Four-year cycle 2013-2016

Georgia

Contents

I. Hague Convention of 1954 ................................................................. 3
  1. Article 3 - Safeguarding of cultural property .................................... 3
  2. Article 7 - Military measures .......................................................... 7
  3. Use of the distinctive emblem to indicate cultural property (Chapter V) ................................................................. 7
  4. Article 25 – Dissemination of the Convention .................................... 8
  5. Article 26 (1) – Official translations ................................................ 9
  6. Article 28 – Sanctions .................................................................. 10

II. Resolution II of the Conference of 1954 ........................................... 10

III. 1954 First Protocol ........................................................................ 11

IV. 1999 Second Protocol ..................................................................... 11
  1. General provisions (Chapter 2)......................................................... 12
     Article 5 - Safeguarding of cultural property .................................... 12
     Article 9 - Protection of cultural property in occupied territory ....... 13
  2. Enhanced protection (Chapter 3)...................................................... 13
     MONITORING OF CULTURAL PROPERTY UNDER ENHANCED PROTECTION .............................................. 14
  3. Criminal responsibility and jurisdiction (Chapter 4) ......................... 15
     Article 15 – Serious violations of the Second Protocol ................. 15
     Article 16 – Jurisdiction .................................................................. 15
     Article 21 – Measures regarding other violations ......................... 16
  4. Dissemination of information and international assistance............. 16
     Article 30 – Dissemination .............................................................. 16
     Articles 32 – International assistance ............................................. 17
     1954 ......................................................................................... 18

V. Miscellaneous questions regarding the Hague Convention of 1954 and its two Protocols ................................................................. 18
  1. National focal point ..................................................................... 18

  2. National practice regarding the implementation of the Hague Convention and its Two Protocols ......................................................... 19

VI. Self-assessment forms ..................................................................... 21

VII. Granting of enhanced protection – Opinion Survey .......................... 22

Annexes ......................................................................................... 24
I. Hague Convention of 1954

1. Article 3 - Safeguarding of cultural property

This article sets out the obligation for High Contracting Parties to adopt in time of peace the appropriate safeguarding measures against the foreseeable effects of an armed conflict.

*Have you adopted such measures?*

Yes. The Ministry of Culture and Monument Protection of Georgia and its subordinate body, the National Agency for Cultural Heritage Preservation of Georgia, take care of cultural properties on the national territory in times of peace as well as during armed conflicts. The peacetime measures include the inventory of cultural heritage, listing of properties, applying protection zones, elaboration of conservation and management plans, and collection of data in the national cultural heritage database.

Based on information provided by the Ministry of Culture and Monument Protection of Georgia (the list of cultural heritage monuments), Georgian Armed Forces have implemented measures of safeguarding cultural property by considering the cultural heritage monuments in exercise planning and execution process (map symbols, higher commanders’ instructions).

By the Decree #508 of 24 September, 2015 the Civil Security National Plan has been approved by the Government of Georgia, which includes measures to ensure the protection of population and territories in the emergency situations created during the peacekeeping and hostilities, their volume, the rule of implementation and the execution of the main and subsidiary objects. According to the plan, Ministry of Culture, Monument Protection and Sport of Georgia implements planning and coordination of preventive readiness, reaction and restoration measures for the protection of real estate of cultural heritage. Organize and coordinate the main activities of evacuation in the safe zone of the cultural heritage of mobile heritage. Evacuation preparedness measures for cultural heritage movable facilities are organized on the basis of risk management and emergency management sectorial plans based on alleged scenarios of development of emergencies. In scenarios, the character and quantity of the possible results of emergencies (both direct and secondary - fire, poisoning, landslide, etc.) should be based on forecast data. At the time of preparing the scenarios of development of emergencies, the characteristics of the monetary and volume of movable objects of the threat of cultural heritage, the quality of protection in the emergency situations zone and the forces available nearby.

1.1 Forms of Immovable Heritage Protection

The Georgian legislation defines two mechanisms for protection of cultural heritage objects (a) initial (temporary) and (b) permanent protection through granting the status of the Cultural Heritage Property or Listed Property status.

Initial (temporary) protection is applied when the heritage object is being discovered. In such a case the founder is obliged to inform the Ministry of Culture and Monument Protection about the finding. The Ministry is responsible to assess the discovered object and, in case the cultural-historic value of an object is confirmed, to inscribe the object in the List of Cultural Heritage Properties. The object can be inscribed in this list for the period up to six months. This period can be extended only once for another six month. This period gives the experts the possibility to study the object more in details in case the existing material evidence is not sufficient for granting the Listed Property status. After this period the object is either granted the Listed Property status or taken out from the List of Cultural Heritage Properties.

The permanent protection mechanism implies granting the status of cultural heritage status to the facility and entering monuments in the state register and executing the order of the Minister of Culture and Monument Protection on the basis of the Cultural Heritage Council recommendation. Together with other provisions, the protection regime implies setting up individual protection zones and general protective zones for cultural heritage sites, which aims to protect the environment of the monument that promotes its historical, cultural and other values. It is important that when inscribing in the list of cultural heritage monuments, the object will be used by the same protection rules as the objects listed in the Monument State Register.
**Designation Criteria**
A cultural property may be listed when it has a proved historic and cultural significance linked with its authenticity, uniqueness or age (Law on Cultural Heritage, art.15). Authenticity, uniqueness and age are the ultimate factors to define the significance of a cultural asset and to grant the status of a monument. The topographically identifiable groups of buildings or structures may also be listed as complex objects (ibid. art 3).

The presence of a monument, as defined above, is the ultimate criterion for designation of the General and Individual Protected Zones. The area of an immovable listed property can be defined as a plot of land registered with a property or, in case of absence of the land register, an area occupied by the listed property (ibid. art. 3 (r)).

**Designation Authority**
According to the national legislation the Minister of Culture and Monument Protection is entitled to assign a Listed Property status to the historically or culturally significant object. As an exception, on the territory of the capital city of Tbilisi the responsibility for granting the monument status, listing and delisting the cultural heritage properties is handed to the Government of Georgia, which takes decisions on the basis of proposals made by the Ministry of Culture and Monument Protection.

**Hierarchy and Classification of Cultural Heritage Listed Properties**
According to the Law of Georgia on Cultural Heritage, the category of national importance may be granted by the Government of Georgia if it has a special historical and cultural value. The objective of the national importance is to submit to the World Heritage List. Thus, there are three main steps in the hierarchy of the hereditary entities listed in the Monument State Register (1) Cultural Heritage Monument in the Register (2) National Monument (National Monument) (3) List of World Heritage List (World Heritage Object) listed in the Register.

Protection regulations are stricter for the national importance and world heritage monuments listed in the register than those listed in the registry for which the category is not granted. For example, the protection zones are wider for national monuments and world heritage monuments. Privatization of them is not permissible by law, etc.

The Law of Georgia on Cultural Heritage determines immovable monuments included in the following types of registry:
- Archaeological (more than 100 years of cultural layer, underwater and underground remains);
- Architecture (buildings and ensembles, castles, religious buildings, etc.)
- Engineering (bridges, tunnels, channels, water reservoirs, etc.);
- Urban infrastructure (unity of urban structures, street networks);
- Parks and gardens (city or village historical parks and gardens);
- Paleographical;
- Monumental fine art (murals, wall paintings, mosaics, etc.);
- Memorial (related to a person’s historical event);
- Fine arts;
- Ethnography;
- Documentary (publications, manuscripts, etc.);
- The object related to the development of science and technology.

The law prohibits to use the object included in the list or interfere with it, if this leads to the loss of its historical and cultural value, damages and threatens it, reflects its authenticity and prevents its interpretation.

**1.2. Cultural Heritage Protection Zones**
The system of protection zones provides specific tool for territorial protection of immovable cultural heritage.

The Law of Georgia on Cultural Heritage defines a cultural heritage protection zone as:
“A territory around immovable monuments or the area of their abundance, where the specific regime of exploitation is applied and the aim of which is to protect monuments from adverse impact” (Law on Cultural Heritage, Art.3).

This is the broad concept under which two types of protection zones are distinguished:
a) Individual Protection Zone is a statutory territory around monument, which ensures its protection from adverse impacts. It is made up of Physical and Visual Protection Areas. The first corresponds to an immediate area surrounding a monument; the latter - to a wider landscape, views, panoramas and vistas.
Individual Protection Zones are automatically established from the moment of listing. The statutory radius of a Physical Protection Area is defined as twice the maximum height of a monument, but no less than 50m (Law on Cultural Heritage, art. 36 (2)). The statutory radius of a Visual Protection Area varies according to the category of a monument and the location in rural or urban setting: the monuments located in urban areas are protected with a Visual Protection Area of 150m from its outer contour, the Visual Protection Area of the monuments of national importance is 250m, these distances double in rural areas and are respectively 300m and 500m. The World Heritage Sites enjoy the greatest degree of protection with 1000m Visual Protection Area (Law on Cultural Heritage, art.36 (4)).

b) General Protection Zones may be established according to the type of a protected cultural asset – be it a historic settlement, archaeological area or landscape.

General Protection Zone may be the following:

- **Historical Built-up Area Protection Zone**: a territory, where there is a dense concentration of monuments and other properties of cultural significance and the authenticity and integrity of the street network, the planning pattern and morphology of the built fabric is preserved.
- **Built-up Area Regulation Zone**: an additional layer of protection for any other Individual or General Protection Zone, or as a territory, where there are fragments of authentic street network, historic setting and planning pattern, and/or single monuments and other properties of cultural significance preserved.
- **Historical Landscape Protection Zone**: an urban or rural territory of historic, cultural and aesthetic significance, which had been formed as a combined work of man and nature, or which represents the traditional natural setting of a monument.
- **Archaeological Protection Zone**: the territory where archaeological findings are identified or observed.

The sophisticated hierarchy of zones makes the purpose of designation more specific and sets out what could be the justification in each case of designation – for example, the proportion of authentic historic fabric preserved, concentration of monuments and presence of historically evolved landscape.

The Law on Cultural Heritage of Georgia allows overlapping of Individual and General Protection Zones, which means that Individual Protection Zones remain in force after designation of General Protection Zones.

The General Protection Zones are designated by the Government (the Cabinet of Ministers) following the submission of the Minister of Culture and Monuments Protection. Consultation with relevant local authorities is obligatory.

The Individual Protection Zones are established automatically at the time of listing of a monument and can be enlarged by the decree of the Minister of Culture and Monument Protection if it is deemed to be necessary for the protection of a monument.

The cultural heritage protected zones are enforced by the Law on Cultural Heritage. The issue of territorial protection is also covered by environmental legislation (Law on Protected Territories, 1996), which introduces a category of Protected Landscape as an area evolved over time under anthropogenic factors. By definition Protected Landscapes stand close to the concept of a Cultural Landscape present in international and European treaties (e.g. European Landscape Convention, World Heritage Convention). A Historical-Cultural Zone is also present as a component of a National Park, although apart from a broad statement of purpose there is no specific protection regime defined.

The Law on Cultural Heritage requires the consideration of cultural heritage monuments and their protection zones in town and country planning documentation (art 42.8), so does the Law on the Principles of Spatial Organization and Town Planning (art 30.9) and its subordinate acts (see section 2.8).

### 1.3 Recording and Registration Tools

The Law on Cultural Heritage defines the following instruments for identification and registration of immovable heritage:

- The List of Cultural Heritage Objects;
- The Registration Card of an immovable object/listed property;
- The State Register of Listed Properties;
- The Certificate of Immovable Listed Property.
The registration documentation is processed by the Cultural Heritage Research Service of the National Agency for Cultural Heritage Preservation of Georgia. The list of cultural heritage objects is an immediate / temporary protection tool for cultural heritage objects. From the moment of entering the list, the object is regulated by the same laws, with the immovable monuments listed in the list. The list contains the following information: number, name, address / location and additional information if necessary for the identification of the object.

The accounting card of the immovable monument of cultural heritage shall be accompanied by the Minister's decision to grant the status of a monument in the register or to lodge a list of cultural heritage sites. It contains basic information for identifying the object. Within one month after the decision on granting or abolishing the monumental status, this information shall be reflected in the State Register of Monuments listed. The monument's passport is the document received on the basis of the Legal Act of the Minister of Culture and Monument Protection. It contains information about the registration card, as well as scientific-research data, including cartographic and cadastral information, protection zone plan, graphic documentation of the building and more.

The format of the above documents is drawn up according to the standard recommended by the Council of Europe, in particular on the basis of the basic data index of historical structures and architectural monuments. At the same time, the format of the documents is adapted for the digital heritage of the cultural heritage, developed by the Ministry of Culture and Monument Protection and the National Agency.

**Comprehensive Inventory**

The Comprehensive Inventory is a method defined by the law for collecting information on historic settlements and historic centers of the towns. It implies collecting basic information required by the Registration Card on every immovable property in the area and processing the data in GIS database.

**The Information Systems in Cultural Heritage Management**

As the experience and volume of the digitalized information has been steadily growing in the recent years, the need to systematize the information and create an integrated information system for data storage, processing and updating became evident. In 2005-2007 thanks to the financial assistance of the Development and Reform Fund of Georgia and UNDP the Ministry of Culture and Monument Protection launched a project for creation of the unified information system in the field of cultural heritage. The works were continued in 2012 in the framework of the co-operation agreement with the Norwegian Directorate for Cultural Heritage. The model of the system being elaborated aims to integrate the different information on cultural heritage (protected zones, immovable and movable listed properties, museum-reserves, etc.) and allow external links to similar systems of different related institutions, e.g. Public Registry and State Customs Office. The integrated information system represents one of the key instruments for management and planning in the field of cultural heritage.

In 2007, the law "Cultural Heritage" was adopted, which was defined by the terms and conditions of the works and archeological works to be carried out on the monument, as well as a list of documents required for obtaining a permit. Hence, work carried out with respect to historical and cultural monuments is regulated at state level. The Law on State Control of Architecture and Construction Activity provides requirements for receiving permission. State supervision of compliance with the terms of permits/requirements in the heritage field is undertaken by the MCM.

The Law on Museums was passed in June 22, 2001. It determines categories of museums, regulates non-state involvement in museum activity and determines the rights and obligations of legal and natural persons. In line with this law, the MCM has developed Instructions on Accounting and Protection of Museum Objects in Georgia. This document is not a statutory act, but a manual for protection and accounting and restoration of museum objects.

The Law on Import-export of Cultural Objects was adopted in June 22, 2001. It determines the issuance of a special permission for importing and exporting cultural objects. Violation of the abovementioned rule qualifies as a criminal offense and gives ground to the criminal responsibility.
Moreover, draft National Action Plan of Implementation of IHL contains provision regarding harmonization of relevant national legislative acts to the Convention, therefore GoG is committed to study and amend all internal laws in the sphere of cultural heritage in order to bring them in compliance with the Convention. Today, the "Cultural and Natural Heritage Code" is being developed. The Code will be a single legislative act that will unify all legislative acts in the cultural heritage area. The Preamble of the Code Project directly reflects the obligation to take into account the requirements of the Convention in the current legislation and the legislative norms reflect the basic requirements of the Convention. Therefore, the Government of Georgia is committed to study and change all internal law in the field of cultural heritage, to ensure compliance with the Convention.

2. Article 7 - Military measures

This article sets out the obligations of High Contracting Parties to introduce into their military regulations or instructions such provisions as may ensure observance of the Convention. As well as the preparation or establishment, within their armed forces, of services or specialist personnel whose purpose will be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding it. These obligations must be implemented in time of peace.

Have you introduced into your military regulations or instructions such provisions as may ensure observance of the Convention?

Yes. Provisions for the protection and respect of cultural property are introduced into MOD Military Doctrines, Regulations and Rules of Engagement. At the same time Civil Military Cooperation (CIMIC) Officers are assigned to relevant structural units of the Georgian Armed Forces - in the General Staff, in the National Guard and at the command level. Each brigade’s HQ has a CIMIC officer whose responsibility is to provide the commanders with the information about the cultural monuments in the AOR, on the exercise/operation planning phase.

If this information is available in a previously submitted report, you may refer to it.

Have you established within your armed forces, services whose purpose will be to secure respect for cultural property?

Yes. Civil-Military Affairs branch is functioning in Georgian Armed Forces Joint Staff which is responsible for coordination of the mentioned issues with subordinated units and other than MOD governmental organizations, particularly with Ministry of Culture and Monument Protection of Georgia.

J-3 Operational Planning Department is structural unit of the General Staff of the Georgian Armed Forces in charge of planning of military operations and elaboration of operative plans. During the planning process principles and norms of International Humanitarian Law and relevant international agreements, including Hague Convention of 1954, are taken into account and duly reflected in the documents.

3. Use of the distinctive emblem to indicate cultural property (Chapter V)

The Hague Convention of 1954 created a distinctive emblem for the exclusive marking of cultural property with the aim of ensuring its recognition, particularly in the event of armed conflict. The marking of cultural property constitutes one of the preparatory measures that may be taken in time of peace.
Have you indicated cultural property through the use of the distinctive emblem of the Convention?

Yes. In 2012, under the Article 16 of the Convention the State Party marked 19 immovable cultural properties with the distinctive emblem of the Convention situated in the adjacent territories of occupied Tskhinvali Region and Abkhazia, Georgia. In the current year, there is a set of relevant distinguishing marks on Mtskheta Historic Monuments WHS.

4. Article 25 – Dissemination of the Convention

The regulations relating to the protection of cultural property in time of war must be incorporated into programmes for military, and where possible, civil training. The aim is to ensure that the principles of the Convention are made known to the whole population, and especially the armed forces and personnel engaged in the protection of cultural property.

Have you disseminated the provisions of the Convention within the armed forces as well as among target groups and the general public?

