

ICOMOS/საქართველო

ქველებისა და ღირსშესანიშნავი ადგილების საკითხების საქართველოს საბჭოს
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GEORGIAN NATIONAL COMMITTEE OF INTERNATIONAL COUNCIL ON MONUMENTS AND SITES

Tbilisi, 22.04.2014

To: UNESCO,
European Commission Directorate for Education and Culture,
Council of Europe Steering Committee for Culture, Heritage and Landscape,
World Bank,
International Council of Monuments and Sites (ICOMOS),
International Center for the Study of the Preservation and Restoration of Cultural Property
(ICCROM),
Delegation of European Commission in Georgia,
Council of Europe Office in Tbilisi,
Norwegian Directorate for the Protection of Cultural Heritage,
Embassies of EU member states and partner countries in Georgia

Statement of the Georgian National Committee of ICOMOS on Recent Developments in Heritage Sector in Georgia

ICOMOS Georgia appeals to the wide public, Georgian authorities and international organisations to observe and respond to the recent developments in heritage sector in Georgia, endangering ancient cultural and unique natural heritage of Georgia and their diversity, which has greatly contributed to the creation of universal human values of the mankind.

Recognition of the outstanding universal value of Georgia's heritage is confirmed by the large scale assistance received from international organisations and partner countries, aiming at improving governance of culture in Georgia. Outcomes of such valuable support depend on the readiness of Georgian authorities to take into consideration and apply the recommendations, analytical and research-based documents elaborated within international technical assistance programmes.

On the backdrop of the above, alarming are the recent developments and new initiatives of the government of Georgia, namely that of the Ministry of Culture and Monuments' Protection, contradicting both local and international heritage conservation principles and laws. Due to this, the situation in heritage protection sector is critical and demands immediate response.

The case of Sakdrisi-Kachagiani prehistoric mine is in the centre of interest of international scientific and academic circles, since part of the scholars believe that it is the oldest gold mine among those discovered worldwide and dates back to IV-III Mill. B.C. On 5.06.2013, the Ministry of Culture and Monuments' Protection based on the request of the private mining company RMG, had annulled the heritage status of this site, leading to a series of illegal activities on the site. Nowadays, against the background of wide public protest, mining works have been launched and are ongoing in Sakdrisi-Kachagiani.

In 2013 Government of Georgia submitted to the Parliament of Georgia an amendment to the Law of Georgia on Cultural Heritage for its revision. This initiative aims to simplify the procedure for the revocation of heritage monument status, in order to ensure investments in new development projects.

In Tbilisi Historic District, which is on the UNESCO World Heritage Tentative List, implementation of the new mega project – Panorama Tbilisi – is planned. This plan contradicts regulations stipulated by the Law of Georgia on Cultural Heritage and Guidelines for Implementation of the World Heritage Convention.

The government of Georgia and the Ministry of Culture and Monuments Protection are undertaking amendments in legislation, which allow decision making in heritage sector without the involvement of professional resources and relevant expertise, justifying this by the “state strategic interests”. The government co-operates neither with professional circles and institutions, nor with public sector, while to overcome objections of the professionals working in the state institutions, the latter are drawn away from the decision making positions. Apart from the fact that these processes contradict multiple normative acts of Georgia, in general they question the heritage sector professional and political institutions; diminish functions and responsibilities of the Ministry of Culture and Monuments Protection, thus, actually, denying social, economic and state importance of the cultural values and their protection, creating chaos in the sector.

It is natural that Government of Georgia is keen to attract investments, justly considering them of vital significance for the country’s economic development. However, it is alarming that it is foreseen to achieve this on the expense of hazarding historic environment resources, turning this approach into the state development strategy of the country. Here is the main problem – the vision of the Government and its economic team, which perceives that heritage protection system hinders economic development of Georgia.

“Strategy of Social-Economic Development of Georgia” (2014-2020), clearly shows that the authorities do not recognize, even in a long-term perspective, that culture is a rich asset for the social and economic progress of the country and its citizens. Respectively, cultural heritage “hinders” country’s development and the governmental initiatives are more and more aggressive towards the heritage sector. In case this rude, rough policy does not change, apart from the current losses, it will have hazardous, irreversible results for the heritage values in a long-term perspective. Georgia’s cultural heritage is at risk!

