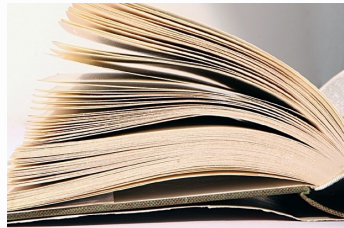


Common borders. Common solutions.

Project “Black Sea Cultural Animation Program”
Pilot model for mobilizing the common cultural characteristics for creative destination management in the Black Sea Basin



Georgia: Cultural Policy & Cultural Animation



2011



Black Sea Cultural Animation Program
Pilot model for mobilizing the common cultural characteristics for creative
destination management in the Black Sea Basin (BS CAP)

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Georgia: Cultural Policy & Cultural Animation

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"Compendium of Cultural Policies and Trends in Europe"

Common borders. Common Solutions.

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1. Cultural policies and instruments

1.1 Overview of Latest Cultural Strategies

Within the period 1990-2005, all changes of government in Georgia were not evolutionary but revolutionary. As a result of this the concept of succession and sustainability have been established themselves neither on the national level, nor in the cultural policy, thus hindering the creation and implementation of the long-term cultural strategy. The problem of strategic planning is also complicated by frequent changes in the cadre policy.

The declared policies have not been always supported by appropriate instruments and levers thus resulting in the lowering of public confidence.

For the period from 1993 to 2003 were typical financial limitations, and the arts the cultural policy had no clear strategy. However, the culture was declared as one of the priorities of the state. The declared principles of decentralization of culture were not implemented consistently to become irreversible.

In the post-revolutionary period (since 2004) the experiments with entrepreneurial injections and total privatization of the material base of cultural industries began. However, against the background of the modified legislation and the institutional model of the state system based on the principle of centralization¹, the pursued cultural policy did not provide a systematic capital inflow, diversification of sources of financing of the culture in general, but was focused on the “blind” application of the market logic to the culture sphere. This strategy failed, both in terms of investor’s interest and in terms of development of institutions and infrastructure.

Until 2010, the idea that the art and culture should serve the economic growth, contribute to increase of exports and employment, and that the culture should be devoted to the positive development of the state and its image, were not very popular. Therefore, there are inconsistencies between the attempts to implement the business model and its centralization excluding such attempts in principle.

At the same time the sub-strategic lines, some of them successful, have been separated namely:

Protection of cultural heritage uniting the many-time increased public and private funding to the development of institutions responsible for protection of monuments².

Studies focused on the issues of restoration and conservation, and archeology and paleontology. Supported by the Ministry of Education and Science.

Cultural animation as an instrument for providing cultural democracy through participation of a large number of viewers in various social activities, has gained its force especially in the postwar period (since 2008).

¹The amendments to the Constitution as of 2004 have sharply changed the balance of the power branches towards the strengthening of the presidential power.

² In 2009 was established the Agency for Protection of Cultural Heritage of Georgia under the Ministry of Culture and Cultural Heritage.

Dissemination of the culture associated with super communicative ability of modern culture, with digital technology, the redistribution of cultural product, with the development of "creative industries" has the increasing governmental support.

The art created by the modern artists in the present is not so successful. This sphere is relatively consistently supported by the state, but this is an area of cultural policy where the elements of paternalizing are noticeable. Least of all the state supports **education** in the field of culture. In general, the policy of education, developed by the influential Ministry of Science and Education is implemented in the cultural sphere just copying the formal aspect of the Bologna process but not taking into account its ability to correlate with the tradition of creative education in Georgia.

Identification of priority areas

The strategic goals of the cultural policy for 2004 -2009 though having undergone some changes mainly stay in force:

1. *protection, popularization and use of tangible and intangible cultural heritage of Georgia;*
2. *support for cultural centers / organizations of national significance;*
3. *development of infrastructure in the cultural sphere to promote equal participation in cultural life for the regions of Georgia;*
4. *sustainability of the system of creative education;*
5. *maximization of contributions from the cultural sphere to the economy of Georgia;*
6. *Creation of a free and competitive space for the sphere of culture.*

In 2007 the theme of cultural heritage and culture of minorities was expanded. In 2010, the emphasis was made on *creation of a positive image of Georgia worldwide*. In the postwar period, in collaboration with the Ministry of Foreign Affairs the strategic issue has become *protection of immovable cultural heritage and the Georgian language on the occupied territories*, as well as *UNESCO's role in solution of those issues*³.

In 2011, in the context of adoption of the new Constitution⁴ and the declaration of the entrepreneurial model of the cultural policy is emphasized the theme of correlation of culture and economy: 1. *Employment in culture sphere*, 2. *support for investment and tourism*, 3. *development and support of "creative industries"*.⁵

³ After the Russia-Georgia military conflict in 2008, the cultural policy of the separatist governments in the breakaway "independent" republics of Abkhazia and South Ossetia has been openly nationalistic and anti-Georgian. In particular, this relates to the immovable monuments of cultural heritage and teaching and use of the Georgian language by the ethnical Georgian of those autonomies. . The Georgian state has opposed this policy using legal measures (*Law on Occupied Territories*) and financial tools (financing of programmes for reintegration and integration, promotion of culture of national minorities).