Yes. The National Committee of the International Committee of the Blue Shield has been recently established in Georgia which aims to facilitate intergovernmental cooperation in implementation of the Convention and its protocols, to achieve raised public awareness about the convention and to establish a nationwide Blue Shield movement of trained volunteers.

The National Inter-Agency Commission on the Implementation of International Humanitarian Law was established on October 31, 2011 when the Governmental Decree No. 408 of October 28, 2011 entered into force.

The Commission is a Standing Inter-Ministerial Body set up to implement, ensure respect International Humanitarian Law and coordinate the work of different entities in this field. It is composed of deputy ministers of the key ministries and representatives from the National Security Council of Georgia as well as the Parliament of Georgia.

The main objectives of the Commission are to prepare and present advisory opinions to the Government of IHL issues; to present proposals to the President of Georgia on the issue of adhering to IHL treaties; to prepare and present proposals to the Government of Georgia in order to ensure compliance of Georgian legislation with international obligations undertaken by Georgia in the field of IHL; to promote dissemination of IHL programs and various educational activities in cooperation with the International Committee of the Red Cross; to report on national achievements to the International Conference of the Red Cross, the UN Secretary General and the meetings of National Committees for IHL.

The Commission meets at least once in every six months and is authorized to prepare and submit to the Government of Georgia proposals on compliance of Georgian legislation with its international obligations under IHL treaties; hear reports of the relevant officials on the IHL implementation matters; receive information, documentation and other relevant data from concerned agencies within its competence; draft and adopt the implementation action plan and annual reports.

The Inter-agency Commission for the Implementation of International Humanitarian Law elaborated the draft of 2013-2015 IHL National Action Plan. In order to disseminate IHL, Ministry of Justice of Georgia in close cooperation with ICRC organizes annual IHL national competition. Teams composed of three law students from different universities participate in competition. Ministry of Justice organizes trainings for the selected students. Apart from this, Inter-agency Commission in close cooperation with ICRC promoted translation of IHL related scientific literature. Students of high school pass optional course in IHL, which implies study of
the general rules of armed conflict including rules concerning protection of cultural heritage in armed conflict.

In addition, work – with regard to dissemination of IHL principles and namely principles of the Convention – is still ongoing within the framework of the Commission. Draft action plan provides spread of IHL in pre-identified target groups, such as: military, medicine workers, journalists, pupils, students etc. Government of Georgia intends to disseminate information on the requirements of the Convention within the military through training courses on IHL and through publications (defense doctrines, manuals and defense force publications) and to organize seminars, workshops, conferences and symposiums. On April 4, 2017, the Humanitarian Law Inter-Agency Commission approved the National Action Plan for the implementation of international humanitarian law.

Within this framework, what awareness-raising activities have you organized, and what awareness-raising activities do you plan to organize in the future? Please indicate the target groups for each activity.

The Academy of the Ministry of Internal Affairs of Georgia has elaborated special human rights courses that also include the core issues of international humanitarian law. The following studies are available in the Ministry of Internal Affairs’ Academy:

• Proportionate use of force;
• Protection of life and health of non-combatants during the armed conflicts;
• Non-use of force against the civilian infrastructure objects;
• Basic methods of carrying out security operational activities.

Moreover, a special group has been formed at the Academy of the Ministry of Internal Affairs of Georgia, which ensures the preparation of curriculum and course materials. Starting from spring 2014 the new updated curriculums will be introduced in the Ministry of Internal Affairs’ Academy, which will be more thoroughly cover core aspects of International Humanitarian Law. Within the joint initiative of two EU funded projects "Regional Cooperation for Cultural Heritage Development" and "War Free Heritage Listed Cities" Awareness Raising seminars were held for students of Mtskheta secondary schools. Seminar topics covered information on the provisions of Hague Convention and it’s both protocols

International Red Cross provides courses for military and civilian personnel of Ministry of Defense of Georgia and Armed Forces in Law of Armed Conflicts and the Hague Conventions. As well in accordance with the Decree of the Minister, the law of armed conflict is included as a separate discipline in combat training program of Georgian Armed Forces. This five-day course is held annually four times a year for the military personnel. Since 2001 36 courses have been held and 450 military personnel have been prepared. The law of armed conflict is included in the training program of Defense National Academy. J-3 Operational Department implements the integration of International Humanitarian Law in the operations planning and implementing process.

5. Article 26 (1) – Official translations
The Secretariat has received a certain number of official translations of the Convention and of the Regulations for its execution. For reference, please consult:


Does your country have its national translation(s) there?

Yes.
6. Article 28 – Sanctions
This article sets out the obligations of High Contracting Parties to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order to be committed a breach of the Convention.

Have you established as criminal offences under your domestic law conduct contrary to the obligations set out by the Convention?

Yes. The Criminal Code of Georgia (CCG) imposes criminal liability for the violation of the rules for protection of the cultural heritage. A separate chapter is devoted to the offenses, such as: illegal export/import of the monument of cultural heritage; illegal archaeological digs; destruction of a monument of cultural heritage; In addition to that, damaging or destroying the monuments of cultural heritage during the armed conflict amounts to the war crime.

The Criminal Code envisages sanctions for illegal archaeological works, damage and destruction of cultural heritage properties, violation of regulations of cultural heritage protection zones and provides fines or imprisonment up to 2 years.

Moreover, Article 259 of the CCG imposes sanction for intentional violation of international regulations for protecting cultural valuables that are under enhanced protection during international and non-international armed conflict.

In particular, the following acts are criminalized:
a) damage or destruction, theft, robbery or appropriation of a movable monument that is under enhanced protection;
b) damage or destruction of an immovable monument that is under enhanced protection;
c) undertaking a military attack against a monument that is under enhanced protection, against the buildings of museums, libraries, archives or special hiding places designed for storing cultural valuables in case of armed conflict or use of these buildings or their areas for military operations

The above-mentioned acts are sanctioned by imprisonment from 5 to 10 years.

Apart from this, Georgian legislation also imposes administrative sanctions in the field of cultural heritage. According to Article 88 of the Code of Administrative Offences violation of statutory rules for performing works or archaeological works on cultural heritage sites, violation of the relevant design or other permit conditions, also non-compliance or improper compliance with the conditions of a warning given by an authorized body for the non-compliance with the obligation to maintain a cultural heritage site is punished by administrative fine. The amount of fine in case of physical and legal person is different. A physical person is sanctioned by fine up to 5000 GEL, while a legal person or partnership is punished by fine up to 10000 GEL. If the same acts are committed against national monument or the site entered in the World Heritage List the responsibility and the amount of administrative fine increases.

Furthermore, a person who violates the regulations for erecting monumental statues (sculptures), or for naming streets and squares shall be given a notice or a fine equal to five times a minimum amount of a salary. This amount shall be tripled every six month if the conditions of a fine are not eliminated. Apart from the fine a person may be required to reimburse the costs necessary to restore the damage caused by the violation.

II. Resolution II of the Conference of 1954

Have you established a National Advisory Committee in accordance with the hope expressed by the Conference in its Resolution II?

No.
III. 1954 First Protocol

[To be completed by the High Contracting Parties to the 1954 Protocol only]

The main objective of the 1954 Protocol is the protection of cultural property in occupied territory. As such, it organizes, among others, a system of:
- taking into custody;
- return of illegally exported cultural property; and
- finally indemnity to the holders in good faith.

Have you adopted measures to implement the 1954 First Protocol? In particular, have you adopted national legislation providing for the custody of cultural property imported either directly or indirectly from any occupied territory?

Yes. The Law of Georgia on "Cultural Values of Georgia and Implementation of Georgia" provides for the necessity of fulfillment of the obligations undertaken by the State under International Conventions (Chapter X. International Cooperation and International Treaties). The Ministry of Culture and Monument Protection of Georgia cooperates with similar services of foreign countries, governmental and non-governmental organizations to prevent illegal transfer of cultural property from Georgia and illegal transfer of property rights to it. Georgia participates in International agreements from Georgia illegally exported cultural property return. In each case, when it is available, Georgia is obliged to offer a foreign country, the cultural value of the return, which is illegally brought into its territory. Cultural values and promoting the transfer of ownership of International regulations, the State shall:
A) on its territory of the museum, archives, library and other similar institution by a foreign country is the cultural value of the purchase, which was illegally imported or purchased;
B) take the necessary measures at the request of a foreign state in each of the cultural values and definable return, which is imported in the area, the necessary condition for the bona fide purchasers for compensation for a full refund guarantee for a foreign state, if such compensation is not contrary to international obligations or on Artvelos legislation.
Also, the law (Article 37) establishes that the museum, library, archive or cultural property repository other state agency is obliged to establish a legal owner or owner of this cultural value to prevent the acquisition of culturally valuable goods purchased from a foreign state.

Have you taken into custody cultural property imported into your territory from an occupied territory?

Yes. Further development of effective collecting and monitoring mechanisms (e.g. a specific register, auctions, etc.) for the market, export and import of cultural properties; combat the illicit traffic of cultural property; plan a national system for the restitution of lost or illegally exported cultural properties to Georgia, enhance international cooperation (with Interpol and other international organizations and states) with the purpose of protecting and returning cultural heritage to its owners are the tasks targeted by the Ministry of Culture and Monuments Protection of Georgia within the State Culture Strategy 2025 adopted in 2016.

IV. 1999 Second Protocol

[To be completed by the High Contracting Parties to the 1999 Protocol only]

The 1999 Second Protocol complements the Hague Convention of 1954 in many aspects. If this information has already been presented within the framework of the questions regarding the Hague Convention of 1954, you may refer to it directly.
1. General provisions (Chapter 2)

Article 5 - Safeguarding of cultural property

Article 5 of the Second Protocol complements Article 3 of the Hague Convention by providing concrete examples of peacetime preparatory measures, such as the preparations of inventories of cultural property or the designation of competent authorities responsible for the safeguarding of cultural property.

Have you adopted such measures?

Yes. The Law on Cultural Heritage defines the following instruments for identification and registration of immovable heritage:

– The List of Cultural Heritage Objects;
– The Registration Card of an immovable object/listed property;
– The State Register of Listed Properties;
– The certificate of immovable listed property.

The registration documentation will be implemented by the Cultural Heritage Research Service of the National Agency for Cultural Heritage Preservation.

The registration documentation is processed by the Department for Cultural Heritage Strategy, Coordination and Permissions at the Ministry of Culture and Monuments Protection.

The List of Cultural Heritage Objects is a tool for the Immediate/temporary protection of cultural heritage objects. From the moment of inscription in this list an object becomes the subject of same legal regulation as of the immovable listed property. The List contains the following information: number, name, address/location and additional information if necessary for identification of the object.

The Registration Card of an immovable cultural heritage object/listed property is a statutory annex to the resolution of the Minister on granting the status of a listed property or inscription in the list of cultural heritage objects. It contains basic information for identification of the property. In a month’s period from adopting the resolution on granting the status of a listed property or its cancellation the information is to be reflected in the State Register of Listed Properties.

The Certificate of a listed property is a document adopted through the legal act of the Minister of Culture, Monuments Protection and Sport. It contains information from the Registration Card and also the scientific and research information on the property including the cartographic and cadastral information, plan of the protected zone, graphic documentation of a building, etc.

The forms of the abovementioned documents is based on the standard recommended by the Council of Europe for documenting cultural heritage, namely on the Core Data Index on historic buildings and architectural monuments. The same time the format of the document is adapted to the cultural heritage digital database which is being developed by the Ministry of Culture and Monuments Protection and the National Agency.

Under the Article 5 of Protocol No. 2 of the Hague Convention of 1954 on the Protection of Cultural Property in the Armed Conflict, in 2016 was created at the Ministry of Culture and Monument Protection of Georgia Risk Preparedness Intergovernmental Coordination Board. The board aims to support implementation of the relevant measures prescribed in the Second Protocol of Hague Convention. The board assignments are to implement prevention activities during peace and Mskheta Historic Monuments WHS granted the enhanced protection statues. Also to implement the following activities:

• to coordinate preparation and periodically update the risk preparedness plan of Mtskheta World Heritage Site;
• to plan and organize the training for the respective personnel;
• to draft the legislative initiatives for enhancement of the safeguarding and safety of Mtskheta World Heritage Site;
• to identify the concrete issues that may contradict the 1999 Second Protocol;
• to carry out the monitoring of the existing safety measures and implement the respective protection measures at the Mtskheta World Heritage Site;
• to plan and promote implementation of the educational and informational programs.
The Board task also shall be to design the project for the setup of the Inter-agency Committee which shall implement the Hague Convention and its two protocol on the national level. In 2015 with the support of the National Agency for Cultural Heritage Preservation of Georgia, the Blue Shield Georgia implemented the project aimed at Enhance the capacity of Mtskheta museum reserve staff in risk preparedness and emergency response action. Within the framework of the project introductory training in risk preparedness and risk mitigation measures for museums professionals from Mtskheta and Shida Kartli region was held in the town of Gori. Risk-preparedness recommendations elaborated within the project has been considered as a basis for the development of the Mtskheta Archaeological Museum’s new building in 2016.

Article 9 - Protection of cultural property in occupied territory

Article 9 of the Second Protocol complements the provisions in Article 5 of the Hague Convention by imposing a number of prohibitive measures on the Occupying Power. Paragraph 102 of the Guidelines for the Implementation of the Second Protocol requests Parties that are an Occupying Power to provide information in their national reports on the way in which the provisions regarding the protection of cultural property in occupied territory are observed.

Do you ensure compliance with the provisions regarding the protection of cultural heritage under military occupation?

Unfortunately, in the course of the 20th century, and particularly during the period of Soviet occupation, Georgia was deprived of parts of its historic territories. As a result, monuments of cultural heritage located in those territories became unreachable for Georgia. This tragic process has not slowed down in 21st century and the Georgian authority, which has restored Georgia’s independence, is still subject to seizure of its historic regions. Furthermore, not only is territory being seized, but also the country’s history, reflected as it is in the monuments located in those territories.

The Russian aggression of 2008 and the occupation following it have endangered historic monuments located in the occupied territories: falsification of historic facts is under way through the destruction of Georgian inscriptions on those monuments; encroachment, damage, destruction and defacement of those monuments is taking place- aimed at erasing the connection of the monuments to the Georgian culture.

Taking into consideration the impossibility of provide any protection measure on side by National Authority, Georgia actively collaborates with the International Organizations, such are: UNESCO, Council of Europe, Euro Parliament and etc. continuously appealing to them to establish an international monitoring system aimed at protection of the Cultural Heritage.

In 2016 the Cultural Strategy 2025 elaborated by the Ministry of Culture and Monuments Protection of Georgia has been approved. (http://culturepolicy.gov.ge/getfile/55e94af7-46ff-43c6-8e5c-d7393abfeb2e/.aspx ) One of the priorities of the State Strategy is to elaborate and reinforce different measures for safeguarding and monitoring cultural heritage in occupied territories (e.g. enhance international cooperation, conclude bilateral and multilateral agreements, provide necessary training and awareness-raising programmers for residents of occupied territories, etc.)

In line, the intergovernmental committee has been established at the Ministry of Culture and Monuments Protection of Georgia, aimed at development the all possible measures to protect the cultural heritage on the occupied territories.

The interactive map of the cultural heritage resources has been elaborated by the National Agency for Cultural Heritage Preservation of Georgia in 2015 (http://myherita.ge/); in addition, the all archival materials existed in the different storages have been uploaded and integrated in the Cultural Heritage Entire GIS Base and Portal established by the National Agency for Cultural Heritage Preservation of Georgia. The system has been launched in 2016 (http://memkvidreoba.gov.ge/Home/ImmovableList)

2. Enhanced protection (Chapter 3)

**Do you intend to request** the granting of enhanced protection for cultural property in the next four years or, where applicable, do you have a national tentative list within the framework of Article 11 (1) of the Second Protocol?


**MONITORING OF CULTURAL PROPERTY UNDER ENHANCED PROTECTION**

If certain cultural property(ies) in your State benefit from enhanced protection, please also complete this section of the questionnaire.

The benefit of enhanced protection implies continued compliance with the conditions set out in Article 10 of the Second Protocol.

**Is there a specific mechanism in place to monitor cultural property under enhanced protection?** As an example, are the measures adopted to ensure the highest level of protection periodically reviewed so as to ensure they are fully effective in all circumstances?

Yes. The National Agency for Cultural Heritage Preservation of Georgia (NACHPG), through its structural unit of the Great Mtskheta Archaeological Museum-Reserve implements the periodical monitoring of the Mtskheta Historical Monuments WHS has being under enhanced protection from 2016. The Cultural Heritage Inspection Unit of the central office implements the monitoring of the property once per month, to evaluate the different issues of the state of conservation.

On the basis of the short periodical reports the annual report on state of conservation of the property is elaborated by the UNESCO and International Relations Unit of the NACHPG.

On the basis of periodical reports the short and long term strategies are planned to maintain and improve the state of conservation of the property.

In line, the special council established at the NACHPG implements the periodic monitoring of the ongoing works of the property. The periodicity of this monitoring depends on the specification and duration of a particular project.

Pursuant to paragraph 102 of the Guidelines, the Parties must inform on the use of the distinctive emblem for cultural property under enhanced protection.

**Have you used the new distinctive emblem adopted by the 2015 Meeting of Parties to mark cultural property under enhanced protection?**

No. National Agency for Cultural Heritage Preservation of Georgia is working on the project design for arranging the special emblem on the Mtskheta Historic Monuments WHS – Samtavro Monastery, Jvari Monastery, Svetitskhoveli Cathedral – under the enhanced protection since 2016.
Pursuant to paragraph 65 of the Guidelines for the Implementation of the 1999 Second Protocol, the Parties must notify the Committee of any change affecting the cultural property concerned to meet the criteria set out in Article 10 of the Second Protocol.

