eyesore from the old town.
- The station of the cable line up to the castle breaks the horizon and thus weakens the appearance of the castle.
- A new high rise on Rustaveli avenue is planned on the plot of a listed Soviet building. The plan is approved by the city, but is being challenged by the newly elected minister. However current legislation leaves no power with the ministry.
- Reports from other parts of Georgia shows dramatic attacks on heritage values in Batumi, Bagrati and other places.

The most worrying is that many of these projects are presented as restoration. Public funding is used to actually weaken or destroy authentic cultural heritage. The need of

adjusted legislation, organization and policy is apparent. The question is if it is realistic to change the law or if small amendments and legal regulations based on the law is the short term solution. It seems evident that some changes at the legal level are necessary to stop the current loss of heritage.

The law on cultural heritage protection

The current law is ambitious but lacks the clarity and strength that is needed in a situation without established organisation and legal practise. The strenghts of the law is its focus on whole environments and buffer zones, high levels of documentation and requirements for qualifications from participants in heritage work. However possible weaknesses are:

- Too wordy and complicated, which makes it difficult to use for both the management and the public. Some of the definitions and practical regulations could be moved to a legal regulation connected to the law or a binding policy document.
- The frame of punishment for breaking the law is not stated. As far as I have been informed no one has been prosecuted from breaking the law this far despite all the breaks of its intentions which can be observed.
- Organization and practical procedures is not included in the law which is sensible, but a legal regulation or binding policy document should take care of this.
- Phrases that weaken the protection intended in the rest of the law, f.i. article 37.8, 43.4b and 25.2f
- The “Tbilisi amendment” which gives the authority of listing, delisting and giving permits within Tbilisi to the City council has proved to give very poor results.
- The special grants to the Orthodox Church of Georgia weakening protection of the ancient churches.
- Seamingly weak protection of archaeology and strange limitation in definition in article 3b where only finds “partly or fully uncovered 100 yrs ago or earlier” is defined as an archaeological object.
- Local heritage values are not dealt with in the current law.

Recommended aims for a heritage policy for Georgia

- Develop or amend the law so it will have enough strength to ensure a predictable protection of heritage values. Frames of punishment must be established and a court practice developed by taking cases to court.
- Build strong and independent professional environments. The agency should be strengthened but should be complemented with professional environments on the regional level.
- Build a regional structure. It must use the regional structure of Georgia but could possibly build on the current structure with 12 museums. The regional level must have its own budgets with a state contribution and additional resources from the regional political bodies. Power should be delegated from the state agency. This gives the agency the right to intervene, and there must be a clause in the delegation which secures the regional level the right to inform the agency if heritage is under threat by decisions made on the regional level.
- Develop legal tools for protecting regional and local values either within the heritage law or in a law for building and planning.
- Develop transparent management practises with written decisions which are at once made publicly accessible. This is necessary to ensure public and NGO participation and to secure the civil rights of neighbours and citizens.

- Take control over the Georgian Cultural Heritage Preservation Fund to make it follow international standards for heritage management. Such a fund or direct government funding through the agency should be used to encourage best practise, secure the most important monuments and environments and establish strategic alliances with the private sector and foreign contributors.
- Establish a clearly stated system for cultural heritage values, emphasizing “knowledge values”.
- Establish protection plans for the most valuable and most threatened areas, starting in Tbilisi.
- Clearer and more predictable regulations for each listed building. This should be part of the listing process in the future. For the buildings already listed standard regulations could be made based on typology. (Enclosed is an example from Norway)
- Strengthen the protection list by making it more representative. The current list is focused on churches, dwellings and administration (6609 out of totally 6804).
- Develop the use and knowledge of traditional materials in the building industry. Today cement is used even in archaeological projects where lime is the only appropriate material.
- Develop regulations and practise to safeguard the archaeological layers. Consider automatic protection by date/value and responsibility of cost on the developer who has projects which destroys archaeological layers.

Recommended short term actions

The Tbilisi amendment should be abolished and the authority delegated to the agency. At the same time the intention to delegate responsibility and powers to the regional level could be announced. However that delegation should presuppose the establishment of a professional environment and the clear intention of adopting heritage plans. It is essential that authority is not moved but delegated.

Work on developing law change/amendments, legal regulations and a national policy should be started at once with an open process including all interested parties.

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To be enclosed:
The system of heritage values
The Norwegian cultural heritage act
Example of regulations for a listed property
Recommendations from mission to Tbilisi in 2008