⁴ On 15 October 2010, the new *Constitution of Georgia* was adopted, which changes the system from a presidential state model to a mixed parliamentary-presidential model. Consequently, the powers of the prime minister and the Parliament are strengthened and the presidential functions are diminished. The *Constitution* takes effect step by step: the section regarding judicial power has been put into force already, while the section regarding the functions of the prime minister, parliament and president will take effect after the next parliamentary and presidential elections (the end of 2012, 2013).

⁵ The sphere of culture is defined as the creative industry and is consequently considered as one of the sector of economy.

2 Overall description of the system

2.1 Political System

Georgia is a democratic republic divided into 9 regions, 65 territories, 2 autonomous republics - Abkhazia and Ajara, and 5 cities. The official language is Georgian, except in the territory of Abkhazia where both Georgian and Abkhazian languages are official. The capital city of Georgia is Tbilisi with a population of 1 253 000.

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2.2. Administrative System

The system of administration includes the following branches of authority:

Parliament - holding legislative powers; the parliamentary committee for education, science, culture and sports is responsible for legislation and supervision of the executive power (the Ministry of Culture, Monument Protection and Sport of Georgia).

President of Georgia - the head of the state; holds the central place in the hierarchy of the executive power. The President's Administration includes the Internal Policy Service. The Service for Culture, Science and Youth Affairs which existed at the State Chancellery before the Rose Revolution has been dismantled; only one unit in the newly formed Internal Policy Service represents Culture, Science, Social and Religious Affairs.

Cabinet of Ministers and its head - the Prime Minister - forms the executive power. In 2004, the amendments made to the Constitution strengthened the role of the Prime Minister and the Cabinet of Ministers.

The institutional division of authority among various levels of power in culture is as follows:

National government:

The Ministry of Culture and Monument Protection of Georgia is the central authority that forms and pursues cultural policy. The ministry is also the main governmental body that subsidizes the cultural sector.

The structural entities and institutions of the Ministry, participating in the planning and implementation of Cultural Heritage policy are:

-The Department for Cultural Heritage Strategy, Coordination and Permissions - supports and implements measures for the identification, safeguarding and development of tangible and intangible cultural heritage on the territory of Georgia.

- The Cultural Heritage Protection Council- is a consultative body for the issues of registering cultural heritage monuments, categorization and other methodological topics, such as protection of statues of historical settlements etc.
- The National Agency for Cultural Heritage Preservation - Agency is responsible for the management and monitoring of national monuments and objects of world heritage; also for the issuing of permissions for the Cultural Heritage Monuments' protection and rehabilitation projects.

The structural entities and institutions under the Ministry, implicitly participating in the planning and implementation of Cultural Animation are:

- Events and Regional Coordination Department
- Art and Education Department
- Department of International Programmes and Georgian Culture Popularization

Other Ministries and bodies, which directly or indirectly participate in the development and implementation of cultural policy, and particularly in the protection and popularisation of cultural heritage, cultural tourism and cultural animation are:

-*The President's Administration* --*The President's Administration* cooperates with the Ministry of Culture and Monument Protection in the planning, financing and arrangement of all major public cultural events inside and outside Georgia

There are Reserve Funds of the President of Georgia and Government of Georgia that finance emergency programmes, including those in the cultural sphere. Such programmes are implemented together with the Ministry of Culture and Monuments Protection and promote more centralisation of the state policy for culture.

-Ministry of Sports and Youth Affairs- One of the strategic goals of the ministry is the support of youth initiatives and particularly socio-cultural animation

-Ministry of Economy and Sustainable Development- is in charge of privatization of state property, including historical monuments and protected territories; issues of urbanization and construction; tourism development.

-Ministry of Environment and Natural Resources and its Agency of Protected Areas carries out proper utilization of protected areas, where apart of valuable natural resources, the historical monuments and sites are situated. So, the ministry also participates in protection of cultural heritage, although it is beyond direct mission.

-*The Ministry of Foreign Affairs* is responsible for the development and implementation of a single foreign policy, including the foreign cultural policy. The Ministry provides coordination with foreign countries and international organizations. The National Committee of UNESCO at the Ministry of Foreign Affairs of Georgia coordinates the ministries, institutions and agencies engaged in the sphere of culture. The Secretariat of the Committee is also established under this Ministry.

-*Ministry of Justice* - The functions of the *Ministry* regarding the cultural and natural heritage are limited to the activities of its subordinate entities of public law - the National Archive and the National Agency of Public Register.

-Advisory bodies or councils: In the Georgian system of cultural administration there is no institute or independent arts council. Advisory bodies - branch committees - were established at the Ministry of Culture and Monument Protection. These committees are composed of freelance experts but remain largely inactive.

There are no special bodies such as councils, committees or working groups facilitating representation and participation of national and cultural minorities or groups of immigrants in the cultural processes. The only authority which indirectly addresses these issues (in the context of the protection of the general rights of minorities) is the Centre for Tolerance at the Office of the Ombudsman of Georgia.

-Local authorities: In line with Georgian legislation, the governments of Abkhazia and Ajara Autonomous Republics have their own Ministries of Culture which are responsible for programmes within their respective administrative borders.

The local authorities of administration (municipalities) and self-government (sakrebulo - city or village councils) bear responsibility for cultural activity in the regions.