Does the Committee need to be notified of a change regarding cultural property in your territory benefiting from enhanced protection?

No.

3. Criminal responsibility and jurisdiction (Chapter 4)

Article 15 – Serious violations of the Second Protocol

Article 15 requires the Parties to establish as criminal offences under its domestic law a series of behaviours constituting serious violations of the Second Protocol, by punishing them by appropriate penalties.

What measures have been taken to ensure the implementation of this obligation?

Joint answer for articles 15 and 21
Criminal Code of Georgia prescribes that deliberate attack against historical monument, piece of art or place of worship as a heritage of people, which was not dictated by military necessity, is considered as a war crime and imposes imprisonment for up to fifteen years.

Criminal Code of Georgia also penalizes violation of international rules of protection of cultural heritage during armed conflicts. The Criminal Code of Georgia (Chapter XXXII\(^2\), Article 259\(^5\)) defines responsibilities for damage, destruction or theft of movable cultural heritage, damage or destruction of immovable cultural heritage, use of immovable heritage sites for military operations or carry out an attack on such heritage sites in the event of armed conflict. In these cases the Criminal Code envisages criminal liability of imprisonment from 5 to 10 years.

The Criminal Code also provides sanctions for illicit export (Chapter XXXII\(^1\), Article 259\(^4\)) and subjects to fine or imprisonment up to 2 years.

Article 16 – Jurisdiction

Article 16 requires the Parties to establish the jurisdiction of their courts over serious violations of the 1999 Second Protocol.

What measures have been taken to confer jurisdiction on your courts over serious violations of the Second Protocol?

Offences mentioned in Article 15 of the Protocol are already incorporated in the national legislation of Georgia, namely in the Criminal Code of Georgia. Criminal Code is applicable on the whole territory of Georgia and on every crime committed on the Georgian territory by Georgian citizen, alien or stateless person; In addition, Criminal Code of Georgia is also applicable to those Georgian nations or those who are granted the status of stateless person in Georgia, who committed the crime abroad. Therefore the threshold of jurisdiction provided in the Article 16 of the Protocol is met. Moreover, Criminal Code of Georgia penalizes all offences in the sphere of international humanitarian law, which are not incorporated in the Code itself, but are prescribed by the international treaties, which Georgia is part of.
According to Law of Georgia on General Courts the criminal, administrative and civil justice is carried out by the court. Therefore, only the court has jurisdiction on imposing sanctions for any criminal and administrative offences.

**Article 21 – Measures regarding other violations**

The Second Protocol also requires the Parties to adopt legislative, administrative or disciplinary measures to prevent the occurrence of behaviours that adversely affect the integrity of cultural heritage.

*Have you adopted such measures?*

Yes. *Joint answer for articles 15 and 21*

Criminal Code of Georgia prescribes that deliberate attack against historical monument, piece of art or place of worship as a heritage of people, which was not dictated by military necessity, is considered as a war crime and imposes imprisonment for up to fifteen years.

Criminal Code of Georgia also penalizes violation of international rules of protection of cultural heritage during armed conflicts. The Criminal Code of Georgia (Chapter XXXII\(^2\), Article 259\(^5\)) defines responsibilities for damage, destruction or theft of movable cultural heritage, damage or destruction of immovable cultural heritage, use of immovable heritage sites for military operations or carry out an attack on such heritage sites in the event of armed conflict. In these cases the Criminal Code envisages criminal liability of imprisonment from 5 to 10 years.

The Criminal Code also provides sanctions for illicit export (Chapter XXXII\(^1\), Article 259\(^4\)) and subjects to fine or imprisonment up to 2 years.

**4. Dissemination of information and international assistance**

**Article 30 – Dissemination**

Article 30 complements Articles 7 and 25 of the Hague Convention of 1954. In this regard, it requests the Parties to, among other things, strengthen appreciation and respect for cultural property by their entire population, ensure the dissemination of the Protocol, and incorporate guidelines and instructions on the protection of cultural property in their military regulations.

*Have you disseminated the provisions of the 1999 Second Protocol within the armed forces as well as among target groups and the general public?*

Yes. In 2013, in the framework of the EU Funded international project “War Free World Heritage Listed Cities” introductory training “Risk Preparedness and Management for the protection Urban World Heritage Sites and Movable Tangible and Intangible Heritage in Times of Armed Conflict” was held in Mtskheta. A group of sixteen experts from the Ministry of Culture and Monument Protection, the Ministry of Internal Affairs, the Ministry of Defence, the Civil Protection, Regional and Municipal authorities, the Fire Brigade of Mtskheta, the Georgian National Committee of the Blue Shield, the Patriarchate of Georgia, other Civil Society Organizations, supported by a couple of infantry platoons from the Georgian Armed Forces and a unit from the fire brigade have participated to the training.

The training was designed to develop a model for Civil Military Cooperation for the protection of movable and immovable heritage in full respect of international law. The training was modeled to reproduce situations that could happen in the specific sites as much as anywhere else around the globe. It covered the following topics: evacuation and relocation of movable heritage; causes, preventive measures and possible reactions to direct and secondary effects produced by fire, earthquakes, floods, etc. on movable and immovable heritage; heritage
management under military occupation both in case of symmetric and asymmetric warfare. The training focused on the decision making chain, the harmonization of procedures and types of interagency coordination aimed to maximize the use of resources available to secure prompt intervention under different circumstances.

The National Commission for International Humanitarian Law for the purpose of spreading the IHL Ministry of Justice of Georgia holds the National Competition for Annual International Humanitarian Law in close cooperation with the International Committee of the Red Cross (ICRC). The groups compiled by the three students of the Law Faculty of different universities participate in the competition. In addition, the Ministry of Justice is conducting trainings for selected students. The Commission has facilitated the translation of scientific literature of international humanitarian law in close cooperation with the International Committee of the Red Cross (ICRC). High class students take a course of international humanitarian law, study the general rules of armed conflict, including the rules of protection of cultural heritage during the armed conflict.

The work of international humanitarian law continues, in particular, in terms of spreading the principles of the Convention. The draft Action Plan envisages distribution of principles of international humanitarian law in pre-determined target groups: military prosecution, medicine workers, journalists, pupils, students, etc. The Government of Georgia intends to disseminate information on the requirements of the Convention through the IHL Training Courses for military personnel and also organize seminars, conferences and symposiums by publications (defense doctrines, manuals and defense forces).

In addition, there have been attempts on behalf of the National Committee of the Blue Shield of starting a cooperation with the Ministry of Defence of Georgia about the training of military on the topics of The Hague Convention. Formal correspondence took place in July and November 2016 and initial planning of a pilot training did happen, but due to the high rate of change in the staff as well as the higher management, the process has been halted.

Within this framework, what awareness-raising activities have you organized, and what awareness-raising activities do you plan to organize in the future? Please indicate the target groups for each activity.

In 2015 the Georgian National Committee of the Blue Shield in collaboration with National Agency for Cultural Heritage Preservation of Georgia organized practical trainings for the staff of major museums of Shida Kartli region and of Great Mtskheta Archaeological State Museum-Reserve on the topic: “Protection of museum collections in emergency situations” aimed at Enhance the capacity of Mtskheta museum reserve staff in risk preparedness and emergency response action.

In line, the a 2 day introductory training in risk preparedness and risk mitigation measures for museums professionals from Mtskheta and Shida Kartli region was held and the recommendations for a risk-preparedness for Mtskheta Archaeological Museum’s new building were developed.

The National Agency for Cultural Heritage Preservation of Georgia within the Cultural Strategy 2025 and in cooperation with ICCROM from 2015 is working on the elaboration of the training platform aimed increasing the abilities and knowledge of the professional working in the cultural heritage field in Georgia.

Articles 32 – International assistance

Pursuant to paragraph 102 of the Guidelines for the Implementation of the Second Protocol, the Parties are invited to present their activities at bi- or multilateral level, within the framework of technical assistance in order to share their experiences or best practices.
Have you shared, particularly via the Secretariat of UNESCO, your experiences in the implementation and best practices?

No.


Pursuant to Article 37 of the Second Protocol, the Parties shall translate this standard-setting instrument into their official languages and shall communicate these official translations to the Director-General. To date, the Secretariat has received a certain number of official translations of the Second Protocol. For reference, please consult:

Language versions of the 1999 Second Protocol

Does your country have its national translation(s) there?

Yes. Official translations of the Hague Convention and its second protocol are available. Georgian National Committee of the Blue Shield (GNCBS) undertook the translation of the first protocol and the regulation for the execution of the convention, which did not exist before. It also undertook the revision of the existing official translations and all of the texts were published in March 2017 in 250 copies. The copies have been distributed among students attending heritage courses offered by the GNCBS. It is planned to distribute the rest among the military. The booklet is also available as a PDF on the GNCBS website – http://blueshield.ge/?page_id=4959&lang=en

V. Miscellaneous questions regarding the Hague Convention of 1954 and its two Protocols

1. National focal point

According to paragraph 103 of the Guidelines for the Implementation of the Second Protocol: "Unless a Party requests otherwise, the presumed focal point would be its Permanent Delegation to UNESCO". If you do not wish to consider the Permanent Delegation as the focal point, please provide the Secretariat with the name and address of a national focal point that will receive all official documents and correspondence relating to the implementation of the Second Protocol.

Institution: Georgian National Commission for UNESCO
Name: Ms Ekaterine Chikobava
Address: 4 Chitadze st. 0118, Tbilisi, Georgia
Email: unesco@mfa.gov.ge
Tel.: +995322945000 (ext. 1912)
Fax:
2. National practice regarding the implementation of the Hague Convention and its Two Protocols

The Secretariat would be grateful if you would provide it with a copy of the following documents in French and/or English:

- the relevant **administrative civil and military regulations**:
  
  PDF Document [ ] Website [ ]
  
  http://mfa.gov.ge/Occupied-Territories/Law.aspx

- the **national laws** on the protection of cultural property, as well as the criminal provisions made within the framework of the implementation of Article 28 of the Hague Convention and Articles 15, 16 and 21 of the Second Protocol, and any case-law on the protection of cultural property in the event of armed conflict.
  
  PDF Document [ ] Website [ ]

- Documents regarding **awareness-raising activities** (seminar schedule, brochures, etc.), as well as **any other relevant documents** (legislative, legal, or administrative) within the framework of the implementation of the Hague Convention of 1954 and its 1999 Second Protocol.
  
  PDF Document [ ] Website [ ]
  
  http://blueshield.ge/?page_id
Have you contributed to the Fund?

No.

If no, do you plan to contribute to the Fund in the Future?

Yes.
### VI. Self-assessment forms

In order to reflect the status of implementation of the Hague Convention of 1954 and its 1999 Second Protocol in key areas within the summary document of national reports, please complete the two tables below.

#### 1. Assessment of the level of implementation

[Please use the following assessment scale]

1: not implemented;  
2: partially implemented, the process has come to a standstill;  
3: partially implemented, the process is ongoing; and,  
4: fully implemented.

<table>
<thead>
<tr>
<th>Implementation of the safeguarding obligation through the adoption of preparatory measures</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training of military personnel on the regulations relating to the protection of cultural heritage</td>
<td>2</td>
</tr>
<tr>
<td>Use of the distinctive emblem to mark cultural property</td>
<td>3</td>
</tr>
<tr>
<td>Implementation of the dissemination obligation, through the establishment of awareness-raising activities for target audiences</td>
<td>3</td>
</tr>
<tr>
<td>Adoption of relevant criminal legislation</td>
<td>4</td>
</tr>
<tr>
<td>For Parties with cultural property under enhanced protection only. Establishment of a system to monitor cultural property under enhanced protection at national level</td>
<td>4</td>
</tr>
</tbody>
</table>

#### 2. Assessment of difficulties encountered

[Please use the following assessment scale]

1: difficulties have been encountered, but there are no plans to request technical assistance from the Secretariat of UNESCO;  
2: difficulties have been encountered, however there are plans to request technical assistance from the Secretariat of UNESCO;  
3: difficulties had been encountered, but thanks to the technical assistance of the Secretariat they have been resolved;  
4: difficulties had initially been encountered, but they turned into challenges that we have overcome; and,  
5: No difficulties have been encountered.

| Implementation of the safeguarding obligation through the adoption of preparatory measures | 2 |
| Training of military personnel on the regulations relating to the protection of cultural heritage | 2 |
| Use of the distinctive emblem to mark cultural property | 5 |
| Implementation of the dissemination obligation, through the establishment of awareness-raising activities for target audiences | 5 |
| Adoption of relevant criminal legislation | 5 |
| For Parties with cultural property under enhanced protection only. Establishment of a system to monitor cultural property under enhanced protection at national level | 5 |
VII. Granting of enhanced protection – Opinion Survey

Pursuant to Chapter 3 of the 1999 Second Protocol, enhanced protection is granted by the Committee for the Protection of Cultural Property in the Event of Armed Conflict if three conditions are cumulatively met:

- The cultural property is of the greatest importance for humanity;
- The cultural property is protected by adequate domestic legal and administrative measures recognizing its exceptional cultural and historic value and ensuring the highest level of protection; and,
- The cultural property is not used for military purposes or to shield military sites, and the Party which has control over it has made a declaration that it will not be used for such purposes.

As these conditions are set out within the framework of an international treaty, their full understanding cannot be separated from state practice, which is of fundamental importance with regard to the International Law of treaties. As such, this national report is an opportunity for the national authorities of the Parties to express their views on the conditions under which enhanced protection is granted.

*For each of the conditions set out in Article 10 of the Second Protocol, please answer the following questions, taking into account the relevant paragraphs of the Guidelines for the Implementation of the Second Protocol.*

### Article 10, paragraph (a) – "Greatest importance for humanity"

Mtskheta is a multi-layered monument, its surviving architectural monuments and the excavated archaeological material testifying to the wide range of building activity and the high level of culture of the country from the 2nd millennium BC to the present era. The architectural monuments are significant in the development of the architecture of Georgia and at the same rime for the development of medieval architecture over the whole Christian area. They are also striking examples of the unity of architecture with its surrounding landscape.

### Article 10, paragraph (b) – "Highest level of protection"

Georgian legislation provides for three levels of protection for its cultural property: (i) protection for listed cultural property, (ii) protection for listed cultural property of national significance and (iii) protection for listed cultural property of international significance. Being a cultural World Heritage site, the Historic Monuments of Mtskheta enjoy the highest level of protection under Georgian law.

In addition, with a view to enhancing its protection, the Mtskheta Cultural Heritage Protection Zones were established on 17 September 2012 by the Decree No. 1750 (Annex 3). The cultural property site management plan for the nominated cultural property was developed in coordination with UNESCO, in the framework of the project, “Improving Management of the Historic Monuments of Mtskheta” with financial support from the World Heritage Fund.
With regard to the planning of emergency measures against fire or structural collapse, the Law of Georgia on Civil Safety (N2467 – II, May 5, 2014) and the standard normative acts subordinated to this Law, such as “Technical Regulations on Fire Safety Rules and Conditions” (N 370, July 23, 2015), Regulations of Firefighting and Emergency - Rescue Operations (Decree N 738 of May 21, 2007) regulate fire safety issues. Specific information on fire prevention measures and emergency situations response plans can be found under Annex 2 of the request.

The Ministry of Defence of Georgia, in accordance with international norms, ensures the protection of cultural heritage and organizes defence facilities to avoid endangering cultural property. Pursuant to Article 7 of the 1954 Hague Convention, each brigade’s headquarters designated Civil-Military cooperation (CIMIC) officers with a view to providing commanders with relevant information on cultural property within the area of responsibility at the exercise/operation planning phase. Civil-Military affairs branch responsible for coordinating cultural heritage issues is a part of the Georgian Armed Forces General Staff.

In accordance with Decree No. 4 of the Minister of Defence issued on 20 January 2000, rules of international humanitarian law (“IHL”) were included as a separate subject in combat training programmes of the Georgian Armed Forces. A permanent commission was established at the Ministry to plan and supervise the IHL rules integration process in Armed Forces.

Responsible authorities are The Ministry of Defence of Georgia; Ministry of Internal Affairs of Georgia; State Security Service of Georgia; National Security Council of Georgia; State Security and Crisis Management Council of Georgia.

**Article 10, paragraph (c) – "Non-use for military purposes"**

Please indicate the national authorities to be consulted with a view to taking the decision not to use the cultural property submitted for the granting of enhanced protection for military purposes or to shield military sites.

A non-military use declaration signed by the Minister of Defence on 15 February 2016 was submitted. It declares that the property, as well as its immediate surroundings, are not and will not be used for military purposes or to shield military sites (Annex 5 of the request). As a consequence, the Committee may consider that the condition provided for in Article 10 (c) of the Second Protocol has been satisfied.

Responsible authorities are The Ministry of Culture and Monument Protection of Georgia; National Agency for Cultural Heritage Preservation of Georgia; Ministry of Defence of Georgia; and Ministry of Justice of Georgia.
Article 88 - Violation of regulations for performing works on cultural heritage sites, for their maintenance, for erecting monumental statues (sculptures), or for naming streets or squares

1. Violation of statutory rules for performing works or archaeological works on cultural heritage sites, violation of the relevant design or other permit conditions, also non-compliance or improper compliance with the conditions of a warning given by an authorised body for the non-compliance with the obligation to maintain a cultural heritage site defined by the Law of Georgia on Cultural Heritage –

shall carry a fine of GEL 5 000 for natural persons and GEL 10 000 – for legal persons or partnerships.

2. The same act committed against a national monument –

shall carry a fine of GEL 7 000 for natural persons and GEL 12 000 – for legal persons or partnerships.

