Four-year cycle
2017-2020

Questionnaire
GENERAL INFORMATION

1. Region: Georgia

2. Submission of previous national reports
   2.1. 2013-2016 cycle
       Yes ☒ No ☐

3. Actors involved in the preparation of the national report
   3.1. Government institutions responsible for the protection of cultural property ☒
   3.2. National Commission for UNESCO ☒
   3.3. Military expert ☐
   3.4. Independent experts ☐
       If other actors have been involved, please indicate them

4. National Focal Point

   According to paragraph 120 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 consider the Permanent Delegation as a focal point, you are invited to provide the Secretariat with the name and address of a national focal point who will receive all official documents and correspondence related to the national periodic reporting.

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I. The Hague Convention of 1954

1. Article 3 - Safeguarding of cultural property

This Article provides for the obligation of the High Contracting Parties to adopt relevant peacetime safeguarding measures against the foreseeable effects of an armed conflict.

- Has your State undertaken such measures?

YES: ☒ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

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.

Laws regulating the cultural heritage protection in the country have been harmonized with international standard setting treaties to ensure appropriate protection of cultural heritage monuments and cultural values. The following legal acts have been adopted at national level:

- Law of Georgia on Cultural Heritage (2007)
- Law of Georgia on Museums (2001)
- Law of Georgia on Culture (1997)

Currently, the "Cultural and Natural Heritage Code" is being developed. The Code will unite all legal acts in the field of cultural heritage. The Preamble of the draft Code directly reflects more detailed provisions of the Conventions, while the current legislation and the legislative norms reflect the basic requirements of the Conventions, in order to ensure appropriate protection of cultural heritage in the country.

The Ministry of Culture, Sport and Youth of Georgia and its subordinated body, the National Agency for Cultural Heritage Preservation of Georgia (NACHPG), with other responsible authorities, inter alia, ministries and local municipalities take care of the cultural heritage of the Country. The Ministry of Culture, Sport and Youth, together with NACHPG, carries out the peacetime measures including:

1. inventory of cultural heritage;
2. listing of properties;
3. applying protection zones;
4. elaboration and execution of conservation and management plans;
5. collection of data in the national cultural heritage database.

In this regard, the NACHPG ensures inventory surveys of historical areas, and draws up drafts of normative acts regulating buffer zones for the protection of cultural heritage sites, and develop projects on activities to be carried out within such zones, and submit them to the respectful state authorities for approval;

The inventory of cultural heritage

Inventory of tangible and intangible cultural heritage is systematically carried out, on the basis of which an innovative Geo Information System for Cultural Heritage Management and the GIS Portal have been established (www.memkvidreoba.gov.ge).
Law of Georgia on Cultural Heritage defines a method of the inventory survey – a combination of activities conducted to discover immovable objects/intangible elements of cultural heritage and to obtain information on such objects/elements and their settings. Based on the inventory surveys of historical areas, the drafts of normative acts regulating buffer zones regimes for the protection of cultural heritage sites, as well as the provisions on the allowed activities within these protection zones are created. The approval of those normative acts and regulations is issued by the relevant state authorities.

The inventories are undertaken by the NACHPG, other institutions/organizations working in the cultural heritage field, as well as by the Ministry of Regional Development and Infrastructure and the municipalities, responsible for elaboration of spatial development plans. Within the Spatial development plans, the inventory of Cultural heritage and the protection zones and regimes are envisaged as a background provisions for further development layers of the documentation.

The step-by-step inventories being implemented by or/and in coordination with NACHPG, should be thematic or territorial/regional, e.g.: in 2017-2018 the inventory of German settlements existed in Georgia has been implemented; Since 2019, the inventory of Polish cultural heritage, including movable and immovable assets has been launched; in 2018, the rapid inventory of Tusheti mountainy villages was implemented; in 2019-2020 the re-inventory of cultural heritage within the Vardzia cultural landscape was done with the aim to designate the proper protection regimes and provisions for development; in 2020, the inventory of cultural heritage assets in Khada gorge was implemented;

Moreover, in 2019, the NACHPG implemented the large scale inventory of the collections (movable cultural heritage) preserved in the regional museums and museum-reserves under the NACHPG. A number of inventories were done within elaboration of the spatial development and building regulation plans as follows: for Svaneti (2017-2018) - mountain region of Georgia including the World Heritage property of “Upper Svaneti”; for Telavi (2018) - historic town and regional center in the Eastern part of Georgia); for Tskhaltubo (2019), thermal historic town; for Mtskheta (2019) - within the buffer zone of the World Heritage Monument “Historical Monuments of Mtskheta” (2019); for Kutaisi, (2020-2021) etc.

Listing of properties

The National Agency for Cultural Heritage Protection continues discovery, protection, promotion and systematic examination of the state of cultural heritage in the territory of Georgia. The Georgian legislation defines two mechanisms for protection of cultural heritage objects: (a) initial (temporary) to include the object in the list of objects and (b) permanent protection through granting the status of the Cultural Heritage Property.

(a) Initial (temporary) protection is applied when the heritage object is being discovered. In such a case the founder is obliged to inform the NACHPG, about the finding. NACHPG 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 to the list for the period up to six months. This period can be extended only once for another six months. This time gives the experts the possibility to study the object more in details in case if 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.

(b) The permanent protection mechanism implies granting the status of cultural heritage to the facility by entering to the State Register and executing the order of the NACHPG 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 the listed object’s protection regimes are equal to those of the registered cultural heritage monument.

**Designation Criteria**

A cultural property may be listed when it has a proved historic and cultural significance linked with its authenticity, values or/and age (Law on Cultural Heritage, art.15). Authenticity, values 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. 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 (Law on Cultural Heritage of Georgia, art. 3 (q).

**Designation Authority**

According to the national legislation, the NACHPG, on the delegated rights given by the Ministry of Culture, Sport and Youth 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 of the cultural heritage properties is handed to the Government of Georgia, that takes decisions on the basis of proposals made by the Ministry of Culture, Sport and Youth.

**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 to the monuments by the Government of Georgia if it has a distinguished historical and cultural value. The Monument of the national importance can be submitted 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 (2) Monument of National importance (National Monument) (3) Monument under protection of the World Heritage Convention (World Heritage Property).

Protection regulations are harsher for the Monuments of national importance and the World Heritage Properties than for the latter, without category. For example, the protection zones are wider for national monuments and World Heritage Monuments. Privatization of such property 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 the use of 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.

The data on the movable and immovable heritage registry:

- Since 2017, from 4168, the number of movable objects registered to the National Registry raised to 4222 by 2020.
- According to the data of 2017, the 7431 objects of immovable heritage have been listed in the Registry. The number raised to 7876 objects by 2020.

Protection Zones:

The system of protection zones provides specific tool for the 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).

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 following the submission of the Minister of Culture, Sport and Youth of Georgia upon approval by the relevant local authorities (Municipalities).

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, Sport and Youth if it is deemed to be necessary for the protection of a monument. E.g., the Visual Protection Zone for Historical Monuments of Mtskheta WH property was enlarged in 2017 by Minister’s Ordinance, to ensure the proper protection of the entire context of the property, its valuable historic landscape – as it was requested by the World Heritage Committee decisions.