Institutions of culture (theaters, clubs, museums, libraries, centers and houses of culture, art and music schools) subordinate to local authorities are united in the so called cultural centers-umbrella organizations with the specific status and state-municipal funding.

Presidential power in the regions is realised through the institute of presidential "rtsmunebuli" (the governor / president's attorney). There are 10 rtsmunebulis throughout Georgia. The Governor's Office includes the committee for culture (institutions and programmes of regional importance. The Rtsmunebuli Office is financed from the central budget. In many respects, the President's institutes -"Rtsmunebuli"- duplicate the functions of the bodies of local administration and self-government and due to a trend of centralization in recent years the powers of the rtsmunebuli have been further reinforced.

2.3 Legal System

Georgia is a democratic republic where the rights and freedoms of individuals are of the highest value. According to the *Constitution*, this Law reinforces the right of an individual to carry out cultural activities and this is the integral and inviolable right of all citizens. All citizens of Georgia are entitled to carry out free creative and cultural work according to his / her interests and abilities. (art.23, 38).

The Constitution, which is the supreme law of the country, declares cultural heritage protection and preservation a duty of every citizen of Georgia and the subject to relevant state legislation (art. 34).

The legislation determines a creative worker as an author, reproducer or interpreter of cultural values in the development of intellectual and creative process.

The issues of spatial planning, nature protection and cultural heritage are regulated by different legislative and subordinate legal acts. The protection of cultural and natural heritage is implemented on the basis of national legal system and international conventions and charters ratified by Georgia.

2.4 Economic System

After the hard economic depression of 90-ies, the positive changes emerged in the beginning of 2000. The process of reforms has been started in 2003 and was directed towards the liberalization of economic and business environment to attract foreign investments and stimulate entrepreneurship. Due to the policy of decentralization, the number of fields regulated by the state had been rapidly decreased and the regulations simplified. The economics of the country had been diversified, that in 2007 resulted in the increase of GDP by 12.3%.

The general tendencies of financing the culture, cultural heritage and tourism sectors were positive in recent years. For example, the allocations of state budget for the protection of cultural heritage were continuously increasing during 2005-2009. Due to the economic crisis the amount allocated by the budget for the National programme for Cultural Heritage had been significantly reduced in 2010.

3. General Overview on the cultural infrastructure

According to the Georgian legislation, the cultural (as well as any other) organizations may be legal entities under the public law, private law or NGOs.

3.1. Cultural Institutions - Legal Entities under the Public Law

Since 1999 in accordance to the law on legal entities of public law, the cultural bodies under the Ministry of Culture and Monument Protection re-registered as a Legal Entities of Public Law. Those of them directly or indirectly participating in Cultural animation are:

- The National Agency for Cultural Heritage Preservation
- Museum-Reserves
- National Museum
- State Music Centre;
- National Centre of Cinematography;
- State Folklore Centre of Georgia;
- Center for Traditional Polyphony of Tbilisi V. Sarajishvili State Conservatoire
- National Tourism Agency of Georgia (The Ministry of Economy and Sustainable Development);
- National Committee of UNESCO at the Ministry of Foreign Affairs of Georgia
- Agency of Protected Areas (The Ministry of Environment Protection and Natural Resources)
- The National Archive and the National Agency of Public Register of *The Ministry of Justice*

3.2. Non commercial entities of public law subordinated to the local governments

Apart from the Entities of Public Law in Georgia also exist the organizations of mixed type. The umbrella type cultural centers had been established for the centralized management of culture in regions. They unite municipal theaters, libraries, art (musical) schools, regional museums. All this entities apart from municipal funding may fund-raise via grants. These very centers are responsible for the implementation of regional cultural policy.

The Ministry of Culture and Monument Protection of Georgia in the frames of its regional cultural programme supports the initiatives with cultural animation component. The programme envisages revival and popularization of national customs and festivals, development of internal tourism.

The local cultural centers and subordinated organizations have more freedom regarding the cultural animation events rather than in management of cultural heritage monuments, which are more strictly regulated, more centralized and more problematic from the point of view of ownership. This is caused on the one hand by the shortages of regulations in the field of cultural animation and on the other hand by the affordability of finances needed for this kind of events. In most cases cultural animation events are agreed and co-financed by the central government, sometimes they are booked by the travel companies.

3.3. Non Governmental Sector (Local and international non profit organizations).

NGO sector in Georgia is well developed, but mainly represented by the foundations and associations, while Georgian system of cultural management lacks the independent Art Councils. Cultural NGOs are financed through the grants from non-diversified sources.

There are two main trends in the functioning of Local NGO-s in Georgia. The Unions that have been formed during the Soviet period, subsidized mainly by state budget, and NGOs established after the break down of the soviet system, after early 90th. The *Tax Code* provides no benefits for art unions.

Law on Non-profit Organizations enacted in 90th stimulated establishment of number of NGO-s in all range of the civil sector and the culture among them.

The legislation in this sphere is adequate however there are some problems in the execution of the acts of legislation and their administration.

Starting from 90th until 2003-04 NGOs (together with Private LTDs) were one of the most active implementers of the cultural projects on the local and international levels. Although after the Rose Revolution the policy for the centralisation of the State caused some of the restrictions for the sector.