3. The act provided for in paragraph 1 of this article committed in relation to the site entered on the World Heritage List –

shall carry a fine of GEL 9 000 for natural persons and GEL 15 000 – for legal persons or partnerships.

4. Violation of regulations for erecting monumental statues (sculptures), or for naming streets and squares –

shall carry a warning or a fine of up five times the minimum wage for the citizens or a warning or a fine of up to ten times the minimum wage for the officials.

5. Unless the grounds for the fines defined in this article are eliminated, the amount of the relevant fine shall be tripled compared to the amount of the previous fine, every 6 months.

Note: The cost of dismantling a monumental statue (sculpture) erected in violation of the erection regulations defined in paragraph 4 of this article shall be borne by the offender.
Article 214 - Breach of the procedure related to the movement of goods across the customs border of Georgia

1. Moving large quantities of movable property across the customs border of Georgia by circumventing customs control or in secret involving deceptive use of documents or means of identification, entry of false data into the customs declaration, -

shall be punished by a fine or imprisonment for a term of three to five years.

2. The same act committed by an organised group, -

shall be punished by a fine or imprisonment for a term of five to seven years.

3. Movement across the customs border of Georgia of monuments of cultural heritage or other articles of cultural heritage registered in accordance with the legislation of Georgia, or of jewellery made of precious metals or of scrap jewellery in violation of the rules, -

shall be punished by a fine or imprisonment for a term of four to seven years.

4. Movement across the customs border of Georgia of poisonous, toxic, radioactive or explosive substances, armament, explosive equipment, firearms, those materials or equipment that may be used for the production of weapons of mass destruction or strategically important raw materials in violation of the rules, -

shall be punished by imprisonment for a term of five to eight years.

5. The act provided for by paragraphs 2, 3 or 4 of this article which has been committed: a) repeatedly; b) by an official or a person of equal status by abusing the official position; c) using violence against the person exercising customs control
d) by a group with prior agreement;

shall be punished by imprisonment for a term of eight to eleven years.

6. The act provided for by paragraphs 1, 2, 3 or 4 of this article committed by an organised group, -

shall be punished by imprisonment for a term of eleven to fifteen years.

Note:

1. Under this article, except for paragraph 2 of this Note, the large quantities shall mean an article the customs value of which exceeds GEL 15 000, and particularly large quantities shall mean an article with customs value exceeding GEL 25 000.
2. In the case of articles imported using hiding places or by avoiding customs control by illegally crossing the customs border of Georgia, large quantities shall mean an article with customs value exceeding GEL 5 000, and particularly large quantities shall mean an article with the customs value exceeding GEL 15 000.

CHAPTER XXII - Crime against Cultural Heritage

Article 259 - Illegal archaeological works; damage of archaeological sites

1. Performance of any works on archaeological sites without permission for archaeological works, or intentional actions taken at an archaeological site that results in its damage or destruction or due to which it is impossible to date or identify it or obtain other major scientific information from the site, -

shall be punished by a fine or imprisonment for up to two years.

2. The same act committed by negligence, -

shall be punished by a fine or imprisonment for up to a year.

Article 259 - Damage or destruction of cultural heritagr
1. Intentional damage or destruction of cultural heritage sites or of other cultural heritage protected under the legislation of Georgia, shall be punished by a fine or restriction of liberty for up to two years.

2. Intentional damage of monuments of national significance, shall be punished by a fine or imprisonment for a term of two to four years.

3. Destruction of a monument of national significance, as well as damage or destruction of a monument included in the world heritage list, shall be punished by imprisonment for a term of four to eight years.

4. An act defined in paragraph 1 or 2 of this article that has been committed by negligence: shall be punished by a fine or imprisonment for up to a year.

**Article 259- Violation of the regime of a protective zone of cultural heritage**

Violation of the regime of a protective zone of cultural heritage in a physical protection area that has substantially deteriorated the perception or use of the monument, reduced its historical and cultural value or created risks for its damage or destruction, as well as violation of the regime of an archaeological protection zone that has created risks for the damage or destruction of the archaeological object, shall be punished by a fine or imprisonment for up to two years.

**Article 259 - Unauthorised removal of monuments and other cultural valuables from Georgia**

Unauthorised removal of monuments, archaeological objects or of other cultural valuables provided for by the legislation of Georgia – shall be punished by a fine or imprisonment for up to two years.
CHAPTER XXII - International Crime in the Area of Cultural Heritage

Article 259 - Violation of international regulations for protecting cultural valuables during armed conflict

Intentional violation of international regulations for protecting cultural valuables that are under enhanced protection during inter-state and intra-state armed conflict, in particular:

a) damage or destruction, theft, robbery or appropriation of a movable monument that is under enhanced protection;
b) damage or destruction of an immovable monument that is under enhanced protection;
c) undertaking a military attack against a monument that is under enhanced protection, against the buildings of museums, libraries, archives or special hiding places designed for storing cultural valuables in case of armed conflict or use of these buildings or their areas for military operations,

shall be punished by imprisonment for a term of five to ten years.

Article 411 - Intentional breach of the provisions of the international humanitarian law during armed conflicts

1. Intentional breach of the provisions of the international humanitarian law during armed conflicts between states or within a state, in particular:

a) assault on civilian population or civilians;
b) indiscriminate assault on civil population or civilian objects when it is known that it will result in casualties among civilians or damage to civilian objects;
c) assault on structures or equipment with elevated danger, when it is known that this will result in casualties among civilians or damage to civilian objects;
d) assault on an unprotected or demilitarised area;
e) assault on a person when it is known that he/she has ceased to participate in military actions;
f) improper use of a flag of temporary ceasefire, state flag, other markings, forms or signals of the adversary party, the United Nations, the Red Cross and Red Crescent or other markings recognised under the international humanitarian law, which has resulted in human casualties or serious bodily injury of people;
g) transfer by the occupant state of its civilians to the occupied territory or deportation or other unlawful expulsion of civilians of the occupied state within or beyond this territory;
h) unreasonable impediment of repatriation of prisoners of war or of civilians;
i) apartheid or other inhuman treatment based on racial discrimination that degrades human dignity;
j) assault on the property of the adversary party, including historical monuments, works of art or places of worship as a part of the people's cultural heritage, which has resulted in their destruction or seizure and which has not been caused by military expediency, shall be punished by imprisonment for a term of ten to fifteen years.
LAW OF GEORGIA
ON CULTURAL HERITAGE

Section I – General Provisions

Chapter I. - General Provisions, Purpose and Scope of this Law and Terms used in this Law

Article 1 - Purpose of the Law
The purpose of this Law is to protect the cultural heritage of Georgia and to regulate legal relations originating in this field.

Article 2 - Scope of the Law
1. This Law applies to cultural heritage in the whole territory of Georgia.
2. Georgia cares for the protection of the cultural heritage of Georgia located abroad.
3. The procedures for the export and import of objects of cultural heritage and cultural value from and into Georgia, as well as the procedures for the regulation of professional activities in the field of cultural heritage, shall be defined by individual legislative acts.

Article 3 - Terms used in this Law
The terms used herein have the following meanings:
a) authenticity - the genuineness of objects, their structural elements, environment, context, functions and/or features, and the contemporaneity of their creation or development;
b) archaeological site - any remains or cultural stratum partially or completely buried underground or preserved underwater 100 or more years ago, and a cultural layer created by a human being or as a result of a human impact on the natural environment, or which bears the trace of a human impact;
c) archaeological works - scientific activities intended for the discovery and study of objects of archaeological interest; a complete cycle of tracing, excavating, restoring and conserving objects of archaeological interest, and scientific and research activities in relation to objects of archaeological interest;
d) archaeological investigation – the identification of objects of archaeological interest, and the determination of their stratigraphy and chronology by means of visual inspection or test pits;
e) archaeological excavations - earthworks or works carried out underwater to discover objects of archaeological interest and to conduct research work on them;
f) inventory survey - a combination of activities conducted to discover immovable objects of cultural heritage and to obtain information on such objects and their settings;
g) historical development - an area of historical and cultural value which was formed 100 or more years ago;
h) historical setting - a combination of artistic, architectural, spatial, landscape, and social and economic context, which was formed 100 or more years ago;
i) an object of cultural heritage (cultural property):
  i.a.) immovable or movable objects of cultural heritage (immovable or movable items defined by the Civil Code of Georgia), which have been granted cultural property status in accordance with the procedures established by this Law;
  i.b) a complex type property - a collection of physically, functionally, historically or territorially interconnected objects of cultural heritage, which is a topographically identifiable unit and which has been granted cultural property status in accordance with the procedures established by this Law;
j) a buffer zone for the protection of cultural heritage (buffer zone) - an area surrounding an immovable object of cultural heritage and/or the area within the extension or influence zone of the object of immovable cultural heritage determined in accordance with the procedures established by this Law, within which there is a special exploitation regime and which is designed to protect cultural heritage within its area from adverse impacts;
k) cultural heritage:
a) material - man–made or created as a result of a human impact on the natural environment, any kind of architectural, artistic, urban planning, agricultural, archaeological, anthropological, ethnographic, or monumental impact related to the technological development of immovable or movable objects of artistic, aesthetic, historical, and memorial value, or documentary material, as well as gardens, parks, objects of landscape architecture,
historical settlements, and historical settings related to history, development, folklore, faith and traditions, and to the past or present civilisation of the country;

b) non-material - oral traditions and verbal arts, including language as a bearer of material cultural heritage, performing arts, customs, traditions, and traditional practices, knowledge and skills related to traditional arts and crafts, as well as the instruments, objects, artefacts and cultural space related to them, which are recognised by society, groups and, in some cases, by individuals as part of their cultural heritage;

l) the protection of cultural heritage - a combination of legal, scientific and research, rehabilitation, informational and educational activities intended to preserve cultural heritage in its various forms and to ensure its sustainable development;

m) a cultural asset - any immovable or movable item made of any material and using any means in any historical era as a result of a creative process, which has artistic, aesthetic, ethnographic, archaeological, historical, religious, memorial, scientific, technical or technological value;

n) a cultural stratum - layers of soil or underwater areas (water beds) where signs of human habitat and activity can be traced;

o) urban fabric - a combination of urban planning structures, including street networks, squares, gardens, buildings and structures, yards or engineering communications;

p) a movable fragment of an immovable cultural property - a substantial fraction of an immovable cultural property which has been or is a composite part thereof and which is separated from, and is deemed to be a separate object of, cultural property under this Law, or which, for the interests of the cultural property, may be separated from it without damaging the cultural property;

q) an area of an immovable cultural property - a land plot attached to an immovable cultural property as provided for by the legislation of Georgia, or where there is no land plot, the area directly occupied by an immovable cultural property;

r) relocation of immovable cultural property - the change of location of a cultural property without changing its main features by dismantling and restoring it to its original form or by other means of relocation;

s) built-up surroundings - an organic part of a developed area which creates the artistic and architectural context of a cultural property, and which facilitates the display and preservation of the dominant role of the said cultural property;

t) backfilling of archaeological sites - refilling an explored archaeological site (territory) with ground for the purposes of its conservation and/or restoration to its original form after the completion of archaeological works;

u) cleaning of cultural property - the removal of organic or non-organic surface, layers or additives that have been gradually formed or accumulated on the surface of a cultural property as a result of natural or man-made impacts (in the case of immovable cultural property - the removal of existing soil surface) without any alteration to the cultural property;

v) adaptation of cultural property - making such alterations to a cultural property that are intended for its rehabilitation and for permissible changes in the function of the cultural property and which do not diminish the artistic, aesthetic, historical or other significance of the cultural property and which are methodologically justified;

w) conservation of cultural property - a combination of measures taken to maintain the current state of a cultural property and to protect it against deterioration or irreversible alterations. Preventive conservation may also be conducted on a cultural property intended to take primary, urgent and temporary measures before the rehabilitation of the cultural property. The methodology used for preventive conservation shall encompass the removal of materials and appliances used during the preventive conservation without damaging the cultural property;

x) safeguarding cultural property - a combination of activities carried out as provided for by the legislation of Georgia, including by this Law, to protect cultural property (in the case of an immovable cultural property safeguarding shall encompass the protection of the territory of the immovable cultural property as well) against damage and deterioration and to ensure the preservation of its historical and cultural value;

y) restoration of cultural property - the restoration of the damaged fragments of a cultural property to their original forms on the basis of surviving authentic materials and elements using the technologies of the period of their creation or the technologies of the modern period;

z) reconstruction of cultural property - rebuilding a partially or fully ruined or dismantled cultural property or part thereof to its original form using old or new materials, or a combination, on the basis of meticulous scientific research and accurate measurements;

z1) restoration of cultural property to its original form - the returning of a cultural property to the form in which it was originally created by means of restoration or reconstruction works (including removing details that were added later than the original creation);

z2) cultural property status - the legal status of cultural property on the basis of which the regime established by the legislation of Georgia is applied to objects of cultural property;

z3) damaging cultural property - the alteration of a cultural property or a part thereof which deteriorates the state of the cultural property or its perception;

z4) deterioration of a cultural property - the destruction of a cultural property, including an impact on a cultural property or a part thereof which diminishes the features of the cultural property on which basis cultural property status has been granted to it;

z5) investigation of cultural property - activities for the purposes of obtaining information on cultural property that are conducted by means of physical intervention or visual examination using appropriate methodologies.
Section II - Registration, Protection and Management of Cultural Heritage

Chapter II System for the Protection of Cultural Heritage

Article 4 - Cultural heritage protection bodies
1. The Ministry of Culture and Monument Protection of Georgia ("the Ministry"), the Ministry of Justice of Georgia, local self-government bodies, as well as other state bodies, and legal persons of public and private law, shall exercise powers for the state protection of cultural heritage within their scopes of authority as determined by the legislation of Georgia. In the territory of the Autonomous Republics of Abkhazia and Ajara, the given powers shall be exercised by the relevant state bodies of the Autonomous Republics of Abkhazia and Ajara.

2. State and local self-government bodies shall exercise their authority in the field of cultural heritage protection in accordance with the norms established under Articles 7, 8 and 9 of the Constitutional Agreement between the State of Georgia and the Apostolic Autocephalous Orthodox Church of Georgia.

Article 5 - Authority of the Ministry in the field of cultural heritage
1. The Ministry, within the scope of its authority as determined by the legislation of Georgia, shall:
   I. supervise the protection of cultural heritage, and prepare and implement state policy for the protection and development of cultural heritage;
   II. prepare and issue normative and individual legislative acts in the field of cultural heritage protection;
   III. manage and coordinate the discovery, protection, promotion and systematic examination of the state of cultural heritage in the entire territory of Georgia;
   IV. ensure the examination and state registration of discovered objects of cultural heritage and establish relevant procedures;
   V. monitor the treatment of and archaeological works conducted on cultural property, and establish commissions for the approval of works performed;
   VI. control the import of objects of cultural heritage which are abroad, unless otherwise provided for by law;
   VII. ensure inventory surveys of historical areas, and draw up drafts of normative acts regulating buffer zones for the protection of cultural heritage sites, and develop projects of activities to be carried out within such zones, and submit them to the relevant state authorities for approval;
   VIII. create an integrated information system and database of cultural heritage;
   IX. prepare and implement target and state programmes for the discovery, protection and promotion of objects of cultural heritage, and carry out state procurements;
   X. suspend any activity posing a threat to cultural heritage in coordination with the relevant state authorities in accordance with the procedures established by the legislation of Georgia;
   XI. cooperate with other state authorities, and legal entities under public and private law, in order to detect, respond to and prevent administrative offences in the field of cultural heritage protection, and prepare reports on administrative offences within the scope of its authority;
   XII. identify non-material cultural heritage, and provide the recording and documenting (audio, video, or written) of cultural heritage, and ensure its storage and protection;
   XIII. ensure the protection of cultural heritage during military combat operations, and during a state of emergency, in accordance with standards of international law;
   XIV. perform other functions determined by the legislation of Georgia.

2. The Minister of Culture and Monument Protection of Georgia ("the Minister") is entitled to delegate the right to issue individual legislative acts, falling within the authority of the Ministry, to its territorial bodies or structural units, on the basis of a legislative act.

3. The Minister is entitled to delegate the right to issue acts under the second paragraph of this article to the legal entities under public law within the governance of the Ministry on the basis of an administrative agreement, as well as to local self-government bodies in accordance with the procedures established by the legislation of Georgia. The scopes of authority in the field of cultural heritage protection delegated to other administrative bodies and the procedures and conditions for exercising such authority shall be determined by an appropriate administrative agreement.

4. The Cultural Heritage Protection Council ("the Council"), which is an advisory body of the Minister, shall be established within the Ministry in accordance with the procedures established by the legislation of Georgia.
5. The Council is composed of experts and public figures in the field of cultural heritage protection. The rules of procedure and the authority of the Council shall be determined by the statute of the Council and shall be approved by the Minister.

6. The Council shall review the following:

a) matters related to granting and revoking cultural property status, and matters related to assigning categories to objects of cultural property and to changing them;

b) scientific and methodological matters related to the treatment to be performed on cultural properties and other objects of cultural heritage;

c) draft urban development documents determined by the legislation of Georgia, and matters related to granting status to historical settlements and to revoking such status;

d) matters related to establishing buffer zones for the protection of cultural heritage and to issuing administrative legislative acts within the scope of authority of the Ministry;

e) matters related to the inclusion of cultural property in the World Heritage List established on the basis of the Convention Concerning the Protection of the World Cultural and Natural Heritage which was adopted in 1972 ('the World Heritage List');

f) state projects and programmes to be implemented in the field of cultural heritage;

g) other matters falling within its scope of authority in accordance with the statute of the Council.