The cultural heritage protected zones are enforced by the Law on Cultural Heritage. By definition, protected historic Landscapes stand close to the concept of a Cultural Landscape presented in the international and European treaties (e.g., European Landscape Convention, World Heritage Convention).

The Law on Cultural Heritage requires the consideration of protection of cultural heritage monuments and their protection zones within the elaboration of the spatial development documentation, also prescribed in the Code of Spatial planning, and architectural and building activities (art 42.8), and its subordinate acts.

**Elaboration of conservation and management plans**

Currently, Cultural Strategy of Georgia - 2025 is being implemented. Protection of cultural heritage in the occupied territories through intensification of international cooperation and strengthening of the international instruments are the most crucial priorities of the Government of Georgia. The issue is reflected in the Cultural Strategy of Georgia- 2025 - a long-term document on the development of culture adopted by the Government of Georgia in 2016.

The elaboration of the cultural heritage management plans is not mandatory according to the National legislation, while, to respond to the provisions of the Operational Guidelines of the World Heritage Convention, the management plans have been developed for Historical Monuments of Mtskheta and Gelati Monastery WH Properties.

According to the National Legislation, the conservation plan is the main normative act that serves as methodological guideline for heritage conservation, rehabilitation and development projects.
In line, the Cultural heritage Inspection of NACHPG implements the periodic monitoring on the ongoing works of the property. The periodicity of this monitoring depends on the specification and duration of a particular project.

Since 2020, the regional inspection has been established in the regions by NACHPG to enhance the day-to-day monitoring and supervising of the ongoing works, as well as controlling the facts of illegal interventions;

Since March, 2020, Georgian World Heritage Protection Councill has been established at the NACHPG – gathering the all-respectful stakeholders and the invited experts for reviewing the all issues related to the World Heritage Properties and its wider settings in Georgia.

Data collection in the national cultural heritage database:

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 inclusion to the list, the object is regulated by the same provisions as the registered immovable monuments are protected. 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 Ordinance of the Director General of NACHPG (on the delegated rights from the Ministry of Culture, Sport and Youth of Georgia) 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 listed Monuments.

The monument's passport is the document received on the basis of the Legal Act of the Director General of the NACHPG. 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 recommendations 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 platform (GEO-information data system of the cultural heritage, developed by the NACHPG.

The Information Systems in Cultural Heritage Management

Georgian Cultural Heritage Database Management System and GIS Portal is an innovative, contemporary system of international standards, that offers to the country a new, structured informational space for study, documentary and management of cultural heritage. Through the
system various Governmental bodies, scientific, field and educational institutions, and wider society have access to the digital data on CH resources; The System and GIS Portal comprises information on existing CH monuments/sites in the country, their protection zones, murals, stone carvings, as well as movable CH, protected at museums and museum-reserves under NACHPG, and became the instrument for planning, administration, inventory, monitoring and research of CH resources while making the data accessible for wider society and exchangeable with different State, scientific and educational institutions.

The project is implemented within the framework of the Agreement on Collaboration between NACHPG and Norwegian Directorate for Cultural Heritage (2013-2018) with the financial support of Norwegian Ministry of Foreign Affairs.

In 2007, the law of Georgia on Cultural Heritage was adopted. The purpose of the Law on Cultural Heritage is to protect cultural heritage of Georgia and to regulate legal relations arising in this field. The Law applies to cultural heritage in the whole territory of Georgia and covers all kinds of activities related to the cultural heritage, including, the terms and conditions of the rehabilitation and archeological works to be carried out, as well as a list of documents required for obtaining respectful permissions.

Hence, works being carried out on the historical and cultural monuments are regulated at state level. The relevant law provides requirements for receiving permission. State supervision of compliance with the terms of permits/requirements in the heritage field is undertaken by the NACHPG.

The Law on Museums was issued in 2001. It determines categories of museums, regulates non-state involvement in museum activity and determines the rights and obligations of legal and natural persons.

The Law of Georgia on the Export and Import of Cultural Goods from and to Georgia was adopted in 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.

Due to the legislative amendments in the organic law on Self-government of Georgia of recent years, the responsibilities of Municipalities in regard of the cultural heritage protection, were substantially increased, that stimulates more effective management and protection of heritage resources in the country, in particular:

The municipalities have the special budget point for cultural heritage preservation activities; while there is a still crucial lack of the competences, the NACHPG continuously supports the local self-governmental bodies to implement their duties and obligations – through the trainings, workshops and meetings;

Moreover, the new provisions also envisaged the involvement of the local self-government bodies in the formal interaction with the owners to control the heritage maintenance: Thus, the owner (legitimate user) of the Monument is obligated to:

- submit information on the current state of the cultural property to the NACHPG and local self-government body within one month after being notified, in accordance with the form approved by the Ministry, and enter into an agreement with the NACHPG 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;
- immediately notify the NACHPG and a local self-government body on changes concerning the state of the cultural property, its storage conditions and environment;

The owner (legitimate user) of cultural property shall be given a written warning by the NACHPG and a local self-government body, 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:

- violates the terms and conditions of the agreement with the NACHPG and a local self-government body on safeguarding the cultural property;

- violates the terms and conditions of an appropriate permit issued by the NACHPG and a local self-government body or conducts any treatment of the cultural property without obtaining a permit prescribed by this Law. Georgia takes care of the protection of the cultural values. Laws regulating the cultural heritage protection in the country have been harmonized with the international standard setting treaties.

In order to systematize and regulate the registration of cultural heritage specimens preserved in the Museum Fund of Georgia, in 2015 Ministry of Culture and Monument Protection (currently, the Ministry of Culture, Sport and Youth) of Georgia developed an information system of the collections of Georgian museums [www.egmc.gov.ge](http://www.egmc.gov.ge). More than 40,000 exhibits are registered on the system, at present.

2. Article 6 - Use of the distinctive emblem for the marking of cultural property

The 1954 Hague Convention creates a distinctive emblem for the exclusive marking of cultural property, with a view to ensure its recognition, particularly in the event of armed conflict. The marking of cultural property is one of the preparatory measures that can be undertaken in time of peace.

- **Has your State marked cultural property by using the distinctive emblem of the Convention?**

YES: ☒ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

Georgia is a country, with two regions – Abkhazia and Tskhinvali Region - occupied by Russian Federation. Considering the continuous process of illegal installation of barbwire fences and other artificial obstacles along, as well as acts of vandalism carried out by Russian occupation forces against the Georgian cultural heritage, historic and cultural monuments located in close proximity to the occupation line remain at high risk of being damaged or destroyed. Therefore, it is crucial for our country to mark cultural property with the distinctive emblem of the Convention.

Under the Article 16 of the Convention the State Party marked 19 immovable cultural properties situated in the adjacent territories of occupied Tskhinvali Region and Abkhazia, Georgia with the distinctive emblem of the Convention (please see the Periodic report for 2012-2016).
Moreover, the World Heritage Property Historical Monuments of Mtskheta, located almost in 50 kilometers from the occupied Tskhinvali region and designated for Enhanced Protection, was equipped with special distinctive emblems. In accordance with UNESCO recommendation, the event took place within the workshop on the protection of cultural property in times of armed conflict for the military personnel organized by the UNESCO Secretariat of the Convention for the Protection of Cultural Property in the Event of Armed Conflict in cooperation with Ministry of Defense of Georgia.