3.4. Private Sector

Another active sector in Culture is Private Arts & Culture based small and medium size enterprises, LTDs, Inc., Corporations, etc.

Although the Tax Code in Georgia do not accept any of the support or deductions to private profitable business the number of private art galleries, private studios, and small and medium enterprises were successfully functioning keeping alive the art business, as well as stimulating the innovative activities in the field. Commence of the development of cultural industries, cultural attractions and cultural animation is the credit of these type of organizations.

3.5 Partnerships of public cultural institutions

The funds of state status do not exist in Georgia. Though it is the urgent need in the state funds which will accumulate the assets for development and support of culture, no adequate legislative activities have been held in spite of the permanent debates on this issue. All private donations pass the funds with the status of non-governmental, non-profit organisations.

The long-term cooperation between public institutions of culture and private sponsors is somewhat irregular and unofficial. One of the few sponsors regularly cooperating with key organizations of national importance is the Georgian fund "Cartu".

Other important examples of cooperation between the state (the Ministry of Culture, Monument Protection and Sports and international funds are the Soros Foundation and the British Council in Georgia etc. These initiatives often encourage participation of NGOs and cultural societies to cooperate in projects with central or local authorities as a third partner (e.g. sometimes as the contractor in a joint project, e.g. with the Soros Foundation.

The examples of public-private partnerships or collaborations (involving state, municipalities and NGOs) which have been very successful are the traditional international festivals, which attract many visitors and sponsors.

4. Cultural Policy Issues and Priorities in the Fields

Georgia lack the coordinated and strategic state programme for the development of cultural animation. But exist some initiatives, which if observed in complex may be considered as programme developed by the government for the development of participation in cultural life. These are frequent public celebrations dedicated to various political events (visit of presidents of different countries), state vacations (Independence day, New year, Anniversary of Rose revolution), as well as municipal and local celebrations. These are the examples of cultural animation implemented via the mass cultural events and aiming for the attraction of demos. These kind of events are usually financed by the presidential reserve funds. The smaller scale events also present, i.e. selling-out of theater or museum tickets, "Dmanici" summer archaeological camp for children etc.

4.1. Cultural Heritage

- Cultural animation is the means for the popularisation of Cultural heritage. The animation of tangible and intangible heritage is determined by the attitude of society towards them. The tangible heritage presents well in cultural policy of Georgia via proper instruments: developed legislation, special programmes and conceptual documents, matured institutions and infrastructure (Ministries, Agencies, Museums, reserves etc.) and increasing state financing and sponsorship. Intangible cultural heritage possesses scarcer legislation (just generally mentioned in constitution and law about the cultural heritage), institutional and financial (at least twice as less) resources. Intangible national culture (rituals, traditions, folk art) are under the risks in conditions of globalization. It should be noted that the cultural traditions are very strong in Georgia, and this causes the big number of individuals acting for the development of folk art on both amateur and professional levels. The state also renders support through the State Center of Folklore. The last is the entity of public law subordinated to the Ministry of Culture and Monument Protection of Georgia established in 2004. The mission of the center is research, protection, development and popularization of intangible heritage. It implements the state policy on folklore, which since 2006 is supported by the presidential national programme "National programme for the support of Folklore".

The programme for the support of cultural traditions of ethnic minorities of the Ministry of Culture and Monument Protection of Georgia is also partially dedicated to the preservation and animation of ethnic traditions. Protection, development and popularization of cultural traditions of ethnic minorities are declared as one of the priorities of cultural policy and are implementing mainly on the municipal level.⁶

But the biggest event of cultural animation is the festival Art-Genie (refer chapter 7)

4.2. International cultural co-operation

Development of cultural heritage and cultural animation is directly connected to the introducing to the International and European experience. Consequently Georgia is part of the various International programs and agreements:

There are agreements in place between Georgia and international organizations such as UNESCO, ICOM (International Center for Renovation and Maintenance (of Cultural Heritage Sites: affiliate of UNESCO), ICOM (International Council of Museums) and ICOMOS (International Council on Monuments and Sites).

Georgia is included in HEREIN (European Heritage Network), and the Participation Programme (UNESCO). Georgia is also a member of the BSEC (Black Sea Economic Cooperation) working group on culture and European Heritage Days (since 1999).

Since 2001, Georgia has cooperated with the project STAGE (EC Cultural Policy and Action Department, Directorate General IV - Education, Culture and Heritage, Youth and Sport (DGIV/CULT/STAGE (2003) 11)) (since 2005-2006, this project has been transformed into the Kyiv Initiative (Regional Programme: Black Sea and South Caucasus -The Kyiv Initiative is a regional and transversal programme of cultural co-operation between five countries: Armenia, Azerbaijan, Georgia, Ukraine and Moldova).

Regarding the transnational organizations which unite large geographical regions, Georgia has executed cultural agreements with the CIS (The creation of the Commonwealth of Independent States signalled the dissolution of the Soviet Union and, according to leaders of Russia, its purpose was to "allow a civilised divorce" between the Soviet Republics), GUAM and BSEC countries. The responsibility for the provision and monitoring of the *UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, to which Georgia has acceded, is carried out by the National Committee of UNESCO, under the Ministry of Foreign Affairs of Georgia participates in the EU neighborhood policy, which has a plan of actions with the following objectives: Georgia shall consider and promote cultural diversity as promoted by the *UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions*. Georgia joined the respective UNESCO Conventions;

⁶ Municipality of Tbilisi is supporting the various cultural centers, finances Tbilisi State Armenian, Azeri, Russian Theaters. The various cultural events, such as festivals, conferences, days of culture are disorganized in cooperation with local governments and Ministry of culture and monument protection of Georgia.