7. Council decisions shall serve as recommendations for the Minister.


Article 6 - Authority of the Ministry of Justice of Georgia in the field of cultural heritage protection

1. Within the scope of authority determined by the legislation of Georgia, the Ministry of Justice of Georgia (the legal entity under public law called the National Archives of Georgia under the Ministry of Justice) shall:

a) ensure the identification and registration of documents containing information on cultural heritage and other information related to it, which exists in the National Archival Fund, and be responsible for the maintenance of such documents and ensure the implementation of rehabilitation works on them in accordance with the procedures defined by the Law of Georgia on the National Archival Fund and the National Archives;

b) submit information on discovered cultural heritage and other information related to cultural heritage to the Ministry;

c) cooperate, within the scope of its authority, with other state authorities, and legal entities under public and private law in the field of cultural heritage protection.

2. Other functions of the Ministry of Justice of Georgia and the bodies within the Ministry acting in the field of cultural heritage protection shall be determined by the Law of Georgia on the National Archival Fund and the National Archives, and other legislative acts.

Article 7 - Authority of the bodies of the Autonomous Republics of Abkhazia and Ajara and of local self-government bodies in the field of cultural heritage protection

The appropriate bodies of the Autonomous Republics of Abkhazia and Ajara and local self-government bodies, within the scopes of their authority as determined by the legislation of Georgia and within the powers delegated by the Ministry, shall:

a) ensure the discovery, registration and systematic examination of the state of cultural heritage existing within the territory of their jurisdiction, and the maintenance, exploration and rehabilitation of cultural heritage in accordance with the procedures determined by law;

b) submit information on the discovery and recovery of cultural heritage and on the state of cultural heritage to the Ministry;

c) cooperate with the ministries, and other state authorities and legal entities under public and private law to promote informational and technical support in the field of cultural heritage protection;

d) conduct other activities determined by the legislation of Georgia in the field of cultural heritage protection.

Article 8 - Museum reserve

1. A museum reserve is a legal entity under public law, which is established by an ordinance of the Government of Georgia, and on the basis of a recommendation from the Ministry, and in the administrative territory of the Autonomous Republic of Ajara on the basis of a recommendation from the government of the Autonomous Republic of Ajara. Fully or partially state-owned cultural property and objects of archaeological interest and other assets shall be transferred to the museum reserve in accordance with the procedures determined by the legislation of Georgia. The state control of the museum reserve shall be implemented by the authority determined by the ordinance of the Government of Georgia on the Foundation of the Museum Reserve.

2. The objective of the museum reserve is to protect, exhibit and promote movable and immovable objects of cultural heritage within its ownership or

http://www.matsne.gov.ge
use, as well as to conduct scientific and research work.

3. On the basis of an ordinance of the Government of Georgia, an area of operation may be allocated for the museum reserve within which it shall conduct the systematic examination of cultural property and other objects of cultural heritage and perform other scientific and research work.

4. Other matters related to the activity of the museum reserve shall be determined by the legislation of Georgia, including this Law and the statute of the museum reserve.

5. The types of museum reserve are:
   a) architectural
   b) archaeological (archaeological park)
   c) ethnographic
   d) historical.

6. A museum reserve may represent a complex structure, with a combination of several types of museum reserves as determined by paragraph 5 of this article.


Law of Georgia No 1330 of 25 September 2013 – website, 8.10.2013

Article 9 - Rights and duties of natural and legal persons in the field of cultural heritage protection

1. Natural and legal persons are obliged to:
   a) protect and preserve cultural heritage;
   b) immediately notify the Ministry and other state authorities acting in the field of cultural heritage protection on the discovery and recovery of cultural heritage or of any circumstances which pose a threat to cultural heritage;
   c) assist a museum reserve in examining the state of cultural heritage in their ownership or use within an appropriate area of operation.

2. Other rights and duties of legal and natural persons acting in the field of cultural heritage protection shall be determined by the legislation of Georgia.

Chapter III - Initial (Temporary) Protection of Identified or Discovered Cultural Heritage

Article 10 - Initial (temporary) protection regime of identified or discovered cultural heritage

1. If a natural or legal person identifies or discovers cultural heritage, or has reasonable grounds to presume that cultural heritage is being identified or discovered during activities which, if continued, may damage, destroy or pose a threat of damaging or destroying cultural heritage, the person conducting the activities shall immediately terminate such activities and inform the Ministry in writing, in not later than 7 days, on the subject of identifying and discovering the said cultural heritage or on the existence of a reasonable presumption that cultural heritage is being identified or discovered, as well as on the termination of the activities.

2. The Ministry shall verify the fact of identifying (discovering) the cultural heritage not later than two weeks after the receipt of such information and shall notify in writing the interested person on the results of the verification. The person may continue the activities if the Ministry fails to respond within the two week time limit.

3. If there are reasonable grounds for doing so, the Minister shall ensure state registration of the identified (discovered) cultural heritage in accordance with the procedures determined by this Law, and the Ministry shall immediately inform the interested person and local self-government bodies regarding the matter.

4. If cultural heritage is identified as a result of archaeological works, the time period for the procedures under paragraph 2 of this article shall commence upon the completion of the works as specified by an appropriate permit.

5. The principles and procedures prescribed under Articles 22, 23 and 25 of this Law with regard to cultural property shall apply to cultural heritage registered and preserved in the state museums and museum reserves of Georgia.

Chapter IV - Types and Conditions of Archaeological Works

Article 11 - Types of archaeological works

The archaeological works or treatment of cultural property as provided for only by this Law may be conducted on objects of archaeological interest. The
types of archaeological works are the following:

a) archaeological field work – the investigation of objects of archaeological interest, trial trenching, excavations, recording, preliminary identification analysis and conservation;

b) archaeological lab works - scientific description, restoration, conservation, photographic and graphic recording, multidisciplinary research, historical interpretation and preparation for the publication of archaeological finds.

Article 12 - Requirements for conducting archaeological excavations

1. For the purposes of the on-site conservation of archaeological heritage and in order to allow future generations to conduct their examinations using better technologies, the excavation of an object of archaeological interest may be permitted only if this is necessary for solving scientific matters, or if the archaeological heritage is under the threat of damage or deterioration as a result of construction, or agricultural, industrial or any other activities, or as a result of natural events.

2. Excavated objects of archaeological interest or archaeological finds may not be kept without conservation or reclamation after the completion of archaeological works. The person conducting the works shall ensure the appropriate protection of objects of archaeological interest and archaeological material uncovered in the process of the archaeological works from being damaged, destroyed or lost, as well as from being affected by environmental conditions and from other undesirable interference.

3. If in the process of archaeological works an object(s) of high material value is/are uncovered and it/their extraction and transportation to a safe destination is impossible due to methodological, climate, technical or other conditions, the person conducting the works shall immediately address an appropriate territorial body of the Ministry of Internal Affairs of Georgia. The body shall be responsible for the protection of the given object(s) and for its/their delivery to a safe destination.

4. As a rule, a movable archaeological find shall be kept in the nearest museum reserve, museum or other appropriate scientific institution.

Article 13 - Demolition (dismantling) of immovable objects of archaeological interest

An immovable object of archaeological interest may be demolished (dismantled) only upon the approval of the Ministry, if the given object has been excavated and fully examined and there are no reasonable grounds to grant it cultural property status.

Article 14 - Mandatory requirements for large-scale earthworks

1. Decisions on open-cast mining, the mining of minerals and the construction of an object of special importance shall be made by a body determined by the legislation of Georgia, on the basis of the positive opinion of the Ministry.

2. The archaeological investigation of the relevant area, which is undertaken by a person interested in conducting earthworks, shall serve as the basis for rendering decisions by the Ministry specified under paragraph 1 of this article.

3. A person interested in conducting earthworks shall submit to the Ministry the documents on the archaeological investigation of the site. Archaeological investigations shall be undertaken in the following fields:

a) historical, bibliographical and archival research - tracking and analysing museum and archival material (historical maps and master plans, historical cadastral and structure plans), conducting historical and bibliographical research by indicating its reference sources, tracking and interpreting photographic, space and aerial photography material stored in archives, conducting analysis of photo fixation material of existing situation and of their relations with archival data;

b) field investigations and preliminary office studies, and a layout plan of trial pits and sketches (scale 1:25, 1:20) demonstrating the stratigraphy.

4. In the event of uncovering an object of archaeological interest on the study site, the conclusive part of the archaeological investigation shall include the following:

a) a comprehensive study of the archaeological strata and objects uncovered on the study site using modern methodology, mapping of the areas to be excavated, a layout plan of objects of archaeological interest uncovered during the archaeological investigation and the measurements of individual objects, stratigraphic sections of uncovered structures and cultural strata, a report on the archaeological field works, the identification of character and age of uncovered archaeological strata and sites, their photographs and graphical records, the analytical processing of material obtained as a result of research on the strata and sites, and the drawing of conclusions, the writing up of a final text and the preparation of relevant illustrations;

b) recommendations developed on the basis of the archaeological investigations regarding the conservation of uncovered objects and the planning strategy for the construction works on the project site.

Chapter V - Registration and Classification of Cultural Heritage and Granting and Revoking Cultural Heritage Status

Article 15 - Granting cultural heritage status to cultural property

1. The basis for granting cultural heritage status to a property is its historical or cultural value, related to its antiquity, uniqueness or authenticity.

http://www.matsne.gov.ge

450.030.000.05.001.002.815
2. Where the basis set out in paragraph 1 of this article exists, cultural property status may be also granted to a combination of physically, functionally, historically or territorially interconnected objects of cultural heritage which together represent a topographically identifiable unit. In the given case, the procedures prescribed for movable and immovable objects of cultural property under this Law shall apply to its movable and immovable parts.

3. An object may be granted cultural property status on the basis of an appropriate decision of the Council, an individual administrative legislative act of the Minister, and, in the territory of Georgia, on the basis of an appropriate decision of the Council upon the recommendation of the Ministry on the basis of a decree of the Government of Georgia.

4. If the essence of a property cannot be defined, or if data related to its historical or cultural value needs to be verified or additionally investigated, the Minister is entitled to include the object in the list of objects of cultural property. The legal regime prescribed by Chapters VI and IX of this Law shall be applied to the object thereafter.

5. The property may be included in the List of Cultural Heritage for a period of 6 months. This time period may be extended only once, and not for more than 6 months.

6. The Ministry shall submit data to the Council to obtain an appropriate report for the determination of the type, significance, state, historical or cultural value and category of a cultural property in order to render a decision on granting the status of cultural property to an object included in the List of Cultural Heritage.

7. If as a result of appropriate investigations it is revealed that there are no grounds under this Law for granting the status of cultural property to an object included in the List of Cultural Heritage, the Minister is entitled to exclude the said property from the List of Cultural Heritage before the expiry of the time period determined by paragraph 5 of this article.

8. An individual and administrative legislative act of the Minister on including or excluding a property in or from the List of Cultural Heritage or on granting or revoking cultural property status shall enter into force upon its promulgation in accordance with the procedures established by the legislation of Georgia.

9. Data on granting or revoking cultural heritage status shall be reflected in the State Registry of Cultural Properties and shall be published on the website of the Ministry within one month after the entry into force of an appropriate legislative act.

Law of Georgia No 528 of 21 November 2008 – LHG I, No 34, 4.11.2008, Article 212


Article 16 - State registration of objects of cultural heritage and registration documents

1. The State Registry for Cultural Properties, the List of Objects of Cultural Heritage, and registration cards and registration certificates shall be created for the registration and identification of immovable and movable objects of cultural heritage. The list of non-material objects of cultural heritage and the State Registry for Non-Material Objects of Cultural Heritage shall be created for the registration and identification of non-material objects of cultural heritage.

2. The State Registry for Cultural Properties shall be maintained and the list of objects of cultural heritage shall be prepared by the Ministry.

3. A registration card is a document containing essential and general information necessary for the identification of the cultural property included in the list of the objects of cultural heritage.

4. The Ministry is authorised to prepare a certificate of cultural property after the registration of the object of cultural heritage in the State Registry of Cultural Properties. The certificate of the cultural property is a document approved by a legislative act of the Minister, which contains scientific and research information related to the cultural property.

5. The registration documents shall be updated if new information has been uncovered or the circumstances have changed.

6. The templates of registration documents and the procedures for completing the given templates shall be determined by a normative act of the Minister.


Law of Georgia No 3740 of 26 October 2010 - LGH I, No 62, 5.11.2010, Art. 383

Article 17 - Revoking the cultural property status of cultural property

Cultural property status may be revoked only on the basis of an appropriate decision of the Council, by an individual and administrative legislative act of the Minister, and in the territory of Georgia the status may be revoked on the basis of an appropriate decision of the Council, upon the recommendation of the Ministry, and by a decree of the Government of Georgia, only where the cultural property has been destroyed or damaged to such extent that it has lost its historical and cultural value, and it cannot be restored, or where it has lost the key peculiarities on the basis of which it was granted cultural property status.


Article 18 - Grading of cultural properties

1. On the basis of a recommendation of the Ministry, cultural properties may be granted the grade of national importance by an ordinance of the Government of Georgia if such cultural property has special artistic or aesthetic value, or if it is associated with an event or a person of special historical significance, or if it is related to a stage of national development, and if it has distinctive general and national values.

2. Immovable cultural property of national importance shall be nominated for inclusion in the World Heritage List by the Prime Minister of Georgia upon the recommendation of the Minister or upon his/her personal initiative.

Law of Georgia No 1330 of 25 September 2013 – website, 8.10.2013

Article 19 - Classification of cultural properties

1. Cultural properties may be classified into several types depending on their typology, and their historical, cultural, artistic, aesthetic, memorial, secular, scientific and other values.

2. Types of cultural property are:
   a) archaeological
   b) architectural
   c) engineering
   d) urban development (urban)
   e) park and garden landscape art and landscape architecture
   f) palaeontological
   g) elements of artistic monuments
   h) memorial
   i) ethnographic
   j) fine art
   k) archival,

   l) cultural properties related to the development of science, technology or industry.

3. The type of cultural property shall be determined in accordance with the scientific criteria developed in the respective field.

Article 20 - Commemoration of a cultural property

Immovable cultural property is marked by a commemorative plaque, the form and use of which shall be determined by an order of the Minister.

Article 21 - Cultural properties included in documents related to the land cadastre and urban development

The inclusion of cultural properties and their territories in documents related to the land cadastre and urban development shall be mandatory.

Chapter V (Deleted)


Article 21 (Deleted)


Article 21 (Deleted)
Article 21


Article 21


Chapter VI - Protection of Cultural Property

Article 22 - Fundamental principles for the protection of cultural property

The fundamental principles for the protection of cultural property involve preserving the features and peculiarities of the cultural property, as well as its settings in the case of an object of immovable cultural property, which ensure the preservation of its historical, cultural, memorial, ethnological, artistic, aesthetic, scientific or other values.

Article 23 - Permissible use of cultural property

It shall be permissible to use cultural property only in such manner as not to damage or pose a threat to it, or diminish its cultural or historical value, or change its authentic elements, or deteriorate its perception.

Article 24 - Prohibition of unauthorised treatment of cultural property

It shall be prohibited to conduct any kind of treatment on cultural property unless an appropriate permit prescribed by the legislation of Georgia, including this Law, has been obtained.

Article 25 - Types and categories of treatment to be conducted on cultural property

1. The treatment to be conducted on cultural property falls into the following types:
   a) research activities - scientific, exploratory and practical activities intended to search for information on the cultural property, including to determine its state, damage and causes of damage, and to develop recommendations regarding rehabilitation measures;
   b) rehabilitation activities - a combination of activities prescribed by the legislation of Georgia, including by this Law, for the purposes of improving the state of cultural property.

2. For the purposes of research or rehabilitation works the following activities may be conducted with regard to immovable cultural property:
   a) exploration
   b) cleaning
Article 26 - The dismantling, remodelling, relocation and fragmentation of cultural property

1. An immovable cultural property or the parts thereof may be dismantled only within the scope of treatment works (reconstruction) permitted by this Law and for the purpose of restoring the property, if such activities are required for the interests of the cultural property, or if the current state of the cultural property poses a threat to human life or health, and if there is no other method to prevent such threat.

2. An immovable cultural property or the parts thereof may be remodelled only for adaptation purposes, unless the given activity results in damaging or diminishing the historical and cultural value of the property.

3. An immovable cultural property or the parts thereof may be relocated, if:
   a) the immovable cultural property is under the threat of irreversible damage or deterioration due to force-majeure circumstances;
   b) special public interest prevails with regard to the relocation of the property, except for cultural properties of national interest.

4. An immovable cultural property may be relocated only to an environment resembling its original one to the extent possible by way of its reconstruction using authentic materials aiming to restore it to its original form.

5. Cultural property status shall be maintained for an immovable cultural property during and after a relocation process.

6. A movable cultural property may not be remodelled or fragmented except for the case where it is essential for the preservation or rehabilitation of the property.

7. (Deleted - 06.9.2013, No.1075).


Article 27 - Conservation plan of cultural property of complex structure

1. For the purposes of ensuring the protection and regulation of rehabilitation works, and the use and development of cultural property of complex structure, the Ministry is authorised to develop a conservation plan (‘the conservation plan’) of cultural property of complex structure, which represents a unified guideline for the rehabilitation and development of the cultural property.
2. The conservation plan is a normative act of the Minister which includes scientific, methodological and practical instructions on the treatment to be conducted on the cultural property, and determines the list and scope of permitted or recommended treatments to be conducted on each separate object of the property of complex structure, indicating the sequence of conducting such activities, and establishes the main regulations for conducting research, rehabilitation and development activities and individual procedures for the maintenance and use of the cultural property.

3. The requirements of the conservation plan shall be complied with during the adoption of legal acts related to the cultural property.