Recent developments in cultural heritage sector in Georgia are in conflict with the essence of following international conventions and agreements that Georgia is a party of:

- Framework Convention on Value of Cultural Heritage for Society. Council of Europe. (2005);
- Convention for the Protection of Architectural Heritage of Europe, Council of Europe, (1985)
- Convention Concerning the Protection of the World Cultural and Natural Heritage, UNESCO, (1972)
- European Convention on the Protection of the Archaeological Heritage, Council of Europe, (revised 1992)

Current developments also do not correspond with the declared and confirmed aspiration of the wide public of Georgia towards EU integration. A draft EU-Georgia Association Agreement, which is to be signed in July, clearly states that the Parties shall concentrate their cooperation in international fora, such as UNESCO and the Council of Europe, inter alia, in order to foster cultural diversity, and preserve and valorise cultural and historical heritage.

ICOMOS Georgia:

Appeals to the wide public to be on guard and to prevent underestimation of the cultural values and to stay further actively involved in the protection and development of heritage values;

Requests government of Georgia to recognize the important role of culture in social cohesion, economic growth, education and in the development of intercultural dialogue; to ensure integration of the potential and needs of heritage into national development programmes with wide public and professional participation;

Appeals to the international organisations and partner States to remind and require from the government of Georgia to fulfill its international commitments and responsibilities set forth within bilateral agreements in the culture sector; to assist the Government of Georgia to elaborate integrated economic and cultural policy for the sustainable development of the country.

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Annex 1: ICOMOS Georgia Report on Recent Developments in Heritage Sector in Georgia
Annex 2: Online sources in English

Cc: Getty Conservation Institute;
World Monuments Fund;
Save Europe's Heritage

Annex 1:

Report of the Georgian National Committee of ICOMOS on Recent Developments in Heritage Sector in Georgia

Problems of Georgia's cultural heritage have been of great concern to local and international heritage organisations for many years. Two out of three sites from Georgia inscribed on UNESCO World Heritage List - *Historic Monuments of Mtskheta; Bagrati Cathedral and Gelati Monastery* are placed on the List of World Heritage in Danger. Due to inability to establish an integrated management system of heritage sector, since 2000 Georgia could not nominate any site from WH Tentative List for the inscription on the World Heritage List. All recommendations and requirements of World Heritage Committee of recent years are concerned with improvement of management and administration of the country's heritage sector.

In 2012-2013 Municipal Development Fund of Georgia implemented World Bank funded wide scale rehabilitation project in Kakheti region, aiming to develop tourism industry of the region, through urban revitalisation and historic monuments rehabilitation. Due to the weak management system and wrong administration, this positive initiative turned into a serious problem for the rich historic heritage of Kakheti, since improper works undertaken have damaged universal value and authenticity of Kakheti heritage, including World Heritage Tentative List sites. As part of the damage is irreversible, presently partial revision of the project results still remains an important challenge for the authorities and experts.

For years international heritage community provides technical assistance to the field authorities and experts to solve the complex of problems. Recognition of the outstanding universal value of Georgia's heritage is confirmed by the wide scale assistance received from international organisations (EU, CoE, UNESCO, World Bank, etc.) and partner countries (Germany, Norway, Poland, Sweden, USA, etc.) aiming to improve governance of culture in Georgia. Outcomes of such a valuable support depend on the readiness of Georgian authorities to take into consideration and apply recommendations, analytical and research-based documents elaborated within international technical assistance programmes.

Unfortunately, recent developments in Georgia show that the Georgian authorities do not ensure integration of international technical assistance programmes into the country's national development programmes.

On 5.06.2013, the Ministry of Culture and Monuments' Protection based on the request of the private mining company RMG Gold had annulled the heritage status of this site, while later also abolishing the archaeological protection zone. The site was discovered in 1980ies while intensive archaeological research has been ongoing since 2004 by joint German-Georgian expedition which believes that it is

the oldest gold mine among those discovered worldwide and dates back to IV-III Mill. B.C. Group of Georgian scientists interpret site as a second millennium copper mine. A formal reason was used by the Ministry of Culture and Monuments Protection for the abolition of the status and granting of the status anew as stipulated by the law never took place.

Sakdrisi mine still holds the status of an archaeological object, which requires permission of Ministries of Culture and Environment for mining works on the site.