Georgia shall promote cooperation in culture within the framework of EU programmes; EU assistance for reforms in Georgia is fundamentally important and the opportunities provided by the European Neighbourhood Policy (ENP) and the Eastern Partnership Initiative are treated as vital both by civil society and the state.

The Ministry of Culture and Monument Protection of Georgia positively responded to the European Commission's proposal, in order to develop the territorial cooperation, by establishing the Eastern Partners Regional Assembly and creating the Eastern Partnership territorial dimension.

On 15 July 2010 in Batumi, the EU - Georgia Association Agreement was signed, which extends EU activities related to the coordination of aid to Georgia.

Since 2010, under the initiative of the Council of Europe, the pilot project for rehabilitation of cultural heritage in historical cities (PP2) is being implemented. The project partners are the Ministry of Culture and Monument Protection of Georgia and the National Agency for Cultural Heritage Protection of Georgia.

4.3. Cultural economics / Culture industries: policies and programs

In Georgia, the culture industries are in the process of development and have not yet been formally established, nor properly defined and analyzed. The lack of materials, funds, infrastructure, business skills, market knowledge and access to buyers has impeded the growth of this sector, and left a large pool of highly skilled professionals unemployed, and cultural traditions in decline.

Private companies offering cultural items and services (publishing houses, periodicals, providers of audio cassettes and CDs etc.), as a rule, are independent from state cultural policy and operate without any government support.

Nevertheless, there are some partnerships between the Ministry of Culture and Monument Protection of Georgia and some companies engaged in the publishing business, concert activity etc. but, in general, the relations of central and local authorities with public agencies may be described as sporadic. The contacts between them are limited to non-permanent cultural events and projects.

From 2011 in the context of development of cultural tourism, started the attempts of creation of model for the development of folk art's industrial sector. Ministry of Culture and Monument Protection declared the entrepreneurial model in cultural policy. The sphere of culture is defined as the creative industry and is consequently considered as one of the sector of economy.

State includes in agenda the following:

- Development of cinematography (co-production (EU, USA), attraction of foreign capital (*Bollywood*) and offering the cultural and natural landscapes as a shooting stage)
- Development of all kinds of tourism, including cultural (the private sector with this purposes develops principles and technologies of utilisation of cultural animation in the field

of tangible (sites, monuments, museums) and intangible (establishment of the brand "Qvevri", Georgia a homeland of wine, folklore and traditions) cultural heritage.

- Declaration of development of souvenir business
- Support of constant exhibitions of classic collections of National Museum
- Development and support the book publishing
- Development and support of audio-visual production and digital technologies (example- In summer 2010, the Ministry of Internal Affairs of Georgia initiated an innovative project aimed at the promotion and development of the gaming industry in Georgia. Within this ministry, a special studio has been created to work on 3D games technology)

Thus cultural tourism, creative industries and cultural animation are becoming parts of one system. Despite the dis-balance of legislative base (declaratory Law on Tourism and Resorts, absence of tax deductions), shortages in human resources in service industry, mismatch of prices and quality, the prerequisites for systemic development are emerging.

The *Tax Code* of Georgia specifies some preferences for the importation of scientific, creative editions and fiction, books and periodicals where the authors are citizens of Georgia as well as for the importation of Georgian classics published abroad. Guidelines are also set for the distribution, import, sale and printing of periodicals and fiction. The publishing sector is developed more effectively than the cinema and showbiz sector which require a more powerful and stable economy and larger market than is available in Georgia.

As an example of the programme of Cultural Industries can serve BC/GACC project "Development of Cultural Industries in the South Caucasus countries through the introduction of UK experience in product development, business management and marketing; the case of museum reproductions and traditional crafts" the project have been developed in terms of GACC ongoing "Georgian Crafts and Cultural Industries Development" program. www.gaccgeorgia.org

5. Legislation

The definition of cultural animation is not included in Georgian Legislation. Hence the regulatory base for cultural animation doesn't exist in Georgia. The various parts of activities involving cultural animation may be associated with legislative base of tourism, cultural heritage etc. The law on tourism and recreation stands apart from the cultural legislation. By this law, the state declares the tourism and recreation as one of the high-priority directions for the economic development and establishes for it the favorable conditions.

As the cultural animation is closely tied with cultural heritage, the legislative base regulating this field on the various levels is also very important.

Cultural heritage in Georgia is regulated by the *Cultural Heritage Law* which was adopted on 27 June 2007. The purpose of this new law is to protect the cultural heritage of Georgia and to provide regulations in this sphere. Georgia is also keen to protect Georgian cultural heritage abroad. It transfers some powers of the Ministry of Culture, Monument Protection and Sport

to municipal authorities. Questions concerning the status of immovable monuments of culture of Tbilisi are to be addressed by municipal authorities.