Article 28 - Rights and obligations of the owner (legitimate user) of cultural property

1. The owner (legitimate user) of cultural property shall:

a) submit information on the current state of the cultural property to the Ministry within one month after being notified, in accordance with the form approved by the Ministry, and enter into an agreement with the Ministry on the maintenance of the cultural property, pursuant to which the protection of the cultural property against damage and deterioration and the preservation of its historical and cultural value shall be ensured;

b) immediately notify the Ministry and a local self-government body on changes concerning the state of the cultural property, its storage conditions and environment;

c) assist duly authorised bodies and specialists in the process of examining and inspecting the state of the cultural property, and submit any information at hand upon their request, unless such information contains state, commercial or other secrets established by law;

d) prevent any kind of unauthorised influence on the cultural property, including remodelling, fragmenting, dismantling, and adding parts or fragments to the cultural property;

e) notify the Ministry beforehand regarding the alienation of the property, and provide the purchaser with information on the status of the cultural property in advance;

f) ensure public access to the cultural property in accordance with the procedures determined by the legislation of Georgia;

g) perform other obligations determined by the legislation of Georgia.

1. The owner of cultural property located in the territory of the Autonomous Republic of Ajara shall be accountable to the duly authorised body of the Autonomous Republic of Ajara for the fulfilment of the obligations under paragraph 1 of this article with regard to the Ministry.

2. The owner (legitimate user) of cultural property shall have the right to:

a) use the cultural property in accordance with the requirements of this Law and receive income;

b) benefit from tax and other exemptions determined by the legislation of Georgia;

c) request scientific-methodological and legal consultations, free of charge, for the cultural property in his/her ownership (use) from the state authorities engaged in cultural heritage protection.


Article 29 - Procedures for studying and examining cultural property (objects) and conditions for conducting such study and examination without the consent of the owner (legitimate user)

1. A list of cultural properties of special public interest and the procedures for providing public access to cultural properties by the owner (legitimate user) shall be established by an ordinance of the Government of Georgia. The procedures for public access to cultural properties under Articles 7, 8 and 9 of the Constitutional Agreement between the State of Georgia and the Apostolic Autocephalous Orthodox Church of Georgia shall be established on the basis of the pre-approval of the owner (legitimate holder) of the cultural property; in the case of disagreement, religious rights shall have priority over the right to public access.

2. Where a reasonable need to examine the state of a cultural property (object) exists or where there is a reasonable presumption that an object represents cultural heritage, and the owner (legitimate user) of the property (object) impedes the competent authorities from conducting appropriate expert analysis and research activities, and if the owner (legitimate user) of the cultural property violates procedures for examining cultural properties and for granting public access to cultural properties determined by the legislation of Georgia, access to the cultural property (object) under examination by state authorities responsible for cultural heritage protection shall be granted on the basis of a court decision without obtaining the consent of the owner (legitimate user) of the property.

3. Liability for the violation of procedures for examining and granting public access to cultural properties shall be determined by the legislation of Georgia.


Law of Georgia No 1330 of 25 September 2013 – website, 8.10.2013
Article 30 - Responsibility of the owner (legitimate user) of cultural property

1. An owner (legitimate user) of cultural property shall be given a written warning by the Ministry, in which measures for the maintenance of the cultural property shall be set forth and the conditions for the implementation of specific activities shall be set out, as well as a reasonable time for the completion of such measures, where the owner (legitimate user) of the cultural property:

   a) violates the terms and conditions of the agreement with the Ministry on safeguarding the cultural property;
   b) violates the terms and conditions of an appropriate permit issued by the Ministry or conducts any treatment of the cultural property without obtaining a permit prescribed by this Law.

2. A union of owners (legitimate users) of apartments and non-residential areas in a house which has the status of cultural property shall be construed as a condominium determined by the Law of Georgia on Condominiums. The warning provided for in paragraph 1 of this article shall be given to, and the liability for the non-fulfilment thereof as provided for by the legislation of Georgia shall be imposed on, the respective condominium.

3. Upon the expiry of the time period prescribed by the warning under paragraph 1 of this article, and for the non-fulfilment or improper fulfilment of conditions indicated in the warning, a penalty shall be imposed on an offender in accordance with the procedures determined by the legislation of Georgia.

4. Within six months after the imposition of a fine, the owner (legitimate user) shall be fined with an amount three times more than the previous fine after each six months, if he/she fails to fulfill or improperly fulfils the conditions indicated in the warning.

5. If an owner (legitimate user) fails to fulfil the conditions prescribed by the Ministry and urgent intervention is required for the interests of the cultural property, and if the owner (legitimate user) of the given property cannot be identified or traced, the Ministry is entitled to conduct urgent rehabilitation works on the given cultural property directly or through third persons without obtaining the consent of the owner (legitimate user) of the property. Where the circumstances under this paragraph exist, a decision on conducting works without obtaining the consent of the owner (legitimate user) of the property shall be made by a court.

6. The owner (legitimate user) shall compensate the expenses which result from the violation of his/her agreement with the Ministry on safeguarding the cultural property and which were incurred by the state bodies of the Ministry upon exercising their authority under paragraph 5 of this article or by persons designated by the Ministry to conduct urgent rehabilitation works on the cultural property.

7. If the owner (legitimate user) of the cultural property wilfully fails to cover the expenses of rehabilitation works, the Ministry is entitled to apply to a court and request the payment of the expenses under paragraph 5 of this article by the owner (legitimate user) of the cultural property.

8. This article and Article 32 of this Law do not apply to cultural properties in the ownership (use) determined by Article 7(1) of the Constitutional Agreement between the State of Georgia and the Apostolic Autocephalous Orthodox Church of Georgia and in the ownership of other religious confessions.

9. The authority of the Ministry prescribed by this article shall be exercised by the authorised body of the Autonomous Republic of Ajara, within its scope of authority, in the territory of the Autonomous Republic of Ajara.

Law of Georgia No 528 of 21 November 2008 – LHG I, No 34, 4.11.2008, Article 212


Article 31 - Liability for damage to or destruction of cultural property

Any deliberate effect on cultural property that may threaten to irrevocably damage or destroy the cultural property shall result in the imposition of criminal liability on the person responsible in accordance with the procedures established by the legislation of Georgia.

Chapter VII - Right of Ownership of Objects of Cultural Heritage

Article 32 - Alienation or transfer for use of state-owned cultural heritage with the right to possess and to use

1. Stated-owned cultural property, cultural valuables and land plots located within archaeological protection zones may be alienated or transferred with the right of possession and use with the consent of the Ministry on the basis of predetermined, safeguarding conditions in accordance with the procedures defined by the legislation of Georgia.

2. State-owned cultural property listed in the World Heritage List may not be alienated. Such property may be transferred for use with the right of possession and use only with a condition to safeguard and protect it.

3. A document (movable cultural property) which is in the ownership of a state or a local self-governing unit and is registered with the National Archival Fund may not be alienated.

4. The housing fund and non-residential areas existing in residential buildings are exclusions from the procedures provided for in paragraph 2 of this article.
Article 33 - Origination of ownership rights with regard to movable objects of archaeological interest

1. Movable objects of archaeological interest, which have been discovered in the process of archaeological works launched with or without a permit to conduct such works, are the property of the State.

2. Matters related to rights of ownership of objects of archaeological interest which have been discovered as a result of other activities (accidental discoveries), except for the cases under paragraph 1 of this article, shall be regulated in accordance with the procedures defined by the Civil Code of Georgia.

3. In the event of an accidental discovery, the person who made such a discovery shall notify the Ministry thereof in accordance with the procedures established under Chapter III of this Law.

4. The government shall have the priority right to purchase the object of archaeological interest.

Chapter VIII - Buffer Zones for the Protection of Cultural Heritage and their Regimes

Article 34 - Structure of buffer zones for the protection of cultural heritage and procedures for their identification

1. The structure of buffer zones for the protection of cultural heritage comprises primary and secondary buffer zones.

2. Primary buffer zones comprise the following perimeters:
   a) the perimeter of physical security of the cultural property
   b) the perimeter of visual security of the cultural property.

3. Secondary buffer zones are as follows:
   a) the buffer zone of the historical development area
   b) the regulation zone of the development area
   c) historical landscape protection zone
   d) the buffer zone for archaeological sites.

4. Primary buffer zones for the protection of cultural property shall be established automatically from the moment of granting the status of cultural property to an immovable cultural property. Where there is a reasonable need, the primary buffer zone of the cultural property or its perimeter may be extended on the basis of an individual administrative legislative act of the Minister, and within the territory of Tbilisi it may be extended upon the recommendation of the Ministry, on the basis of an appropriate decree of the Government of Georgia. An order of the Minister on the extension of a primary buffer zone of a cultural property or of its perimeter shall be agreed with the Apostolic Autocephalous Orthodox Church of Georgia, if such order is issued in respect of a cultural property defined by the agreement signed between the State of Georgia and the Apostolic Autocephalous Orthodox Church of Georgia.

5. Secondary buffer zones shall be identified in agreement with local self-government bodies upon the recommendation of the Minister and by a decree of the Government of Georgia.

6. A decree of the Government of Georgia on the identification of secondary buffer zones, and an order of the Minister on the identification or extension of primary buffer zones shall be published in accordance with the procedures established by the General Administrative Code of Georgia.

7. An area may fall within several buffer zones out of which only one zone may be the secondary buffer zone.

8. If an area falls within several buffer zones, a prohibitive legal norm from the buffer zone regimes shall apply in each particular case.

9. The methodology for the development of buffer zones, and the procedures for designing appropriate graphical and textual material, shall be established by an ordinance of the Government of Georgia.

Law of Georgia No 528 of 21 November 2008 - LHG I, No 34, Art 212


Article 35 - Goals and objectives for the establishment of buffer zones

1. The goals for the establishment of buffer zones are: the protection of cultural heritage within their borders, including the protection of cultural properties, urban fabric with cultural value and individual buildings and structures, and historical developments, street networks, planning structures, historical landscapes and objects of archaeological interest, from undesirable influence; the conservation of the natural, historical, aesthetic, and ecological environment of cultural heritage, their authentic elements, historically evolved views and panoramas within their borders, as well as the preservation of their social, economic and cultural context, which will support the protection and sustainable development of cultural properties and their environment and will preserve the role of cultural properties as objects of historical witness.
2. The planned activities within the buffer zones shall consider the preservation of favourable geological and hydrological, and sanitary and hygienic conditions, the observation of seismic and fire safety requirements and the prevention of unfavourable interference on cultural properties and their historically evolved environments. The norms and standards provided for by international law and the legislation of Georgia in this field shall be observed during the implementation of the given activities.

3. Large-scale billboards, power transmission and telephone towers, television antennas and other large-scale surface engineering and technological equipment may not be installed within the active visual perception space of buffer zones of cultural properties.

4. Industrial, transportation, warehouse and other facilities which are not fire safe and create heavy traffic flow of cargo vehicles and vehicles for transportation, and cause air or water pollution, may not be constructed within buffer zones.

5. Public amenities shall be designed so as they are harmoniously merged with a historically developed environment. The urban planning policy and management principles within buffer zones shall be directed to the target-oriented and gradual reduction of traffic flow and the development of pedestrian infrastructure.

6. Demolition (dismantling) of buildings and other objects of architectural interest within buffer zones shall be allowed only:
   a) in the process of construction, which is permitted under an appropriate regime;
   b) in the case of extreme necessity when the threat of the collapse of the object is verified;
   c) if an object to be dismantled is granted the status of improper object or the object is demolished (dismantled) for the purposes of the buffer zone;
   d) in the case where the given activities are in the interests of the development of the urban fabric within the respective territory.

7. Specific goals and objectives for individual buffer zones shall be established in accordance with the regime of the respective buffer zone.

of Georgia No 1075 of 6 September 2013 - website, 25.9.2013

Article 36 - Identification of the primary buffer zones of cultural properties, their perimeters and regimes

1. The territory surrounding a cultural property is defined as a primary buffer zone of the cultural property which consists of perimeters of physical and visual security and is identified for the purposes of the physical and visual protection of the cultural property.

1.1 (Deleted - 06.9.2013, No.1075).

2. A perimeter of physical security of a cultural property is the territory surrounding the immovable cultural property in which any activity may physically damage the cultural property or its vicinity. The perimeter of physical security is defined by the following distance: the height of the cultural property multiplied by two, but with no less than 50 meters of radius.

3. Any activity which may damage or pose a threat of damaging a cultural property or of diminishing its scope of perception or use shall not be permitted, including:
   a) activities which may cause significant ground vibration or deformation;
   b) the storage of chemicals, and/or easily inflammable and explosive substances;
   c) the erection of structures which are not designed to protect the cultural property or improve its environment;
   d) the selection of appropriate plant species and planting techniques that do not damage the cultural property.

4. The perimeter of visual security of a cultural property is the territory beyond the perimeter of physical security, changes to which may influence the historically evolved environment of the cultural property and/or the full perception of the cultural property. The perimeter of visual security shall be defined:
   a) for a cultural property, within a radius of 300 meters;
   b) for a cultural property of national importance, within a radius of 500 meters;
   c) for cultural properties included in the World Heritage List, within a radius of 1000 meters.

5. If a cultural property is located in an urban area, the appropriate distance indicated in paragraph 4(a)(b) of this article shall halve.

6. Any activity which may damage the historically evolved environment of a cultural property, or hinder optimum visibility and full perception of the cultural property and diminish its value, shall not be permitted within the perimeter of visual security.

7. For the purposes of defining the perimeters under this article, the elevation of the top of the cultural property is construed as the height of the cultural property, and the distance from the cultural property to the border of the security perimeter shall be calculated from outer contour of the cultural property, which is directed towards the radius drawn from the centre of the cultural property.

Article 37 - Identification of buffer zones of historically developed areas and their regimes

1. A buffer zone of a historically developed area is a territory where a large concentration of cultural properties and other objects of cultural heritage have been discovered, and where a network of streets, developed areas, planning patterns and morphology are preserved in an authentic form.

2. The purpose of identifying the buffer zones of historical developments is to preserve the historically evolved spatial and architectural environments of cultural properties and the traditional forms and appearance of the developments, and to ensure the protection and preservation of the historical part of a city as a historically evolved organism (planning pattern, morphology, scale of buildings, character, silhouette, appearance, landscape, etc.), and to regulate the rehabilitation, construction and other works, to improve the urban environment, to restore degraded urban fabric to its historical appearance to the maximum possible extent, and to improve the economic and cultural potential of historical developments.

3. When preparing documentation for urban planning and construction in buffer zones for the protection of historical developments, the conservation of historical environmental planning and developments, and the landscape, as well as the opportunity to restore their lost components, shall be ensured.

4. Construction within a buffer zone for the protection of historical development shall be allowed if:

   a) the construction project replaces a building or structure which is on the verge of dilapidation or which lacks historical and/or artistic value or which replaces an engineering-communication network;

   b) the construction activities are planned to improve degraded urban fabric (to backfill holes as a result of destruction within a historical development, to replace buildings with no value which are between valuable buildings, to free the space from buildings which distort the historically developed environment, and to restore a historically developed environment to its original form, etc.)

5. The configuration, proportions and planning structure of the project site shall comply with the type of historical development around the project site.

   The building shall be organically harmonised with the traditional forms and environment of the development area, and it shall not contradict the appearance, morphology and scale of the historical development and the landscape.

6. A body defined by the legislation of Georgia may issue a permit within the buffer zone of a historical development to develop an area which has never been developed historically only in special cases and on the basis of expert opinion, and with the consent of the Ministry, and in accordance with the legislation of Georgia.

7. In areas where the existence of the object of architectural interest with high historical and cultural value has been verified no less than 50 years ago on the basis of the scientific research, construction works shall be allowed only on the basis of a project which has been prepared on the basis of appropriate surveys and which is maximally approximated to the project of the verified object.

8. Altering, widening, increasing or decreasing the elevations or making other changes to the historically developed street networks within historic development buffer zones shall be allowed only on the basis of the appropriate planning and scientific substantiation, and by making such changes as similar to the historical appearance as possible.

Law of Georgia No 4045 of 15 December 2010 - LHG I, No 75, 27.12.2010, Art 467


Article 38 - Determination of regulation zones and regimes of developments

1. The regulation zone of a development is a territory where the fragments of historical developments, streets network and planning structures and/or individual cultural properties, and other immovable objects of cultural value, and development surroundings, are preserved in an original and authentic form. The regulation zone of a development may serve as another buffer zone for the protection of cultural heritage.

2. The purpose of the determination of the regulation zone of a development is to ensure the harmonised merger of historical and new developments.

3. Historically developed spatial dominants shall be strengthened and restored to affect the architectural and spatial organisation of the environment, and the architectural and spatial setting of cultural properties and other immovable objects of cultural value, and the structure or fragments of historically developed urban planning shall be preserved in the regulation zone of a development.

4. Construction activities within the regulation zone of a development which comply with the requirements under this article and Article 35 of this Law shall be permitted alongside those permitted within a buffer zone for the protection of historical development.

5. For the purposes of ensuring the better presentation of cultural properties and the harmonious merger of historical and modern developments, the most favourable vantage points shall be identified within the regulation zone of a development, and the optimal visibility of panoramas and individual cultural properties shall be ensured by regulating new constructions and demolishing inappropriate cultural properties within a historically developed environment.


Article 39 - Determination of the protection zone and regulatory regime of a historical landscape

1. The protection zone of a historical landscape is a natural, rural or urban territory of historical, cultural and aesthetic value which has been fully or partially developed as a result of human activities throughout the period of historical development or which represents the natural environment of individual cultural properties developed throughout history.

http://www.matsne.gov.ge
2. The purpose of determining a protection zone of a historical landscape is to preserve and restore the appearance of immovable objects of cultural heritage and buffer zones for the protection of cultural heritage, and historically developed natural environments related to historical events, tales and folklore.