On January 7th, 2014 company RMG Gold commenced illegal activity on Sakdrisi site since no permission from the authorities has been issued. Since then experts are denied access to the site. Monitoring unit of National Agency for Cultural Heritage Protection of Georgia failed to access and monitor the site for three times violating the law on cultural heritage of Georgia.

On January 27th Advisory body to the Ministry of Culture and Monuments' Protection – the Council of Protection of Cultural Heritage discussed the issue of granting the status of cultural heritage monument to Sakdrisi site and unequivocally recommended the Minister to grant monument status to the object. The ministry did not accept the recommended decision.

Due to the outstanding universal value of the site the case of Sakdrisi-Kachagiani prehistoric mine is in the centre of interest of international scientific and academic community and they appeal to Georgian authorities to establish international scientific council and continue the study of the site.

Advocacy groups to safeguard Sakdrisi archaeological site have been established consisting of representatives of academic community, artistic society, environmental and heritage communities, students and wider public. Despite of the above, the Ministry of Culture and Monuments' Protection has issued permission to the company RMG Gold to commence mining activity on the site. Alongside professional and public protest the works are ongoing. Archaeological heritage was sacrificed to fiscal and business interests contradicting European Convention for the Protection of Archaeological Heritage (Valetta, 1992) “...*The aim of this (revised) Convention is to protect the archaeological heritage as a source of the European collective memory and as an instrument for historical and scientific study.*”

On 12.11.2013 the Government of Georgia applied to the Parliament of Georgia for revision of amendment to the Law of Georgia on Cultural Heritage. According to the draft proposal, elaborated by the Ministry of Economics and Sustainable Development: “*In specific cases, when there is a necessity of state importance*”, it is possible to revoke the status of the monument (excluding monuments of national category and/or the category of monuments included in the World Heritage List). The procedure of revocation of the status shall be executed based on decree of Georgian Government, preceded by the application of any state agency possessing the powers of legal draft proposal initiation in front of Georgian Government, through agreement with the Ministry of Culture. Current edition of the article states that revocation of a monument's status “*is possible in the*

cases if it has deteriorated or damaged to an extent that it has lost its cultural or historical value for which it was inscribed on the heritage list". It should be noted, there is no definition of "necessity of state importance" in Georgian legislation, while from 6 803 immovable monuments registered in the State Register of Georgia only 484 monuments have the status of sites of national significance. Representatives of the Ministry of Economics and Sustainable Development did not deny that the main aim of the proposed amendment is to simplify delisting procedure both, in terms of procedures and reasons for revocation of a monument's status – revocation of status may occur to ensure investments in new development projects. It is natural that government of Georgia is keen to attract investments, justly considering them of vital significance for the country's economic development. However, alarming is that this is foreseen to achieve on the expense of hazarding historic environment resources, turning this approach into the state strategy of country's development. Here is the main problem – the vision of the Government, its economic team, which perceives that heritage protection system "hinders" economic development of Georgia.

This initiative is responded with strong criticism from civil society and professional agencies, through press-conferences, petitions, appeals, submission of research-based comments & reports. At present, heritage preservation sector in Georgia suffers from the lack of policy, specific sub-law regulations that would allow proper execution of the law; there are no strategies for heritage sector financing, tools to encourage investment in rehabilitation of historic environment, etc. These numerous flaws require complex reforms and not hurried, unthoughtful actions taken out of the context for gaining short term benefit. The Government ignores numerous requests of the professional organisations to withdraw the draft amendment from the Parliament as the future of the Law on Heritage remains unclear.

Although, Georgia's Law on Cultural Heritage stipulates norms and procedure for privatization of the listed heritage sites, the Government refuses to grant heritage status to the properties in state ownership, justifying it with the plan to privatize these properties.

In 2014 the Government of Georgia have presented to the public "The strategy for socio-economic development of Georgia" (2014-2020). This vast document does not refer to culture's and cultural and natural heritage's great value to society in cultural, social and economic terms.