3. Article 7 - Military measures

This Article provides for the obligations of the High Contracting Parties with regard to the introduction in their regulations or instructions for the use of their armed forces of provisions to ensure compliance with the Convention, as well as to plan or establish within their armed forces, 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 such property. These are obligations to be implemented in time of peace.

- Has your State introduced provisions in the regulations and instructions for your armed forces to ensure compliance with the Convention?

YES: ☒ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

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

The rules of treating cultural property under general and enhanced protection and identifying their distinctive markings are part of study programs of higher military educational institutions and career programs of military educational units.

- Has your State established services or designated specialist personnel within your armed forces to ensure respect for cultural property?

YES: ☒ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

Civil-Military Affairs branch is functioning in the Georgian Defense Forces which is responsible for coordination of the mentioned issues with subordinated units and other than MOD governmental organizations, particularly with Ministry of Culture, Sport and Youth of Georgia. J-3 Operational Planning Department is structural unit of the General Staff of the Georgian Defense 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 and its Protocols, are taken into account and duly reflected in the documents.

As it was mentioned before, each brigade’s HQ has a CIMIC officer with responsibility is to provide the commanders with the information about the cultural monuments in the area of responsibility, on the exercise/operation planning phase.

For the planning purposes status of the cultural property is determined in accordance with Georgian law.

4. Article 25 - Dissemination of the Convention

Regulations relating to the protection of cultural property in time of armed conflict must be included into the programmes of military and, if possible, civilian training. The objective is to ensure that the principles of the Convention are known by the whole population, especially the armed forces and personnel engaged in the protection of cultural property.

- Has your State disseminated the provisions of the Convention within the armed forces as well as among target groups and the general public?

YES: ☒ NO: ☐
The Ministry of Culture, Sport and Youth and its subordinate body- NACHPG care about raising awareness of the importance of protecting culture in the event of armed conflict and from natural disasters.

4.1 According to the obligations under Enhanced protection of Historical Monuments of Mtskheta (WH), Georgian State agencies have moved to a new stage of enhancing their professional knowledge and skills. Georgia carried out the tasks to be implemented at national level in coordination with UNESCO.

As it was mentioned above, in September 2018, a two-day workshop on the protection of cultural property in times of armed conflict for the military personnel was held.

4.2 The special booklet in Georgian language on the convention and its protocols was edited by the Blue Shield Georgia and disseminated to the wider audience of schools and universities, as well as to the museums and heritage organizations.

4.3. Cultural Strategy of Georgia - 2025 is being implemented. Protection of cultural heritage in the occupied territories through intensification of international cooperation and strengthening of the international instruments are the most crucial priorities of the Government of Georgia. The issue is reflected in the Cultural Strategy of Georgia- 2025 - a long-term document on the development of culture adopted by the Government of Georgia in 2016. According to the vision of the strategy, Georgia is a creative country and regional hub where innovation and creativity, along with safeguarding and revitalizing national heritage and cultural diversity are the fundamental pillars of social wellbeing and sustainable development.

4.4. In July, 2019, the project "Safeguarding Cultural Heritage in Times of Crisis" was implemented by ICOM Georgia in Tbilisi, Georgia and ICOM DRMC - Disaster Risk Management Committee. Regional training was led by Corine Wegener, president of ICOM DRMC and head of US Smithsonian Cultural Rescue Initiative. The regional training kicked off with the seminar for participants on the topics of "Safeguarding Cultural Heritage in Times of Crisis - Georgian and International practice and experience" and the implementation of the Hague Convention and its protocols.

The events featured presentations by representatives of the Ministry of Education, Science, Culture and Sport of Georgia, Unit for the protection of National Treasury (Ministry of Internal affairs of Georgia), ICOM Georgia, Blue Shield, National Agency for Cultural Heritage Preservation of Georgia, Georgian National Museum, ICOM DRMC. Within the project scopes, a public lecture and a panel discussion was held where representatives of the Ministry of Education, Science, Culture and Sport, MIA and Defense Ministries, as well as Emergency Situations Service, actively participated.

The project was implemented by ICOM Georgia in cooperation with ICOM Disaster Risk Management Committee. The project was supported by the Ministry of Education, Science, Culture and Sport of Georgia, National Agency for Cultural Heritage Preservation of Georgia, US Embassy Tbilisi, Georgia. The partners of the project were Partners: Blue Shield Georgia, Georgian National Museum, ICOM Azerbaijan, ICOM Armenia.

4.5 Since March, 2020, The National Committee of Blue Shield Georgia, in coordination with National Agency for Cultural Heritage Preservation of Georgia and Sergi Makalatia Gori Museum, started implementation of the project: Planning for the Safeguarding of Cultural Heritage of Gori”. The two years project is funded by The International Alliance
for the Protection of Heritage in Conflict Areas (ALIPH) and aimed at elaboration of a pilot DRM (Disaster Risk Management) plan for the Gori Museum; A detailed documentation of part of the Gori Museum collections and their improved storage conditions; An enhanced capacity of museum staff from Gori and 15 other museums from the Shida Kartli region in preventive conservation, disaster response and first aid to cultural objects; An enhanced civil-military cooperation among state authorities engaged with cultural heritage protection in times of disasters.

4.6 In the subordinated units of the Georgian Defense Forces, three days long trainings are conducted in accordance with a working plan of “Dissemination of Law of Armed Conflicts into Defense Forces.” These trainings include discussing issues related to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

4.7 The protection of cultural property is included in the introductory trainings of “The Law of the Armed Conflict” given to the military personnel participating in Resolute Support Mission (RSM).

4.8 In 2019, the representative of Georgia took part in the International Conference dedicated to the 20th anniversary of Second Protocol to 1954 Hague Convention on cultural heritage in times of armed conflict as a panelist and shared the experience and good practices regarding implementation of the Second Protocol.

4.9 In 2019, Georgia was represented at the workshop “HeRe – Heritage Revivals – Heritage for Peace” where the participants shared experience and discussed the issues related to the preservation of cultural and natural heritage facing dangers.

4.10 On December 2-4, 2019, Under the TAIEX program, With the involvement of the Ministry of Education, Science, Culture and Sport of Georgia and EU experts, a mission of experts was held on the topic: "Protection of immovable and movable monuments of cultural heritage of Georgia during emergencies and risk management." The project was aimed to assess the current situation in terms of prevention and management of cultural heritage risks in Georgia, approximation with European legislation, strategies and best practices and develop recommendations in the field of preparation of a strategy and action plan for Georgian cultural heritage institutions. The meeting with experts was attended by organizations working in the field of cultural heritage, Emergency Management Service of the Ministry of Internal Affairs, Civil Security Division of the National Guard of the Ministry of Defense of Georgia, "Blue Shield Georgian National Committee" and representatives of the ICOM Georgian National Committee.