3. Within the protection zone of a historical landscape the following shall be mandatory: to preserve the natural environment and water reservoirs, to free up the landscape from distorting buildings and structures, and plants with no cultural value, to protect and regulate the vegetation cover, to ensure the natural restoration of forest and greenery, and to protect meadows and other areas against landslides and floods.

4. Within the protection zone of a historical landscape only the following is allowed:

   a) the following construction works:
      
      a) exploration and rehabilitation works for buildings and structures of cultural and historical value;
      
      b) where there is a reasonable need, to construct structures that are functionally connected to the goals and objectives defined by paragraphs 2 and 3 of this article, temporary structures of public interest or such linear structures of state interest, which do not significantly change the appearance of the historical relief and landscape or diminish the perception of cultural heritage protected within the zone and located within the perimeter of visual security;
      
      b) economic activities which do not contradict the goals and objectives under paragraphs 1 and 2 of this article.

Article 40 - Archaeological protection zone and the determination of its regime

1. An archaeological protection zone is a territory where cultural strata and/or objects of archaeological interest have been discovered, fixed or explored.

2. The purpose of determining an archaeological protection zone is to ensure the protection of archaeological cultural properties, cultural strata, or discovered or explored objects of archaeological interest and their surroundings.

3. Any activity within the archaeological protection zone which may damage, deteriorate, and diminish the perception of cultural heritage protected within the zone or which may hinder the comprehensive scientific survey of the given cultural heritage shall not be permitted, including:

   a) earthworks, except for earthworks related to agricultural and archaeological activities;
   
   b) the dumping of waste provided for in the legislation of Georgia, as well as the disposal of spoil accumulated during archaeological excavations.

4. If some types of activities, such as traffic flow, certain agricultural activities or pedestrian movement, prove to cause a threat of damage or deterioration of objects of archaeological interest or to cultural strata, the Government of Georgia shall be entitled, upon the recommendation of the Ministry, to restrict or forbid such activities within the zone. The information signpost shall be placed in a visible area in such a case, and in the case of restricting or forbidding traffic flow an appropriate sign shall be placed, which shall indicate that the given activities are restricted or forbidden within the zone.

Law of Georgia No 3001 of 26 December 2014 - website, 12.1.2015

Article 41 - Procedure for negotiation and approval of urban planning documents and for conducting construction activities within cultural heritage buffer zones

1. Urban planning documents relating to cultural heritage buffer zones shall be approved by an appropriate body determined by the legislation of Georgia, with the consent of the Ministry and in accordance with the procedures established by the legislation of Georgia.

2. Construction permits for construction and reconstruction projects within cultural heritage buffer zones shall be issued by an appropriate body determined by the legislation of Georgia, with the consent of the Ministry and in accordance with the procedures established by the legislation of Georgia.

3. (Deleted).


Article 42 - Planning the development process in the buffer and regulation zones of historical developments, historical and cultural investigation reference plans and regulation plans of the developments

1. A regulation plan within the protection and regulation zones of historical developments shall be approved by an appropriate body determined by the legislation of Georgia, in agreement with the Ministry.

2. The basis for preparing regulation plans within the protection and regulation zones of historical developments is the historical and cultural investigation reference plan, the principles of which shall be considered in the process of preparing spatial planning documents.

3. A historical and cultural investigation reference plan is a special comprehensive scientific and research document prepared on the basis of a multidisciplinary approach which includes informative and analytical material on cultural heritage protection zones and cultural properties and historical settings within such zones, and includes recommendations on urban development and planning regulations required for their protection.
4. The historical and cultural investigation reference plan consists of informational, analytical and conclusive parts.

5. The informational part of a historical and cultural investigation reference plan is an integrated information database regarding the current state of the territory obtained on the basis of an inventory survey and comprises the following:
   a) a notice on relevant protection zone (zones)
   b) a layout plan of the area
   c) a boundary survey plan of the area showing coordinates
   d) a topographic map of the area
   e) archival and bibliographic material
   f) information on the cultural properties and other objects of cultural heritage within the area in accordance with the registration card of immovable cultural property, as well as main data on any other building or structure within the area;
   g) thematic maps and other graphic material containing the following information:
      g.a) cultural properties and other objects of cultural heritage located in the given area;
      g.b) development surroundings and inadequate objects;
      g.c) the morphology and planning structure of the development;
      g.d) the functionality of the buildings and structures;
      g.e) the number of floors within the buildings and structures;
      g.f) the physical state of the buildings and structures;
      g.g) the age of the buildings and structures;
      g.h) the architectural and artistic value of the buildings and structures;
      g.i) urban and natural spatial dominants located within the given area;
      g.j) vantage points for the perception of important panoramas and perspectives;
      g.k) the boundaries of the historically developed landscape;
      g.l) green space, squares, gardens and parks within the area;
      g.m) the classification of streets network and roads;
      g.n) the main longitudinal and lateral sections of the area, and developed schematic views of main streets showing key elevations;
   h) recorded materials on objects of historical and cultural value and urban and natural panoramas.

6. The analytical part of the historical and cultural reference plan consists of:
   a) a general overview of the historical setting;
      a.a) a determination of the importance of the territory in a general context;
      a.b) an assessment and analysis of historically developed architectural and natural spatial dominants;
   b) historical and cultural analysis:
      b.a) analysis of the chronological development of street networks and developments;
      b.b) analysis of historically evolved patterns of developments and of their main features;
      b.c) analysis of conventional construction materials and technical equipment;
      b.d) assessment and analysis of historically developed functions;
   c) general assessment and analysis of the physical state of the development, assessment and analysis of the historical and cultural value of the buildings and structures, and the identification of boundaries of homogeneous sites in terms of culture and history;
   d) the identification of conservation and development areas.

7. The conclusive part of the historical and cultural reference plan consists of:
   a) main provisions and development principles for the protection and rehabilitation of cultural heritage within the buffer zones;
The development regulation plan within the buffer zones of historical developments and their regulation zones, in addition to those provided for by the Law of Georgia on Spatial Planning and Urban Development, shall comprise the following:

a) the requirements of the protection and rehabilitation of cultural heritage, in particular of the treatment of rehabilitation sites (cultural properties and other cultural heritage sites, development surroundings, public space, etc.);

b) the requirements of the development of territories and new constructions:

a) the identification of conservation and development areas (by indicating the buildings to be dismantled and preserved);

b) the permissible parameters for new constructions (scale, height, the spatial and planning configuration, façade rhythm, fenestration); b.c) requirements of public space improvements.

9. If a buffer zone, for which a development regulation plan is prepared, consists of non–homogeneous districts and areas, the regulations for the development regulation plan shall be prepared individually for each district, micro-district or area.

Article 43 - Historical and architectural survey

1. If there is no development regulation plan approved in accordance with the procedures established under this Law within a cultural heritage buffer zone, project documentation for each construction site shall be prepared on the basis of pre-project historical and architectural research. The scope, planning structure and architectural type of the project site shall be established on the basis of the given research. The sites under paragraph 3 of this article are exceptions.

2. Historical and architectural research shall be carried out by an applicant for a permit. The area of historical and architectural research shall include a project land plot and its surrounding territory within the distance of no less than two times longer than the length/width of the land plot from the project land plot boundaries towards the relevant direction. The historical and architectural research documents shall comprise the following parts:

a) the location of the project area within the city structure and the characterisation of its current state (graphical and textual materials);

b) a topographical map of the research area showing the boundaries of the project land plot and cultural properties existing in the research area (in 1:1500 and 1:200 scales);

c) a historical retrospective of the research area, and the chronology and stages of its development (graphical, textual and photographic material);

d) aerial photographs of developments located within the research area showing the project land plot and cultural properties located in the project area (photographic material);

e) an analysis of any development located within the research area (graphical and textual material), which includes:

a) a description of the structure, morphology and scale of the development, and of the configuration of buildings and structures and open areas, and the revelation of the peculiarities of their location within the structure of the development;

b) a spatial and architectural assessment of cultural properties and visual dominants, landscape and developments, and the revelation of the spatial-interdependence between them;

c.e) a description of the artistic and decorative elements of the development and their stylistic and semantic identification.

3. The conclusive part of the historical and architectural research shall include recommendations developed on the basis of the results of completed research regarding the spatial planning and compositional design solutions of the construction to be undertaken on the project territory.

4. Historical and architectural research is not mandatory for the following cultural properties and construction activities:

a) small scale architectural forms, in particular:

a) structures with a volume allowance of no more than 50 cubic metres, for example pavilions, booths, stalls, sheds, garages, bus stop shelters, and other structures;

a.b) playgrounds and small scale sport grounds, amusement rides, with an area allowance of no more than 50 square meters;

b) minor modifications to existing buildings covering no more than 50 square meters: replacing the existing roof within the same dimensions, building

http://www.matsne.gov.ge
450.030.000.05.001.002.815
an extension covering no more than 50 cubic meters, adding or removing an opening for doors or windows, adding or removing balconies.

Article 44 - Prevention of any activity causing damage or a threat thereof to cultural properties

In the case of detecting any activity which is not permitted under the regime of the buffer zone, and which may cause damage or the threat thereof to cultural property within or beyond a given zone, the Ministry shall address appropriate state authorities with a request to restrict, suspend or terminate such activities.

Article 45 - Conditions for granting the status of an inappropriate building and structure within buffer zones

1. Within buffer zones, in addition to the cases under the Law of Georgia on Principles of Spatial Arrangement and Urban Development, the status of an inappropriate building and structure shall be also granted to buildings, structures, enterprises, workshops, warehouses, and other objects which cause cargo and transport flow and pollute soil, atmosphere and water reservoirs, and/or which distort the historically developed environment, and/or impede the perception of the given environment and/or inflict physical or aesthetic damage on cultural properties within the zones.

2. During the preparation and approval of urban development documents, as well as upon making decisions with regard to building and planning, the bodies determined by the legislation of Georgia are obliged to take into consideration the consequences of dismantling or correcting inappropriate buildings and structures.

Article 46 - Cultural heritage rehabilitation area

1. For the purposes of promoting and encouraging the rehabilitation of cultural heritage, on the basis of an ordinance of the Government of Georgia and upon the recommendation of the Ministry, and the initiative of local self-government bodies, a cultural heritage rehabilitation area may be determined in the secondary buffer zone of an object of cultural heritage on the basis of a rehabilitation area development programme.

2. The grounds for the determination of a cultural heritage rehabilitation area are:

   a) a high concentration of cultural property and other cultural heritage sites within the area;

   b) the presence of a spatial and architectural environment of high historical and cultural interest;

   c) the poor physical condition of the historical development, and the authentic historical development and environment facing the threat of degradation.

3. State and local self-government bodies are responsible for the implementation and supervision of a rehabilitation area development programme.

4. A rehabilitation area development programme of cultural heritage submitted to the Government of Georgia for approval shall include:

   a) a comprehensive assessment of the situation within the rehabilitation area;

   b) an assessment of the historical and artistic-architectural value of the development existing within the rehabilitation area;

   c) the results of research into and assessment of the cultural property within the rehabilitation area;

   d) analysis of the economic and social situation and the potential for tourism and social and economic development within the rehabilitation area;

   e) conditions for the rehabilitation of the cultural heritage within the rehabilitation area;

   f) conditions for the improvement of the urban fabric within the rehabilitation area;

   g) the rehabilitation projects of cultural properties, other cultural heritage sites and other buildings and structures within the rehabilitation area;

   h) the rehabilitation projects of main aboveground and underground trunk networks of communications and engineering communications;

   i) the rehabilitation projects of rehabilitation area infrastructure and public space;

   j) a cost estimate of the rehabilitation area development programme;

   k) time limits for the implementation of the rehabilitation area development programme;

   l) mechanisms for raising public awareness and for engaging the public in the implementation of the rehabilitation area development programme.

5. The sources of financing rehabilitation area development programmes are:

   a) funds allocated from the State Budget;

   b) funds allocated from the budget of local self-government units;

   c) grants provided by international organisations;

   d) donations;
infrastructural charges of the cultural heritage rehabilitation area;

f) other funds permitted by the legislation of Georgia.

6. The infrastructure charges of a cultural heritage rehabilitation area shall be determined by law and shall be valid for the time period prescribed for the implementation of the rehabilitation area development programme.

Chapter IX - Legal Basis for Conducting Treatment of Cultural Property and for Performing Archaeological Works, and Procedures for Issuing Permits, and Permit Conditions

Article 47 - Legal basis for conducting treatment on cultural property and for performing archaeological works and procedures for issuing permits

1. A permit to conduct treatment on a cultural property is the legal basis for conducting treatment on a cultural property under Article 25 of this Law, except for the cases provided for by paragraphs 2 and 3 of this article.

2. If a cultural property is also an object of special importance, a construction permit of special importance shall be obtained to conduct treatment thereon in accordance with the procedures established by the legislation of Georgia.

3. A permit to conduct treatment on a cultural property shall be issued for rehabilitation works only, and in the case of an immovable cultural property, a permit to conduct research activities may also be issued if the cultural property will be affected physically as a result of such activities.

4. Only a single permit as defined by paragraphs 1 and 2 of this article shall be issued to conduct treatment on a cultural property. No additional permits are required to conduct treatment on a cultural property.

5. A permit to conduct archaeological works is the legal basis for conducting archaeological works, except for archaeological works to be conducted on cultural properties and in the cases defined by paragraph 10 of this article. A permit to conduct archaeological works may be issued only for those archaeological field works which physically affect archaeological sites.

6. Permits to conduct treatment on a cultural property and archaeological works shall be issued by the Ministry, or a competent body authorised by an ordinance of the Government of Georgia, and upon the recommendation of the Ministry. A permit shall be issued for the time period required for the completion of the works according to appropriate design documents by taking into account the volume and complexity of the works, environmental conditions and the schedule of works based on calendar days presented by the applicant for the permit.

7. An applicant for a permit to conduct treatment on a cultural property may only be an owner of the given property or a person authorised by him/her, and an applicant for a permit to conduct archaeological works may be the owner of the given land plot or a person authorised by him/her, except for the cases provided for under Article 54 of this Law.

8. If the treatment or archaeological works are to be conducted by the State, appropriate procedures determined by this Law shall be conducted, but no certificate of permission is required.

9. Only a person who is qualified in the given field may conduct treatment and archaeological works on cultural property. Certification procedures for conducting treatment and archaeological works on cultural property shall be established in accordance with the legislation of Georgia.

10. No permits under this article shall be issued if there is a court judgement on conducting the given works.

11. A certificate of permission to conduct treatment and archaeological works on a cultural property shall include the identity of the permit holder, the date of the appropriate application and its registration number, and the type and terms of works. The templates of certificates of permission shall be approved by a normative act of the Minister.

12. Other procedures for the issuance of permits under this Chapter and permit conditions shall be established in accordance with the Law of Georgia on Licences and Permits.


of Georgia No 1075 of 6 September 2013 - website, 25.9.2013

Article 48 - Submitting an application to obtain a permit to conduct treatment and archaeological works on cultural property

1. An application to obtain a permit to conduct treatment and archaeological works on cultural property shall include a precise indication, by the applicant for the permit, of the type and volume of works planned.

2. Two copies of the application and annexed documents shall be submitted to the body issuing the permit. In the event of a permit being granted, one copy, in a duly certified form, shall be submitted to the permit holder after the decision on the issuance of the permit has been made.

3. In addition to the documents defined by the Law of Georgia on Licences and Permits, the application shall include the following documents:

a) a complete set of design documents of works that are appropriate under this Law, except for the cases provided for by Article 51 of this Law;

b) in the case of an immovable property, the application shall also include a document confirming the ownership rights of an appropriate site or area, and a cadastral map; if an applicant for the permit is not an owner of an appropriate site or area, the application shall also include a document certifying

http://www.matsne.gov.ge
his/her authorisation;

c) where an immovable cultural property is owned by the State, the application shall include a document certifying state ownership of the given property.

In the said case, an appropriate state body shall act as separate administrative body in the appropriate administrative procedures required for issuing an approval or reasonable refusal on conducting the works determined in the application in accordance with the procedures established by the Law of Georgia on Licences and Permits.

4. The application to obtain a permit to conduct archaeological works shall include a letter of approval issued by a museum, institute or other appropriate institution on ensuring proper conditions for displaying and storing archaeological materials discovered as a result of the said works.

5. If archaeological works are to be conducted together with or separately from another kind of treatment on cultural property, the application to obtain a permit to conduct treatment on the cultural property shall include the design documents of the archaeological works.

Article 49 - Composition of design documentation for conducting treatment on cultural property

1. A project of research and rehabilitation works on a movable cultural property and on movable fragments of immovable cultural property (except for artworks of palaeographical and monumental character) shall include the following parts:

a) an executive summary (a detailed description of problems and a determination of the ways of solving such problems, and a substantiation of the selected methodology);

b) reports on the current state of the cultural property, including materials of photographic recording and visual examination, and appropriate analysis;

c) a works plan and its substantiation showing the sequence of the process, and a schedule of works to be conducted based on calendar days;

d) a description of expected results.

2. A project of research works of immovable cultural property shall include the following parts:

a) an executive summary, which shall justify the need to conduct physical works on the cultural property for the purposes of an investigation of the cultural property, and the compliance of research works with the requirements of the legislation of Georgia. The executive summary shall specify:

a.a) the exact official name of the cultural property and its location, as well as its exact address; a.b)

the types and volume of works and chosen methodology;

a.c) in the case of cultural property of a complex type, where there is a conservation plan approved in accordance with the legislation of Georgia, and where the project envisages the examination of fragments of the cultural property only, the execution summary shall also confirm the compliance of these works with the conservation plan;

b) a layout plan of the project site (in 1:1000 or 1:2000 scales), showing coordinates obtained by means of the Global Positioning System ('the GPS coordinates');

c) recent photographic material showing overall views of the project site;

d) a works plan and its substantiation showing the sequence of the process, and a schedule of works to be conducted based on calendar days;

e) a description of expected results.