In March 2014 Georgian Co-investment Fund presented to the government and public a mega proposal "Panorama Tbilisi" (network of business centers and hotels), to be implemented in Tbilisi Historic District, which is on the World Heritage Tentative List. This plan contradicts regulations stipulated by the Law of Georgia on Cultural Heritage and Guidelines for Implementation of the World Heritage Convention. Nevertheless, acting Minister of Culture and Monuments Protection spared no time to show his positive attitude towards the proposal, while it has not yet passed all procedures stipulated by the law including approval by the professional councils. Parallel to this, through media, he informed wide public about new developments planned concerning the system of procedures, according to which, in case of revocation of the status and approval of the proposals of

the “State Significance” the Ministry will no longer refer to the recommendation of the professional council, as it is stipulated by law; the decision will be taken by cross-sectorial state council consisting of representatives of Ministries of Regional Development and Infrastructure, Economics and Sustainable Development, Finances, Prime Ministers’ office administration and Ministry of Culture. According to the Deputy Minister: *“Best choice of the state should be preconditioned by the analysis and evaluations from different angles, while the existing council (reference is made to professional council) often evaluates a case only from one angle, namely from heritage preservation angle, but such a limited vision of the problem ultimately hinders country to move forward”*. Apart from the fact that these processes contradict multiple normative acts of Georgia, in general they question the heritage sector professional and political institutions; diminish functions and responsibilities of the Ministry of Culture and Monuments Protection, thus, actually, denying social, economic and state importance of the cultural values and their protection, creating chaos in the sector.

On April 4th, 2014 Decree on “The procedure of issuing building permission and conditions for permission” was amended, according to which, again using ambiguous definitions, in case of “state significance” and socially important structures and their complexes, “in certain cases”, building activity may commence without submission of certain documentation stipulated by the law. Here again, we are dealing with amendment made for one particular case, which legalizes previous practice in the country, when politically engaged show case projects were illegally implemented in rushed manner, ignoring relevant research-based technical documentations stipulated by legislation (including law on cultural Heritage) and procedures. Certain cases of implementation of such “state significance” projects have already harmed historic and cultural landscape of Georgia in recent years.

None of these governmental initiatives were planned and implemented based on consultations with professional circles, while to overcome objections of the professionals working in the state institutions, the latter are drawn away from the decision making positions. None of the appeals, recommendations, studies, and petitions from academic, experts’ circles is taken into consideration or responded by authorities. In the contrary, the governmental initiatives are more and more aggressive towards the heritage sector. In case this rude and rough policy does not change, apart from the current losses, it will have hazardous, irreversible results for the heritage values in a long-term perspective.

Present environment in heritage sector is in conflict with the essence of international conventions and agreements that Georgia is party of: 1972 UNESCO Convention concerning the protection of World Cultural and Natural Heritage, 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions; 2005 CoE Framework Convention on the Value of Cultural Heritage for Society (Faro Convention); 1985 CoE Convention on the Protection of Architectural Heritage of Europe (Granada Convention); 1992 European Convention on the protection of Archaeological Heritage (revised. Valetta). Apart from these planned and implemented legal amendments are not inline with EU instruments for EaP region, such as: Eastern Partnership Culture Programme, Investing in People, Twinning Project – Support to the Institutional Development of the

National Agency of Georgia, and are of utmost significance for the promotion of the idea that cultural heritage is important engine for the sustainable economic development of the society.

Existing reality provoked unprecedented public movement of heritage communities in Georgia. Well organized advocacy groups, movements (Tbilisi Hakari, Save Sakdisi; Friend of a Monument, Green Fist, Emergency Committee for safeguarding of Sakdrisi, etc.) are running public awareness campaigns, press-conferences, exhibitions, festivals, thematic performances, petitions, street protests to attract attention of authorities and wider public to vital significance of the protection of heritage in Georgia. They argue for wider involvement, participation and transparency in decision-making processes. Civil society in Georgia has proved that they “*value specific aspects of cultural heritage which they wish, within the framework of public action, to sustain and transmit to future generations.*” (Faro, 2005) The Ministry of Culture and Monuments’ Protection should use this positive resource for heritage sector development and the Government has to recognise community’s rights and that heritage has enormous social value, instead of ignoring public demand which contradicts CoE Faro Convention:

“*The Parties to this Convention agree to:*

- a recognise that rights relating to cultural heritage are inherent in the right to participate in cultural life, as defined in the Universal Declaration of Human Rights;*
- b recognise individual and collective responsibility towards cultural heritage;*
- c emphasise that the conservation of cultural heritage and its sustainable use have human development and quality of life as their goal;”*

(Section I –Aims, definitions and principles. Article 1 – Aims of the Convention)

ICOMOS Georgia
Tbilisi, 22.04.2014