The *Cultural Heritage Law (2007)* defines the terms and general mechanisms that will protect the cultural heritage against any encroachment. Protection is provided to all immovable monuments, movable parts of immovable monuments, movable monuments as well as to the objects with monument signs and immovable monument protection zones in the whole territory of Georgia, irrespective of the form of ownership.

As compared with the old *Law on the Protection of Cultural Heritage (1999)*, the 2007 *Cultural Heritage Law* covers a wider range of activities, is more specific in determining the rights and obligations related to cultural heritage, and is more rigorous in the formulation of principles for establishment of monument status.

On 2 September 2005, the government of Georgia passed the Resolution on the Rules of the Issue of Permits for Execution of Works on Monuments of History and Culture and Archaeological Digs. Work carried out on monuments of history and culture is regulated at state level. The new revision of this Law is aimed at improving the application of this legislation.

The control of permits / requirements is provided through the *Law on State Control of Architecture and Construction Activity*. State supervision of compliance with the terms of permits / requirements in the heritage field is undertaken by the Ministry of Culture, Monument Protection and Sport.

As these heritage protection acts have not long been in place, it is difficult to assess their success, although the acts of legislation and regulatory norms on the issue were available before the Rose Revolution of November 2003. New statutory acts reinforced and strengthened delimitation of responsibilities regarding protection and control of the monuments of history and culture.

The *Law on Museums* was passed on 22 June 2001 and takes guidance from the *Law on Culture* and the *Law on the Protection of Cultural Heritage (25.06.1999)*; the aims and purposes of the law are to determine the basic principles of museum activity and use of museums; to provide state guarantees for museum activity; and to develop administration and financing principles for the system of museums. The law determines categories of museums, regulates non-state involvement in museum activity and determines the rights and obligations of legal and natural persons in the sphere of museum activities. In line with this law, the Ministry of Culture has developed Instructions on Register and Protection of Museum Objects in Georgia. This document is not a statutory act, but a manual for protection and register and restoration of museum objects.

The *Law on Import-export of Cultural Objects* was adopted on 22 June 2001, to determine the universal rules for importing and exporting cultural objects.

Also exists the law on Tbilisi: Capital of Georgia, which renders Tbilisi Municipality more favorable conditions than other local governments.

The Organic Law on Self-Government adopted in 2005 excludes cultural heritage protection from exclusive authorities of self-government. At present such function is not delegated to them by the national government. Tbilisi and Batumi are the only self-governing units where the delegation of functions from the Ministry of Culture and Monuments Protection is exclusively enforced through a special government acts. For the rest of the self-governments in the country, the implementation of cultural heritage initiatives depends only on the voluntary initiative, for which they are not provided by special budget from central government. The tight local budgets do not allow local governments to implement such voluntary initiatives related to cultural heritage. The local budget is directed to rehabilitation of basic communal infrastructure and the social issues which are the priority. In such circumstances, to implement heritage related projects local governments depend on grants, private investments and exclusive transfers from the state budget. Such dependence reduces the autonomy of local government in decision-making on cultural heritage, and makes them ineffective to implement even the basic maintenance works on listed properties, to inventory and study local heritage resources and run public awareness campaigns to promote cultural heritage. All these in turn affect the state of conservation of heritage objects and alienate local population towards cultural heritage.

Ownership is another important aspect that prevents the local self-government bodies from management of cultural heritage resources. According to the Organic Law the land of cultural and natural monuments and protected areas remains in state ownership and is managed by the Ministry of Economy and Sustainable Development. The local governments are not authorized to manage or directly benefit from these recourses, unless the property is transferred to their ownership, which is a lengthy and complicated process.

The important part in Georgian Legislation belongs to the *Concordat- Constitutional Agreement between the State and the Autocephalous Orthodox Church of Georgia (2002)*, which regulates the relations between this two most important institutions. The chapters 7,8 and 9 greatly affect the management of cultural heritage in the country. By this law all religious buildings and related structures, active, non active or ruined, and also the movable treasures kept in the churches or museums an archive belong to the Church of Georgia. Hence, all projects and programmes on cultural animation connected with religious sites should be developed in correspondence to the regulations of Concordat.

6. Financing

The **governmental funding of culture** is divided into funds received from the state budget and from local budgets. The Ministry of Culture and Cultural Heritage covers the cost of the subordinated public institutions, as well as special programs of support of various areas of culture. The same principle applies to regional and municipal budgets. Culture is sometimes funded through reserve funds of the Prime Minister (government) and the President⁷. There are also the so-called "Presidential programs", for example, "Presidential Program of the Support of Ballet". They are included in the budget of the Ministry of Culture and Cultural

⁷ Under the law of those reserve funds are intended to strategic purposes (state of emergency) and such spending are often discussed in the society. No information regarding those expenses is available.

Heritage. Some institutions which sphere of activity relates to culture are funded by means of other ministries⁸.

The financing of culture is growing from year after year. Even in 2008 was the addition of 30% compared with 2007. The most privileged by the amount of allocated funds are the mass media, public broadcasting. After mass media goes performing art, cultural heritage and creative education.

The financing of cultural heritage is defined by the Law on the Budgetary System, 2004, the Law on the State Budget of Georgia, 2005 and the Tax Code, 2004.

These cultural and natural heritage properties are basically financed from the state budget through the programs of the respective ministries .