3. A project of rehabilitation works to be conducted on immovable cultural property shall be developed on the basis of research activities. It shall include the following parts except for the cases provided for by paragraph 4 of this article:

a) an executive summary (a detailed description of problems and a determination of the ways of solving such problems, and a substantiation of the selected methodology);

b) a layout plan of the project site (in 1:1000 or 1:2000 scales);

c) photographic material showing overall views of the project site, a developed view of the part of the project site with surrounding structures, and where there is damage to the property the project shall include photographic material showing local damage, archival photographs and a photographic montage of projected works;

d) measurements of the cultural property (sketch maps, drawings (in 1:100 and 1:50 scales));

e) the results of art history research (analysis of bibliographical survey, on site investigation analysis, a list of studied bibliographical and archival material);

f) where archaeological investigations are conducted during research works, the project shall include the results of archaeological investigations (a grid layout of the investigation site, a layout plan and mapping of properties discovered during the archaeological investigations, a layout plan of test pits and trenches confirmed by the signature of the archaeologist, sketch maps, and drawings (in 1:25 and 1:20 scales), textual description, and the results of archaeological investigations);

g) engineering-geological investigations (a layout plan of test pits and trenches confirmed by the signature of the archaeologist, laboratory analysis, lithographic sections and recommendations);

h) a biochemical analysis of existing construction materials (a layout of collected samples, laboratory analysis and recommendations), investigations to
1. Identify the compatibility of materials to be used during the works with the materials of the cultural property;

i) in the case of probing, a layout of the probing, sketch maps, and drawings (in 1:25 and 1:20 scales) and a textual description;

j) a layout of architectural details, sketch maps, and drawings (in 1:25 and 1:20 scales) and a textual description;

k) a layout of structural details, sketch maps, and drawings (in 1:25 and 1:20 scales) and a textual description;

l) display material (plans, façades, sections (in 1:50, 1:100, and 1:200 scales), fragments and details (in 1:20 and 1:10 scales)), a photographic montage and the project substantiation;

m) the draft project (draft architectural drawings, templates (in 1:100, 1:50, and 1:1 scales), draft structural drawings and calculations);

o) a draft plan and its substantiation showing the sequence of the process, and a schedule of works to be conducted on the basis of calendar days;

p) the project for the organisation of the execution of the works;

q) a description of expected results.

4. A project of small-scale rehabilitation works (painting of façades, installing signboards and lights; repairing, replacing and installing engineering communications without changing bearing structural parts; alteration of individual architectural details including spans, stairs, balconies, and decorative elements; restoration, painting and renovation works to be conducted in the interior, as well as works for cleaning cultural property) shall include the following parts:

a) an executive summary (a detailed description of problems and a determination of the ways of solving such problems, and the substantiation of the selected methodology);

b) a layout plan of the project site (in 1:1000 or 1:2000 scales);

c) recent photographic material showing overall views of the project site;

d) graphic material reflecting the works and showing appropriate elevations;

e) mapping of an appropriate part of the cultural property;

f) art history research with a substantiation of works to be conducted;

h) a works plan showing the schedule of works on the basis of calendar days;

i) a description of expected results.

Article 50 - Composition of project documents for conducting archaeological works

The project documents for archaeological works shall include the following parts:

a) an executive summary. The executive summary shall substantiate the need for conducting the works and confirm their compliance with the requirements of the legislation of Georgia, specifying the types and volume of works. The executive summary shall specify:

a.a) the exact name of the archaeological site (if any);

a.b) the exact name of the location of the cultural property and its exact address;

a.c) if the project, due to the scope of works and the archaeological site, involves only the examination or rehabilitation of fragments of the site, the executive summary shall also confirm compliance of the works with the unified concept of the examination, rehabilitation and development of the site (where there exists a conservation plan it shall also confirm compliance with the conservation plan);

a.d) the provision of conditions for the conservation and cultivation of objects of archaeological interest and materials to be discovered as a result of works to be performed, and their proper placement and storage in an appropriate depository;

a.e) a report on the expected results of works performed;

b) a layout of the project site (in 1:1500 or 1:500 scales) showing the GPS coordinates;

c) recordings of the study area and sites existing thereon, including materials of photographic and visual description, and appropriate analysis, and in the case of preliminary examinations, the results of preliminary examinations;

d) material from the historical-bibliographical and archival research of the project area (site) with an indication of respective references, namely searching museum and archival material (including, if any, historical and master plans, historical cadastral and structure plans, archival photographs of the project area, space and aerial photographic material), and an analysis of comparing primary information obtained on the study area with the archival data;

e) the project for the organisation of the execution of the works and the schedule of works on the basis of calendar days, showing the sectors and the sequence of appropriate works, and in the case of a long-term (multi-year) expedition, showing the interim and total duration of works.

Article 51 - Types of treatment and archaeological works on cultural properties and composition of project documents in the case of urgent need

1. If, as a result of natural and environmental factors or force majeure circumstances, a cultural property or archaeological site is under the threat of irreversible damage or deterioration, and there is an urgent need to conduct emergency archaeological and research works or preventive conservation activities on the cultural property, and if complete project documents cannot be prepared within the time frame, an appropriate permit may be issued on the basis of incomplete project documents.

2. In the case of an urgent need under paragraph 1 of this article, only archaeological or research works, and preventive conservation activities, may be conducted. In this case the project documents of the works shall include the following parts:

a) an executive summary. The executive summary shall specify: the exact name of the cultural property or archaeological site (in the case of a movable cultural property, the name of its storage location), and if the exact name does not exist, the name of its location and its exact address. The executive summary shall substantiate the following:

a.a) the urgent need to conduct the works and the impossibility of preparing full project documents under the given circumstances;

a.b) the type, category and volume of the works to be conducted, the technologies and methodology to be used, and confirmation of their compliance with the legislation of Georgia;

a.c) in the case of preventive conservation, the estimated length of the efficacy of the preventive conservation, and the type of further activities and estimated time frames for their execution;

b) detailed photographic material showing the property and the damage thereto;

c) in the case of an immovable property, a layout plan of the study area with the respective scale and accurate coordinates;

d) in the case of archaeological works, the provision of conditions for the conservation and cultivation of properties and materials discovered as a result of the works to be performed, and for their proper placement and storage in an appropriate depository;

f) a report on the estimated results of works performed.

Article 52 - Submission of reports on the completion of works by a permit holder, and state monitoring of the observance of permit conditions

1. A permit holder as defined by this Law shall periodically submit interim reports of works in the process of conducting the works, and a final report...
2. The frequency of submitting reports by the permit holder under this article shall be determined by the Ministry in the process of making a decision regarding the issuing of the permit and it shall be reflected in the certificate of permission.

3. The report on the executed works shall include information on issues regarding the procedure of the works, the quality of their execution, and on circumstances not included in the project documents, on external factors and cultural properties detected or discovered during the works or information and sites related thereto.

4. If the rehabilitation works of an immovable property envisaged the replacement or installation of engineering communications, or technological facilities and/or lines, the final report on the given works shall include:

a) protocols of testing lifts and escalators in the case of public and residential buildings and structures and acts on testing installed technological facilities and/or lines certified by a competent authority, in the case of industrial objects;

b) certification, issued by an appropriate company, of connection with external communication networks in accordance with the project documents.

5. After the completion of each relevant stage of the works, and on the basis of interim and final reports, the representatives of the Ministry shall prepare an act on the acceptance of appropriate stages of the works, one copy of which shall be submitted to the permit holder in accordance with the legislation of Georgia. The act shall confirm compliance of the performed works with the project documents.

6. The permit holder is obliged to submit a certificate of permission and/or appropriate project documents to the monitoring or supervising body determined by the legislation of Georgia and to allow the examination of an appropriate site if requested.

7. The permit conditions of treatment or archaeological works on cultural property under this Law shall be deemed completed only after the works and conditions under appropriate project documents are fully completed by the permit holder and reports under this article are fully submitted, following which the Minister shall issue an administrative legal act on the acceptance of the works.

8. The legal basis for refusing to approve works shall be:

a) a failure to submit the documents under this article;

b) interference with the physical examination conducted by the representatives of the body issuing the permit.

c) a failure to observe the permit conditions, including the non-compliance of the executed works with the project documents.

9. The permit holder shall be responsible for the observance of permit conditions, except for the cases under paragraph 10 of this article.

10. An appropriate offender shall be responsible for the violation of permit conditions related to professional activities under the order of the Minister on the Procedures for Conducting Archaeological Works and Treatment on Cultural Properties, and the order of the Minister on the Approval of the Template of the Certificate of Permission on Conducting Archaeological Works and Treatment on Cultural Properties.

**Article 53 - Amendments to permit conditions on conducting treatment and archaeological works on cultural properties**

1. If, in the process of conducting works on cultural properties or archaeological sites on the basis of a permit determined by this Law, the need to make amendments to appropriate permit conditions arises (project documentation, terms for executing works and submitting reports, volume of works and/or other matters, which do not create the basis for the issuance of a new permit), the permit holder is obliged to apply to the Ministry with a request to make amendments to the permit conditions.

2. An application to make amendments to permit conditions shall include appropriate documents reflecting the given amendments.

3. The grounds for making amendments to permit conditions shall be an individual administrative legislative act of the Minister. If the amendments made to permit conditions envisage amendments to data included in the certificate of permission, a new certificate shall be issued and the previous certificate shall be invalidated. In such a case the fees for obtaining a new certificate of permission shall not be payable.

**Article 54 - Revocation of permits to conduct treatment and archaeological works on cultural properties, and liability for violation of permit conditions**

1. Conducting treatment on cultural property by a person who has no appropriate mandatory professional qualifications as determined by the legislation of Georgia, shall serve as a basis for imposing a fine on the offender as well as the basis for revoking an appropriate permit as determined by this Law.

2. Other bases and procedures for the revocation of permits to conduct treatment and archaeological works on cultural property shall be defined by the Law of Georgia on Licences and Permits.

3. Liability for the violation of permit conditions under this Law by a person who has obtained a permit to conduct treatment and archaeological works on cultural property shall be defined by the legislation of Georgia.

**Article 55 - Conducting archaeological works and treatment on cultural property without the consent of the owner (holder) of the property**

1. The Ministry, and other state or local self-government bodies, are entitled to conduct rehabilitation, research or archaeological works on cultural properties or archaeological sites without the consent of the owner (holder) of the property and to hire other persons to conduct the given works, if:
a) the grounds under paragraph 5 of Article 30 of this Law exist;
b) an archaeological site, or a land plot to which it is attached, is not state property or it has been transferred to other persons with the right to own and use, and the owner (holder) is against conducting rehabilitation, research or archaeological works on the given archaeological site, and the grounds under Article 12(1) of this Law exist.

2. The body provided for in paragraph 1 of this article shall fully compensate the owner (holder) for any damage inflicted as a result of conducting the treatment under paragraph 1 of this article.

3. Where the circumstances under paragraph 1 of this article exist, a decision on conducting treatment without the consent of the owner (holder) shall be made by the court, based on which the Ministry shall issue an appropriate permit. The court shall review the application within the time period and in accordance with the procedures established by the Civil Procedure Code of Georgia. The court decision shall be enforced immediately in accordance with the procedures for the enforcement of an enforceable decision. The fees of the court proceedings shall be covered by the person concerned in obtaining the permit to conduct treatment.

4. An application for the right to conduct treatment shall be submitted to the court. The application shall include the following parts, in addition to those determined by the legislation of Georgia:
   a) a statement of specifications of the treatment to be performed and the time limits for their completion;
   b) a justification of the need to conduct the treatment and a statement of appropriate circumstances;
   c) in the case specified by paragraph 2 of this article, and where there is a probability of inflicting damage to the property of the owner (holder), a statement of the amount of compensation and the terms of payment;
   d) in the case determined by paragraph 5 of Article 30 of this Law, a statement of expenses incurred as a result of the emergency rehabilitation works and the terms of compensation of expenses by the owner (holder) of the property to the person conducting the works.

5. In addition to the documents determined by the legislation of Georgia, the application shall also include project documents provided for by this Law. If there is a need to conduct preliminary research works in order to prepare the project of rehabilitation (archaeological) works, the application shall include the project of research works which may be carried out on the basis of an interim court decision. The court shall prescribe the time period for the preparation of the project to conduct research and rehabilitation (archaeological) works, during which the court proceedings shall be suspended. In the presence of factual circumstances, the interested party is entitled to apply with a request to the court for an extension to the given time period. Court proceedings shall be resumed upon the submission of the project of rehabilitation (archaeological) works, and upon the expiry of the prescribed time period in accordance with the procedures established by the legislation of Georgia. The project shall be agreed with the Ministry before its submission to the court.

6. The court decision on conducting treatment on the cultural property shall contain the following:
   a) a statement of the specifications of the works to be performed, an appropriate project and the time period for their completion;
   b) in the case determined by paragraph 2 of this article, and where there is a probability of inflicting damage to the property of the owner (holder), a statement of the amount of compensation and the terms of its payment;
   c) in the case determined by paragraph 5 of Article 30 of this Law, a statement of expenses incurred as a result of emergency rehabilitation works and the terms of compensation of those expenses by the owner (holder) of the property to the person conducting the works.

7. Where urgent intervention and treatment is in the interests of an archaeological site or a cultural property (where there is a probability that irreparable damage or deterioration of an archaeological site or a cultural property is inevitable, as a result of the impact of external factors, before the final court decision is made), the court is entitled to render an interim decision on the basis of which the Ministry shall immediately issue a permit for appropriate treatment. In this case, the final court decision shall include the statement of damage as a result of treatment, and the amount of compensation and the terms of payment.

Article 55


Chapter X - Financing of Cultural Heritage Protection

Article 56 - Financing of cultural heritage protection

Cultural heritage protection shall be financed from:

a) the state budget;
b) the budget of local self-government units;
b) the budget of the Autonomous Republic of Ajara;

http://www.matsne.gov.ge
c) the owner’s (holder’s) funds;

d) grants provided by international organisations;

e) donations;

f) infrastructure charges within the cultural heritage rehabilitation area;

g) funds which are permitted under the legislation of Georgia.


Article 57 - State Allowances

1. The state shall establish tax exemptions and other allowances in the field of cultural heritage protection.

2. Tax exemptions and other allowances in the field of cultural heritage protection are determined by the legislation of an appropriate field.

Chapter XI - Liability for Violation of this Law

Article 58 - Liability for violation of this Law

The liability for the violation of this Law and the procedures for conducting archaeological works and treatment on cultural properties shall be established by the legislation of Georgia.

Section III - Transitional and Final Provisions

Chapter XII - Transitional Provisions

Article 59 - Normative acts to be adopted (issued) with regard to the entry of this Law into force

1. The following normative acts shall be adopted (issued) with regard to the entry of this Law into force:

a) Order of the Minister on the Procedures for Conducting Archaeological Works and Treatments on Cultural Properties;

b) Order of the Minister on the Approval of Cultural Property Registration Document Forms and the Procedures for Completing such Forms;

c) Order of the Minister on the Approval of the Forms of Certificates of Permission to Conduct Archaeological Works and Treatments on Cultural Properties;

d) Order of the Minister on Commemorative Plaque Forms of Cultural Properties and the Procedures for their Use;

e) Order of the Minister on the Approval of the Regulation of the Council of Cultural Heritage Protection;

f) Order of the Minister on the Approval of the List of Objects of Material Cultural Heritage and the Form of the Register;

g) Order of the Minister on the Approval of the Form of Agreement to be Concluded between the Ministry and the Owner (Holder) of Cultural Property and of the Format of Information to be Submitted to the Ministry by the Owner (Holder) of Cultural Property;

h) Edict of the President of Georgia on the Approval of the List of Cultural Properties of Special Public Interest and the Procedures for Granting Public Access to them by the Owner (holder) of Cultural Property;

i) Ordinance of the Government of Georgia on the Procedures for Establishing Buffer Zones for the Protection of Cultural Heritage;

j) Law of Georgia on Regulating Professional Activities in the Field of Cultural Heritage.

2. The Ministry of Culture and Monument Protection of Georgia shall, before 1 January 2018, and prior to the entry into force of this Law, ensure the re-registration of all cultural properties included in the state registry of cultural properties and in the list of objects commemorated as cultural property, as provided for in this Law.

3. The legal acts on the registration of cultural properties in the registry of immovable cultural properties, on granting them the category of national importance, on approving the list of objects commemorated as cultural properties and on establishing buffer zones for the protection of cultural property, which have been issued before the entry into force of this Law, shall be deemed promulgated in accordance with this Law before the re-registration of such cultural properties.
Chapter XIII - Final Provisions

Article 60 - The normative act repealed as from the entry into force of this Law

The Law of Georgia of 25 June 1999 on Cultural Heritage Protection (The Legislative Herald of Georgia, No 33(40), 1999, Art.167) shall be deemed repealed upon the entry into force of this Law.

Article 61 - Entry into force of this Law

1. This Law, except for Articles 47(9), 52(10) and 54(1), shall enter into force on the 15th day of its promulgation.

2. Articles 47(9), 52(10) and 54(1) of this Law shall enter into force upon the entry into force of the Law of Georgia on Procedures for the Regulation of Professional Activities in the Field of Cultural Heritage.

The President of Georgia

Mikheil Saakashvili

Tbilisi

8 May 2007

№4708-Iб