5. Article 26(1) - Official translations

This Article requires that the High Contracting Parties communicate to one another, through the Director-General of the United Nations Educational, Scientific and Cultural Organization, the official translations of the present Convention and of the Regulations for its execution:

Please submit a copy / copies of such translation(s), in electronic format, if possible, to the Secretariat"

Please annex an electronic copy of your translation(s) to this report:

Attach the document
6. Article 28 - Sanctions

This Article provides for the obligations of the 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, regardless of their nationality, who commit or order a breach of the Convention.

- Has your State introduced in your domestic legislation all necessary steps to prosecute and impose penal or disciplinary sanctions against a conduct contrary to the obligations set out in the Convention?

YES: ☒ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

The Criminal Code of Georgia is fully in compliance with the Constitution of Georgia and with universally recognised principles and standards of international law. Thus, the punishment for the Crime against Cultural Heritage is foreseen in the Code for the following illegal actions:

- Illegal archaeological works; damage of archaeological sites (Article 2591);
- Damage or destruction of cultural heritage (Article 2592)
- Violation of the regime of a protective zone of cultural heritage (Article 2593) (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)
- Unauthorised removal of monuments and other cultural valuables from Georgia (Article 2594)

The aforementioned illegal actions shall be punished by a fine or imprisonment for up to two years.

The special chapter in the Code (XXII2) – is dedicated to the International Crime in the Area of Cultural Heritage, according to which, the Intentional violation of international regulations for protecting cultural valuables that are under enhanced protection during inter-state and intra-state armed conflict, shall be punished by imprisonment for a term of five to ten years (Article 2595).

Within an Article 411 on the Intentional breach of the provisions of the international humanitarian law during armed conflicts, the Code provides the strict punishment by imprisonment for a term of ten to fifteen years for the assaulting on the property of an adversary party, including historical monuments, works of art or places of worship as on 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.

Furthermore, Special Law of Georgia on Occupied Territories aims to define the status of territories that have been occupied as a result of military aggression by the Russian Federation, and to establish a special legal regime for these territories. In accordance with the Constitution of Georgia, this Law sets: The occupied territories are an integral part of Georgia, to which the legislation of Georgia shall apply. The responsibility of the Russian Federation, as the state carrying out military occupation, to protect cultural
heritage in the occupied territories shall be established under the norms and principles of international law.

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 noncompliance 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. In addition 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.

Further, in recent years, some amendments have been introduced to the Georgian legislation in relation to the cultural heritage. Inter alia, the provisions of Article 30 of the Cultural Heritage Law were harmonized with the constitutional norms of Georgia - equalizing the responsibility of The Georgian Apostolic Autocephalous Orthodox Church (Georgian Orthodox Church) with other owners in case of illegal interventions (previously, based on the Concordat, it was not allowed to punish Georgian Orthodox Church in case of violation of the legislative norms in case of cultural heritage).

Within the updated provisions, the more obligations are also foreseen for the local self-governing bodies to protect cultural heritage on their territories:

an owner (legitimate user) of cultural property shall be given a written warning by the NACHPG and Self-governing body, 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:

- Violates the terms and conditions of the agreement with the NACHPG and self-governing body on safeguarding the cultural property;
- Violates the terms and conditions of an appropriate permit issued by the NACHPG andSelf-governing body or conducts any treatment of the cultural property without obtaining a permit prescribed by this Law.

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 Administrative Offences Code of Georgia.
II. Resolution II of the 1954 Conference

- Has your State established a National Advisory Committee in accordance with the wish expressed by the Intergovernmental Conference (1954) in Resolution II?

YES: [ ] NO: [X]

You can complete your answer below, taking into account the guidelines in the model report.

The National IHL Inter-Agency Commission in Georgia (hereinafter – IHL Commission) was created upon the Governmental Decree No. 408 on October 28 in 2011. IHL Commission is a permanent governmental body that coordinates the work of different governmental agencies and non-governmental sector in this field. Its aim is to effectively implement and protect International Humanitarian Law. The Commission is chaired by the Minister of Justice and comprises of representatives from different governmental bodies, the Parliament, the Judiciary, academia, ICRC to Georgia, National Red Cross Society. IHL Commission operates under the auspices of the Ministry of Justice. Secretariat of the IHL Inter-Agency Commission is the Public International Law Department of the Ministry of Justice.

According to the abovementioned Governmental Decree, the main functions of the IHL Commission are:

- to prepare and present advisory opinions to the Government on IHL issues;
- to present proposals to the Government of Georgia on the issue of acceding 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 implementation of IHL programs and various educational activities in cooperation with the International Committee of the Red Cross (hereinafter ICRC);
- to report on national achievements to the International Conference of the Red Cross, the UN Secretary General and other relevant international actors.

Since its establishment, IHL Commission has worked in different directions. One of the main areas of its work is the promotion of dissemination of IHL through different types of outreach and educational activities in cooperation with partner organizations.

For example, the Ministry of Justice of Georgia, in close cooperation with Training Center of Justice and International Committee of the Red Cross organizes annual national IHL competitions for students. During the National IHL competition, students receive trainings on various topics of IHL including the principles of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. Dissemination of IHL through annual national competition is an activity that is included in the National IHL Action plan which is adopted for 2 year time period by the IHL Inter-Agency Commission. It needs to be noted that at the 33rd International Conference of the Red Cross and Red Crescent, Georgia submitted a voluntary pledge to strengthen dissemination of International Humanitarian Law in cooperation with the National Red Cross Society. In accordance with the pledge, the National IHL Commission of Georgia and the National Red Cross Society will disseminate and spread the knowledge of IHL, including principles of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict among different target groups (volunteers, students, community members, other interested people).
Under the Article 5 of the Second Protocol of the Hague Convention of 1954 on the Protection of Cultural Property in the Armed Conflict, since 2016 at the Ministry of Culture and Monument Protection of Georgia (currently ministry of Culture, Sport and Youth of Georgia) Risk Preparedness Intergovernmental Coordination Board has been established. One of the Board’s tasks 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 the event that you have established a National Advisory Committee, has it been incorporated into a national commission for the implementation of international humanitarian law?

YES: ☐  NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.
The main purpose of the 1954 Protocol is the protection of cultural property in or stemming from occupied territory.

- Has your State undertaken measures to implement these international obligations, including the adoption of relevant legislation?

YES: ☒  NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

The Law of Georgia on the Export and Import of Cultural Valuables from and to Georgia provides for the necessity of fulfillment of the obligations undertaken by the State under International Conventions (Chapter X. International Cooperation and International Treaties). Particularly, in order to prevent the illegal export and import of cultural valuables from and to Georgia and the illegal transfer of their ownership rights the Ministry of Culture, Sport and Youth of Georgia shall cooperate with analogous services, and with governmental and non-governmental organizations of other states.

Georgia is the State Party to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. In each case, when it is available, Georgia is obliged to offer a foreign country, the return of the cultural value, which is illegally brought into its territory. The State shall:

a) prevent the purchase by museums, archives, libraries and other similar institutions existing on its territory, of cultural valuables created in a foreign state that have been imported or purchased illegally;

b) upon the request of a foreign state, take necessary measures to find and return such cultural valuables that have been imported to the territory of Georgia, provided that the foreign state is a guarantor of a full compensation to a good faith purchaser, if the payment of such compensation does not contravene the international commitments or the legislation of Georgia.