Since 2007 the restoration-conservation and research works on national monuments are free from VAT. So far this is the only incentive for rehabilitation of cultural heritage monuments in the country.

The policy on sponsorship and charity does not give special attention to cultural or natural heritage. There are 44 charity organizations in the country, which are principally focused on providing social services for the poor.

Since 2005 the Tax Code has provided few incentives for such organizations; nevertheless often neither donors nor the beneficiaries are aware of these incentives (Civil Society Institute, 2007). There is a need to raise awareness of the potential donors and provide additional advantages that would encourage them to donate for cultural or natural heritage preservation.

The specific notice should be given to the Fund for Preservation and Rescue of Georgian Historical Monuments, which is the only privately funded donor organization active in cultural heritage field since 2004.

The Fund has a greatest share in financing the restoration, inventory and rehabilitation of listed properties. In 2004-2009 the Fund financed more than 430 projects all over the country, among these 390 Orthodox churches (After the restoration most of these churches regained their function). The archaeological works have been implemented on the most important sites in Georgia and abroad. The Fund also provided financing to equip conservation research laboratories at the Restoration Faculty of the Academy of Fine Arts and the Nokalakevi museum-reserve. The Fund actively co-operates with the National Agency for Cultural Heritage Preservation and the Patriarchate of Georgia to define the priorities and agree the annual list of monuments for rehabilitation.

⁸ The National Library - the budget of the Parliament; the National Archives - the budget of the Ministry of Justice; the Public Broadcaster (direct financing from the state budget); the cultural associations of Georgian diasporas abroad - the ministry on Diaspora Affairs.

7. Examples of Positive Practices

The new Law on Cultural Heritage was enacted in 2007, which was conceived as an attempt to improve and modernize the overall administration of heritage field. The Law defines the responsibilities of central and local government in the field of cultural heritage management, the provisions for protection of discovered heritage objects, the relationships between the state and the owner of monument, the issues of inventory, classification and listing of cultural heritage objects, etc. The major innovations of the new amendments are that it allows privatization of cultural heritage monuments, exempts the rehabilitation works of national monuments from the VAT, enforces stricter fines and provisions for the infringement of the heritage legislation, regulates the procedures for the rehabilitation project application, elaborated the system of protection zones for monuments, establishes criteria for their application and the relevant protection regimes

The new amendments enforced in 2008 reflected the tendency of relaxation of rules of changes and exploitation of historical monuments. The amendments also changed the cafeterias of utilization of defensive zones exceptionally for historical district of Tbilisi.

Other Protection/Safeguarding Mechanisms for Historic Towns and Settlements is the Historical-Cultural Reference Plan. As defined by the Law on Cultural Heritage the Historical-Cultural Reference Plan is the comprehensive scientific-research instrument developed through multidisciplinary approach. It contains data and analysis of historic environment and cultural heritage monuments, as well as recommendations for the planning regulations necessary for their protection. The Historical-Cultural Reference Plan is the basis of the town planning documents, such as Building Regulation Plans.

This legislative base made possible implementation of several fundamental projects.

1. *"Pilot project for the rehabilitation of cultural heritage in historical towns"*

The partners of the project are the Ministry of Culture and Monument Protection of Georgia, National Agency for Cultural Heritage Preservation of Georgia and Council of Europe.

The aim of the project is the improvement of legislative framework and management in the field of urban heritage, presenting of Georgian urban heritage on regional and international level and assistance to small and medium towns to use their cultural heritage as a positive factor for social-economic development.

The project has an utmost importance due to the intensive process of rehabilitation of historical towns in Georgia. To ensure the best practices and harmonization with European standards the project mobilized the leading European experts of the field.

In 2010, on the preoperational stage of the project, the document of the evaluation of cultural heritage was prepared and the towns of prioritized intervention had been selected. They are: Abastumani, Akhaltsikhe, Borjomi, Dusheti, Gori, Mestia, Telavi, Poti, Tskaltubo and Chiatura.

In 2011-2013 took place the next phases of planning: Detailed evaluation of the towns, revealing possible actions for the rehabilitation of cultural heritage, assessment of possible

social-economical impact and elaboration of strategic plan, which will contribute for the mobilization of local and international foundations as well as increase private findings.

2. The first project in Georgia drawing on the European experience of applying GIS for the inventory of cultural heritage was the Tbilisi Pilot Project implemented in 1999-2000 in scope of the joint program of the World Bank and the Georgian Government implemented with the assistance of the Council of Europe. The methodology elaborated within this project enabled the development of large scale GIS projects for inventory of urban heritage in Tbilisi, Batumi and Abastumani in 2005-2008. The elaboration of the Historical-Cultural Reference Plans of these historic cities was made possible thanks to the immense data processing and analytical capacity offered by the GIS.

The number of good practices of the animation of tangible and intangible heritage, are possible due to the more or less balanced legislative base, proper institutional development, cooperation between State and NGO sectors and the will of the state declared in various state or presidential programmes.

For example from 2006 is executed the presidential programme “National Programme for the Support of Folklore”. The aims of the programme are:

- Safeguarding and revival of historical centers of folk art in Georgia
- Revival of authenticity of folk art, its popularization and protection
- Scientific study of musical traditions in the regions, collection of musical repertoire and creation of modern archive
- Support the development of traditional crafts
- Introduction of Georgian cultural treasures to the international audience and Georgian diasporas abroad.