Also, the law (Article 37) establishes that in order to prevent the purchase of cultural valuables that have been stolen from a foreign state or purchased illegally, state museums or museums that are otherwise held in the ownership, libraries, archives or other state institutions preserving cultural valuables are obliged to determine legal owners or proprietors of such cultural valuables.

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, Sport and Youth of Georgia within the State Culture Strategy 2025 adopted in 2016.
IV. The 1999 Second Protocol
[To be filled in only by the Parties to the 1999 Second Protocol]

The 1999 Second Protocol supplements the 1954 Hague Convention in many respects. In case the information has already been presented in the context of questions relating to the 1954 Hague Convention, you can directly refer to it.

1. Article 5 - Safeguarding of cultural property

Article 5 of the Second Protocol supplements Article 3 of the Hague Convention by providing concrete examples of preparatory measures to be undertaken in time of peace, such as the preparation of inventories of cultural property or the designation of competent authorities responsible for the safeguarding of cultural property.

- Has your State undertaken such measures?

YES: ☒ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

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 has been implementing by the Cultural Heritage Research Service of the National Agency for Cultural Heritage Preservation.

The List of Cultural Heritage Objects is a tool for the immediate/temporary protection of cultural heritage objects. From the moment of inscription to the list an object becomes the subject to the 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 of Culture 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 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. 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 are based on the standards 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, Sport and Youth and the National Agency for Cultural Heritage Preservation.

Under the Article 5 of the Second Protocol to the Hague Convention of 1954, since 2016 at the Ministry of Culture, Sport and Youth of Georgia Risk Preparedness Intergovernmental Coordination Board has been established.

The Board aims to support implementation of the relevant measures prescribed in the Second Protocol of Hague Convention, to implement the following activities:

- to coordinate preparation and periodically update the risk preparedness plan of the World Heritage Site Historical Monuments of Mtskheta;
- to plan and organize the trainings for the respective personnel;
- to draft the legislative initiatives for enhancement of the safeguarding and safety of the World Heritage Site Historical Monuments of Mtskheta;
- 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 World Heritage Site Historical Monuments of Mtskheta;
- to plan and promote implementation of the educational and informational programs.

One of the tasks of the Board 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.

2. Article 9 - Protection of cultural property in occupied territory

Article 9 of the Second Protocol complements Article 5 of the 1954 Hague Convention by imposing specific obligations on the occupying power. Paragraph 119 of the Guidelines for the Implementation of the 1999 Second Protocol requires Parties that are occupying powers to provide information in their national reports on how the provisions relating to the protection of cultural property in occupied territory are being respected.

- Do you ensure compliance with the provisions relating to the protection of cultural property in the context of military occupation?

YES: ☑ NO: ☐ Not applicable: ☐

You can complete your answer below, taking into account the guidelines in the model report.

The Law on Cultural Heritage applies to the heritage in the whole territory of Georgia including occupied territories. As it was mentioned before, it 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 has been implementing by the Cultural Heritage Research Service of the National Agency for Cultural Heritage Preservation.

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 to 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 of Culture, Sport and Youth 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 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. 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 are based on the standards 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 developed by the Ministry of Culture and Monuments Protection and the National Agency.

2. Article 9 - Protection of cultural property in the occupied territories of Georgia

Today, two Georgian regions remain under illegal occupation by the Russian Federation. The Government of Georgia is deprived of the possibility to exercise its legitimate jurisdiction over these territories, thus the monuments located in the occupied territories cannot be controlled by our Government.

Therefore, as a result of negative impact caused by the unresolved conflict between Russian Federation and Georgia, armed hostilities, inappropriate reconstruction and conservation under the ongoing occupation, illegal archaeological excavations etc., they have been destroyed and/or put at risk of irreversible damage.

The cultural heritage in Georgia’s occupied regions of Abkhazia and Tskhinvali region became a subject to stylistic falsifications aiming to obliterate all cultural associations with Georgian history and cultural identity.

According to the media reports on the damages to the Georgian monuments in the occupied territories, majority of the listed monuments on the territory of Abkhazia are in the need of appropriate conservation, or altered in course of inappropriate “restoration” and reconstruction actions. Among them, the important monuments such as Bedia Monastery (X c.), Ilori St. George church (XI c.), Dranda Virgin Mary Dormition Episcopal Cathedral (VIII c.), Likhni...
temple (X c.), Anakophia citadel church, Akhali Atoni monastery have suffered drastic and irreversible interventions. As a result authenticity of these monuments is almost lost and significant historical evidence: frescoes and inscriptions willfully erased. The listed monuments like Ghumurishi (XI c.) and Tsarche churches are brought to the state of ruin. The Bitchvinta monastery is arbitrarily converted into a concert hall.

The situation remains grave with regards to the illegal archaeological excavations with the involvement of Russian archaeologists and illicit trade of cultural properties. The information is spread on the excavation of the Eshera, the Jantukhi burial and the archaeological sites of Achandara. Inappropriate use of illegally acquired archeological values create a serious threat and contradicts the 1970 Convention on the Prohibition and Prevention of Cultural Valuation, Transfer and Transfer of Ownership Rights.

In September 2017, two-week archaeological investigation works were completed in the ruins of the Sokhumi Fortress. This was the archaeological investigation of the first year students of the university of the self-proclaimed republic of Abkhazia. The site of the ancient Roman epoch, the Latin tile with the ancient Greek inscriptions dating back to the first century AD has been found on the site. During archaeological examinations, students also discovered the tombstone detail (the end of XVIII and the beginning of XIX centuries).

Black Archaeology in Abkhazia is a special concern for Georgian Government. It is to note that, according to the media reports, the artifacts from Abkhazia, namely the ceremonial silver bowl (VI c.) with the engraved Golgotha mountain, silver spoons with monographs (EYTYXH, AONEY) of VI c. and a glass bowl (I-II cc.) were exhibited in Hermitage Museum of St. Petersburg, Russia in the frame of the permanent exhibition “Byzantine Art of 4th -15th centuries” (October 2017).

The artifacts originate from Khashupsa Fortress in western Abkhazia, that represent black archaeology, are carried out by smuggling and purchased by the Hermitage museum of Petersburg, Russian Federation.

In the beginning of 2017 the outstanding monument’s complex in Tsebelda was barbarically destroyed by Russian occupation forces and used as a military polygon for trainings. As a result, a multi-layered archaeological architectural site, including Fortress of late antiquity, late medieval church, ancient settlement, burial and cemetery ruins was almost destroyed. Human bones were scattered throughout the polygon. Taking into account the huge scale of damages, restoration of the monument is impossible.

The acts conducted by the Russian occupation forces to use the heritage site as the military polygon once more prove that we all have to work harder to achieve the main objectives the Convention was created for.

It is noteworthy that in February 2017, the vandal act on the National Category Monument - Bedia Monastery (Xc.) when Russian restorers destroyed Georgian wall paintings in the Bedia church. The walls were completely plastered and the unique wall paintings were scraped from the wall. As a result, the ancient wall painting of Bagrati III as well as wall painting of Virgin Mary were destroyed. Also, the distinguished samples of Georgian ornaments of the church were broken and thrown in the yard of the church. The destruction of the wall paintings was carried out during the so-called "restoration works" and it was carried out by unknown "restorers" from Russia.

The altar walls of the church of Anakophia fortress that was embodied with unique carved stone reliefs, paintings and early Christian inscriptions in Georgian and Greek letters, in 2017 was demolished.
In the same period, the so-called Historical Turkish Bathes, having cultural heritage status, were fully destroyed by excavator for new complex construction.

Since 2016, with the support of the State Department of Cultural Heritage of the Ministry of Culture of the Russian Federation, international scientific-practical conferences are held on cultural heritage issues in Abkhazia where specialists of Russian organizations are actively involved.

Like in Abkhazia region, numerous illegal and arbitrary actions are recorded in occupied Tskhinvali region as well. Cultural heritage remains threatened under the occupation regime on the territory of Tskhinvali Region (Great and Small Liakhvi, Prone and Ksani gorges). Significant number of monuments suffered damage and destruction during the 2008 war, including: Kheiti Archangel Church (XVI), Eredvi St. George Church (914 AD), Ivane Machabeli Memorial house-museum in Tamarasheni, St. George’s wooden church (XVII c.) in Sveri. Since 2008, the arbitrary so-called "restoration" works have been undertaken on Tiri Monastery (XIII c.), Achabeti fortress, Geri St. George church and Ikorta church.

Illegal archaeological excavations have been conducted at Achabeti fortress, Zghudari hill, also during the construction of Tskhinvali-Akhalgori road, where medieval burial was damaged.

In 2017, the Zghudari Church was outraged by vandals, while the icons and the altar was destroyed.

The decision on demolishment of the cultural heritage monument of 19th c. in the Jewish quarter of Tskhinvali was issued by the de facto government in 2019, for the construction of new garages.

These facts are only a part of the problems facing the monuments located in the occupied territories, about which Georgia's relevant agencies have scarce and fragmented information.

It should be underlined that the responsibility for any form of damage to the artifacts of Georgian cultural heritage located in the occupied Abkhazia and Tskhinvali regions of Georgia rests on the Russian Federation as it is the occupying power and exercises effective control of these two regions as it has been attested by the judgment of the European Court of Human Rights on 21 January 2021. Cultural heritage located on the occupied regions of Georgia represents an integral part of cultural identity of people of Georgia.

Considering the impossibility to provide any protection measure on the ground, Georgia is actively collaborating and raising this issue of protection of cultural heritage in the occupied territories with various international organizations including UNESCO and other relevant UN agencies, Council of Europe, EU and OSCE.

The Government of Georgia is raising the issues related to the protection of cultural heritage in the Geneva International Discussions - a format of negotiations between Georgia and the Russian Federations established to tackle the aftermath of 2008 Russia-Georgian war and security and humanitarian challenges stemming from Russian occupation.

One of the priorities of the Cultural Strategy 2025 is to elaborate and reinforce the 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.):
- As the Georgian Government is deprived of the possibility to carry out inventory in the occupied territories, which makes it impossible to establish GPS coordinates of monuments located therein, the National Agency for Cultural Heritage Preservation developed an electronic map, in which the cultural heritage is identified on the level of areas/settlements and villages (visit http://myherita.ge/). According to updated information received, a number of Cultural Heritage Sites located in occupied Tskhinvali Region was edited in the GIS database. Currently, work is underway to add sites/objects to the GIS database and, if existing, to edit and supplement information (description, visual, graphic material);
- The special Exhibition dedicated to the Cultural Heritage of Occupied Tskhinvali Region has been arranged as a final event of the annual Educational programme (2019);
- In 2019 - creation of a website of Cultural Heritage in the Occupied Tskhinvali Region - the project was implemented in partnership with the Georgian Blue Shield National Committee. The project envisaged creation of a web-site containing coordinates (relatively accurate) of nearly 300 cultural heritage sites in the occupied part of Shida Kartli (Didi Liakhvi, Prone and Ksani valleys) and descriptions in Georgian and English languages. Continuation of the project envisages placing cultural heritage sites and relevant annotations on the map (there are about 800 objects and monuments left on the occupied territory of Shida Kartli), as well as enriching the website with photos;
- In 2020, in the administration building of the Didi Liakhvi Museum-Reserve (the site that was destroyed during the armed conflict of 2008), Gori, the project "Art Education in the Gori IDP Settlement" was implemented, funded by the Ministry of Education, Science, Culture and Sport. The project envisaged conducting selected lessons from the educational program "Cultural Heritage for Children" of the National Agency of Cultural Heritage of Georgia, for the IDP children from Samachablo;
- “Georgian National Museum” prepared trilingual (Georgian-Abkhazian-English) publication on objects from the museum collection related to Abkhazia.
- “Georgian National Museum” hosted Scientific Conference for “Cultural Heritage on Occupied Territories” in organized by Blue Shield Georgia. It is obvious, that the closed borders and almost complete absence of information flow from the occupied territories make it difficult to achieve real changes, but the participants of this conference showed their readiness for further dialogue and partnership with the people in Abkhazia and South Ossetia. For them it is clear enough that cultural heritage, which is in need of preservation, belongs equally to those living on either side of the occupation line.

3. Article 10 - Enhanced protection


- Do you intend to request the granting of enhanced protection for cultural property within the next four years or, if appropriate, to submit a national tentative list under Article 11 (1) of the 1999 Second Protocol?

YES: ☐ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.
Due to the vulnerable geo-political location and ongoing “borderisation” by Russian occupation forces of Georgian territories, the further work on elaboration of the dossiers for requesting to grant of enhanced protection for distinguished cultural heritage in following years is considered as a crucial task. For this reason, it would be useful to apply to the international assistance for estimating jointly the Tentative list of the potential properties through evaluation if those satisfy the all 3 criteria necessary to be submitted for obtaining the Enhanced Protection status to the selected property/ies to the Committee for the Protection of Cultural Property in the Event of Armed Conflict.

MONITORING OF CULTURAL PROPERTY UNDER ENHANCED PROTECTION

[If some cultural property in your State benefits from enhanced protection, please also fill in this part of the questionnaire].

The benefit of enhanced protection implies the continued fulfilment of the conditions provided for in Article 10 of the 1999 Second Protocol.

- **Is a specific mechanism for monitoring cultural property under enhanced protection** in place? For example, are the measures undertaken to ensure the highest level of protection periodically reviewed to ensure their full adequacy in all circumstances?

YES: ☒ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

The NACHPG through its structural unit of the Great Mtskheta Archaeological Museum-Reserve, implements the day-to day monitoring of the state of Historical Monuments of Mtskheta WHS that is under Enhanced Protection since 2016.

In line, approx. once per month, Cultural Heritage Inspection (of NACHPG) together with Georgian World Heritage Protection Councill implement the monitoring of the property, to evaluate the different issues of the state of conservation.

The establishment of the Georgian World Heritage Protection Councill at the NACHPG in March, 2020, was as a result of the recommendations given to the State Party within the UNESCO Advisory service to Georgia developed in the framework of the agreement signed between the State Party and UNESCO, and financially supported by the World Bank (UNESCO/Georgia Agreement) in 2015-2017, aimed at supporting the State Party in capacity building for implementation of the Convention. Based on the participatory process, the Councill gathers the representatives from all Stakeholders (respectful ministries, field institutions, local municipality, related NGOs, independent experts) to harmonize all needs and reach agreed decisions – ensuring the proper protection of World Heritage Properties in Georgia.

Furthermore, upon the World Heritage Committee Decision 42 COM 7B.24, issued for Mtskheta WH Property, the State Party is requested to submit, in accordance with Paragraph 172 of the Operational Guidelines, detailed information on any proposed development projects within the property, its buffer zone and setting for review by the World Heritage Centre and the Advisory Bodies prior to any decisions being taken that could be difficult to reverse.
Since 2017, the monitoring missions were implemented (2017- within the Cultural Heritage Advisory Service by UNESCO to Georgia of 2015-2017, 2018 - Joint UNESCO World Heritage Centre / ICOMOS / ICCROM Reactive Monitoring Mission; 2018-Joint UNESCO World Heritage Center-ICOMOS Advisory Mission and 2020- Joint ICOMOS /Independent International Expert (the latter was recommended by WHC) Consultancy Mission for the Spatial Development plan – being elaborated by Ministry of Regional Development and Infrastructure of Georgia in cooperation with all Stakeholders.

On the basis of the intermediate periodical reports the annual report on State of Conservation of the property is elaborated by the UNESCO and the NACHPG upon request of the World Heritage Committee decisions.

On the basis of periodical reports, as well as upon the valuable recommendations provided by the World Heritage Committee and the Advisory Bodies, the short and long-term strategies are elaborated to improve the State of Conservation and ensure the safeguarding of the OUV of the property.

Pursuant to paragraph 94 of the Guidelines, a distinctive emblem is created for the exclusive marking of cultural property under enhanced protection.

- Has your State marked with the distinctive emblem cultural property under enhanced protection?

YES: ☐ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

Since the WH Property Historical Monuments of Mtskheta was granted the Enhanced Protection according to the Second Protocol of 1999 Hague Convention on the Protection of Cultural Property in the Armed Conflict at the 11th meeting of the Committee for the Protection of Cultural Property in the Event of Armed Conflict in 2016, pursuant to the provisions of the Second Protocol, in 2018 the Historical Monuments of Mtskheta – were marked by special distinctive emblems.

The event of marking was held during the trainings provided by UNESCO to the military services on the implementation of the provisions of the Convention and its Protocols.

4. Article 15 - Serious violations of the 1999 Second Protocol

“Article 15 obliges Parties to establish as criminal offences in their domestic law offences constituting serious breaches of the Second Protocol, and to make such offences punishable by appropriate penalties”.

- Has your State implemented this obligation? If yes, what measures have been undertaken?

YES: ☐ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.
The Criminal Code of Georgia penalizes violation of international rules of protection of cultural heritage during armed conflicts. This Code (Chapter XXXII, Article 2595) 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 Code provides sanctions for illicit export (Chapter XXXII1, Article 2594) and subjects to fine or imprisonment up to 2 years.

Criminal Code of Georgia also 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.

5. Article 16 - Jurisdiction

Pursuant to Article 16 of the Second Protocol, the Parties shall take the necessary legislative measures to establish their jurisdiction over offences set forth in Article 15 of the 1999 Second Protocol in certain cases.

- **Has your State implemented this obligation?** If yes, what measures have been undertaken to grant jurisdiction to your courts over serious offences under the 1999 Second Protocol?

**YES:** ☒  **NO:** ☐

You can complete your answer below, taking into account the guidelines in the model report.

Offences mentioned in Article 15 of the Protocol are incorporated in the national legislation, 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 nationals 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 a 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.

6. Article 21 - Measures regarding other violations

The 1999 Second Protocol obliges Parties to adopt legislative, administrative or disciplinary measures as may be necessary to suppress certain other violations of the Second Protocol:

a. any use of cultural property in violation of the 1954 Hague Convention or the 1999 Second Protocol;
b. any illicit export, other removal or transfer of ownership of cultural property from occupied territory in violation of the 1954 Hague Convention or the 1999 Second Protocol.

- Has your State implemented such measures?

YES: ☒ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

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 XXXII2, Article 2595) 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 XXXII1, Article 2594) and subjects to fine or imprisonment up to 2 years.

7. Article 30 - Dissemination

Article 30 of the Second Protocol complements Articles 7 and 25 of the 1954 Hague Convention. In this regard, Article 30 it asks the Parties, to endeavour by appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect for cultural property by their entire population, to ensure the dissemination of the 1999 Second Protocol, and to incorporate in their military regulations’ guidelines and instructions for the protection of cultural property.

- Has your State disseminated the provisions of the Convention and the Second Protocol within the armed forces as well as to target groups and the general public?

YES: ☒ NO: ☐

You can complete your answer below, taking into account the guidelines in the model report.

In 2017 Georgia submitted report on the implementation of the 1954 Hague Convention and its two protocols.


Activities of the Georgian National Museum, in the field of cultural heritage protection:

1. Hosted and co-organized in cooperation with ICOM Georgia Regional training for ‘South Caucasus Museums Safeguarding Cultural Heritage in Times of Crisis’;
2. ‘The Wheel of The Emergency Response and Risk’ was translated and published. It highlights the importance of the first 48 hours after a fact of emergency situation, as well as the sequence of actions to control the situation. Printed material and relevant information were spread among the Institution’s staff members;


4. The BlueShield Georgia translated ‘Emergency Handbook’. The handbook describes how the exhibits should be evacuated and saved, in compliance with international regulations and standards;

In 2020, with the support of the Ministry of Culture’s Museum Development Program, the Georgian National Committee of the Blue Shield translated the Handbook-Publication - "Cultural Heritage First Aid in Crisis" by ICCROM. The publication describes all the stages of first aid, explains the nature of the disaster, the causes and specificity of the cultural heritage. It also covers the entire cycle of the disaster event: as well as the analysis of the post-disaster situation, the assessment of damage and subsequent risks, as well as the stage of heritage survival and early recovery.

At the Academy of the Ministry of Internal Affairs of Georgia, the basic training programs, as well as programs for upgrade qualification and promotion include topics such as: the right to life and the principle of proportionality in the use of force. Theoretical and practical issues for the use of proportional force are considered in studies of human rights, law-enforcement legislation and tactical trainings. It is also noteworthy that the legal issues of the use of force are taught in accordance with national and international law, the case law of the ECHR.

8. Article 33 – Assistance of UNESCO

Pursuant to paragraph 151 of the Guidelines for the Implementation of the 1999 Second Protocol, the Parties having activities at bilateral or multilateral level are invited to inform the Committee, in their periodic reports, of their activities in order to share their experiences or good practices.

- Has your State shared, in particular through the Secretariat of UNESCO, your experiences and good practices in implementation of the 1954 Hague Convention and/or its Protocols?

YES: ☒ NO: ☐

The information on implementation of the Convention and its Protocols is provided to the Secretariat through the periodic reports.


Pursuant to Article 37 of the Second Protocol, the Parties shall translate the 1999 Second Protocol into their official language(s) of their countries and shall communicate these official translations to the Director-General.
Please submit a copy / copies of such translation(s), in electronic format, if possible, to the Secretariat.

Please annex an electronic copy of your translation(s) to this report.
V. Other questions relating to the 1954 Hague Convention and its two Protocols

1. Ratification of / accession to other international treaties having provisions of the protection of cultural property

- Can you indicate the other international instruments to which your State is a party?

<table>
<thead>
<tr>
<th>International instruments</th>
<th>Ratification/Accession</th>
</tr>
</thead>
<tbody>
<tr>
<td>1972 UNESCO Convention on the Protection of the World, Cultural and Natural Heritage</td>
<td>Ratification</td>
</tr>
<tr>
<td>2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage</td>
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<tr>
<td>2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage</td>
<td>Ratification</td>
</tr>
<tr>
<td>2005 UNESCO Convention for the Protection and Promotion of Diversity of Cultural Expressions</td>
<td>Accession</td>
</tr>
<tr>
<td>Additional Protocol (I) to the Geneva Conventions, 1977</td>
<td>Ratification</td>
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<tr>
<td>Additional Protocol (II) to the Geneva Conventions, 1977</td>
<td>Ratification</td>
</tr>
<tr>
<td>Additional Protocol (III) to the Geneva Conventions, 2005</td>
<td>Ratification</td>
</tr>
<tr>
<td>1954 European Cultural Convention (CoE) Convention for the Protection of the Architectural Heritage of Europe 03/10/1985</td>
<td>Accession</td>
</tr>
<tr>
<td>European Convention on the Protection of the Archaeological Heritage (Revised) 16/01/1992</td>
<td>Ratification</td>
</tr>
<tr>
<td>European Convention for the Protection of the Audiovisual Heritage 08/11/2001</td>
<td>Ratification</td>
</tr>
</tbody>
</table>
2. National practice relating to the implementation of the Hague Convention and its two Protocols

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

- Relevant **civil and military administrative regulations**:
  
  PDF Document Website

- **National laws** relating to the protection of cultural property, as well as criminal provisions adopted in the context of the implementation of Article 28 of the Hague Convention and Articles 15, 16 and 21 of the Second Protocol, and case law relating to the protection of cultural property.

  PDF Document Website

- Documents relating to awareness-raising activities (seminar programme, brochures, etc.), as well as any other document (legislative, judicial or administrative) relevant to the dissemination of the 1954 Hague Convention and its 1999 Second Protocol.

  PDF Document Website

3. Effectiveness of cooperation mechanisms at the national level

- The implementation of the Hague Convention and its two Protocols requires cooperation at the national level between the various authorities (civil, military, etc.). Can you assess the degree of cooperation, at the national level, in your State?

  | There is no cooperation between the different authorities | ☐ |
  | There is limited cooperation between the different authorities | ☑ |
  | There is cooperation between the various authorities, but there are still improvements to be made | ☑ |
  | There is a perfectly functional cooperation between the different authorities | ☐ |
  | Other (specify) | ✗ |
VI. Self-assessment forms

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

1. **Assessment of the degree of implementation**
   
   [To do this, please use the following rating scale]

   1. Not at all implemented;
   2. Partially implemented and the process is at standstill;
   3. Partially implemented, the process following its course; and
   4. Fully implemented.

   | Implementation of the safeguarding obligation through the adoption of preparatory measures | 3 |
   | Military training on regulations for the protection of cultural property | 3 |
   | Use of the distinctive emblem to mark cultural property | 4 |
   | Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences | 2 |
   | Adoption of relevant criminal legislation | 4 |
   | For Parties with cultural property under enhanced protection only. | 4 |
   | Establishment of a monitoring system for cultural property under enhanced protection at the national level | 4 |

2. **Assessment of the difficulties encountered**

   [To do this, please use the following rating scale]

   1. Difficulties are encountered, but there are no plans to seek technical assistance from the UNESCO Secretariat;
   2. Difficulties are encountered, nevertheless, it is planned to make use of the technical assistance of the UNESCO Secretariat;
   3. Difficulties were encountered, but thanks to the technical assistance of the Secretariat they could be resolved;
   4. Difficulties were encountered at first, but they turned into challenges that were overcome; and
   5. No difficulties were encountered.

   | Implementation of the safeguarding obligation through the adoption of preparatory measures | 2 |
   | Military training on regulations for the protection of cultural property | 4 |
   | Use of the distinctive emblem to mark cultural property | 4 |
   | Implementation of the obligation to disseminate, through the implementation of awareness-raising activities for target audiences | 2 |
   | Adoption of relevant criminal legislation | 5 |
   | For Parties with cultural property under enhanced protection only. | 5 |
   | Establishment of a monitoring system for cultural property under enhanced protection at the national level | 5 |
VII. Enhanced protection mechanism – 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 criteria are cumulatively met:

- Cultural property is of the greatest importance to humanity;
- Cultural property is protected by adequate domestic, legal and administrative measures recognising its exceptional cultural and historical value and ensuring the highest level of protection; and
- Cultural property must not be used for military purposes or to shield military sites. And the Party which has control over the cultural property has to make a declaration confirming that it will not be used for military purposes or to shield military sites.

As these conditions are set out in an international treaty, their interpretation cannot be made independently of State practice, which is of fundamental importance under international treaty law. Therefore, 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 consideration the relevant paragraphs of the Guidelines for the Implementation of the Second Protocol.

• Article 10, paragraph (a) - "The greatest importance for humanity"

Please list the main factors to be undertaken into consideration in determining whether a cultural property is of the greatest importance for humanity?

The already inscribed properties into the World Heritage List are a constant declaration that the property represents of the greatest importance of humanity. While, the heritage sites, not yet covered by the World Heritage Convention, should be accessed through the similar provisions of the Operational Guidelines, proofing the OUV, its integrity and autencity.

• Article 10, paragraph (b) - "The highest level of protection"

Please mention the national authorities to be consulted in determining the choice of measures to be adopted to ensure the highest level of protection for a cultural property for which enhanced protection is requested. What measures can ensure the highest level of protection?

To ensure the highest level of protection for a cultural property in need, the following national authorities must be consulted: Ministry of Defence of Georgia, Ministry of Internal Affairs, Ministry of Culture, Sport and Youth of Georgia and the Patriarchate of Georgia (when relevant).

The measures that can ensure the highest level of protection are determined by the:

- Law of Georgia on Culture (1997, last amended 2021)
It is to note that, the last amendments to the abovementioned laws made in 2021, are a result of structural changes in the Government of Georgia when two separate ministries (The Ministry of Education and Science and the Ministry of Culture, Sport and Youth) were created.

- **Article 10, paragraph (c) - "Not-used for military purposes"**

Please mention the national authorities to be consulted in order to take the decision not to use the proposed cultural property for granting enhanced protection for military purposes or to shield military sites?

The following national authorities must be consulted in order to guarantee the protection of cultural properties during military actions: Ministry of Defense of Georgia, Ministry of Internal Affairs and Ministry of Culture, Sport and Youth of Georgia. The special declaration by the military authorities shall be signed for non-using of the property for the military reasons, also, to avoid any kind of condition, when the property should be targeted by the fighting party.