Within the frames of the project had been financed the following:

a). Festivals

The annual festival “Art-Genie” has been established in 2003. The main goal of the festival is to promote and popularize Georgia's traditional folklore, research and gather known and unknown materials of this field and introduce it to the general public, also to archive and preserve those materials for future generations. The various actions are conducted in the frames of project. Such as the expeditions for the study of folklore groups in the regions; seminars and master classes for those interested in traditional crafts. The final event is held in Tbilisi on the territory of Open Air Museum. It unites the exhibition of craftsmen from the various regions of Georgia, presentations of Martial Arts and traditional games, concerts of folk groups and contemporary pop musicians. The thousands of visitors are introduced to the authentic Georgian culture. The festival also contributes for the development of tourism.

b). Project “Digitalization of archive recordings” have been implemented in 2007-2009 and envisaged digitalization of unique material of Georgian Folk Music kept at the State Archive of Georgia, creation of Georgian and English catalogue of audio material created at the beginning of 20th century and publishing CDs.

c) Project “Folkloric expeditions in the regions of Georgia and Artvine region of Turkey” was implemented in 2007-2010 aimed gathering, study and popularization of unknown folklore

materials in the regions of Georgia. The expeditions had been held in Achara, Upper Svaneti, Kakheti, Guria and region of Artvin (Turkey). The mobile recording studio in Georgia and group of Georgian living in Turkey soundtracked unknown examples of folk music. The number of nearly lost songs have been revived and introduced to various Folk Ensembles.

There are other laws which support protection and development of cultural heritage indirectly. For example

- Law on Limitary Measures in Connection with Intellectual Property -22.06.1999. /2159-III/ (last amendment 2010), which establishes the principles and procedures for implementation of export/import control on the good produced by the violation of copyrights, product origin and geographical marking. It lays on WTO Agreement concerning trade-related *aspects of intellectual property rights*
- *Law on Design* -04.05. 2010 /3030-Is/. In accordance to the Georgian Constitution, this law defend the copyright of design as an object of intellectual property. Regulates procedures of creation, registration and use of design. The law affects designs properly registered in National Intellectual Property Center "Sakpatenti"

These very laws are successfully used for the regulation of such important intangible cultural heritage as traditions of winemaking. The Georgian Wine Association in 2011 held the First International Qvevri (clayware vessel for traditional winemaking) Symposium aiming celebration, revival, popularisation and development of Georgian winemaking techniques and traditions. The Ministry of Culture and Monument Protection of presented Qvevri for the inclusion to the UNESCO WORLE Heritage list

Annex 1 - List of existing cultural legislation

Title of the act	Year of adoption
<i>Laws setting out cultural policy frameworks or declarations of principle</i>	
<i>Law on Culture</i>	12.06.1997. N 751 - II ႁ (last amendment 2007) determines legal principles, regulates social relations associated with creation, use, distribution and preservation of cultural heritage and cultural values and providing access to them
<i>Laws establishing the scope, operation(s), governing structure(s) and procedures for funding cultural institutions</i>	
<i>Law on Cultural Heritage</i>	08.05.2007. /N 4708 - I/, regulates legal, organizational and economic relations in the sphere of preservation of cultural heritage.
<i>Law on Architectural Activity</i>	14.04.1998 ,/ 1335-IIIႁ/ establishes legal norms of activities in the sphere of Architecture and regulates social relations in the field
<i>Law on State Supervision of Architectural and Construction Activity</i>	14.11.1997 / N1105-Is /(last amended in 2009) This law regulates the state supervision of architectural and construction activity, the functions and rights of the supervisory authorities thereof, responsibility of entrepreneurial entities in this sphere.
<u>Concerning Spatial Organisation and City Construction Basis</u>	02.06.2005/1506-IIIႁ/(last amendment 2011) This law establishes the subject, principles, priorities, objectives and aims of spatial organisation and city construction; the forms and role of spatial-territorial planning and planning documents in development on the territory of Georgia.
<u>Law on Design</u>	04.05. 2010 /3030-Is/ Pursuant to the Constitution of Georgia this law recognises the inviolability of the right of ownership of intellectual property; it regulates the relations connected with creation, registration, use, legal protection of design and the rights thereof. The law is extended to the design which is registered under the procedure established by the law in the industrial property register by the National Center for Intellectual Property SAKPATENTI or to which the international registration is extended.
<i>Law on Museums</i>	22.06.2001. N 990 - II ႁ (last amendment 2007), regulates social relations in the sphere of museum activities
<i>Law on Public Theatres</i>	09.06.2006. N 3288 - I, regulates legal, organisational and economic relations in the sphere of Public Theatres, defines the legal status of theatres, their financing and how they are established
<i>Law on State Support to National Cinematography</i>	05.12.2000. /N655- IIIႁ/ establishes legal norms of activities in the sphere of cinematography and regulates social relations in the field of production, distribution of films.

<i>Law on Creative Workers and Creative Unions</i>	08.06.1999./ 2059-III/ (last amendment 2011), regulates relations between artists' unions and the government.
<i>Law on Library Management</i>	11.06.1996./N 267 - II/ , defines the status of libraries, legal and organisation principles of activities of libraries
<i>Law on the Import and Export of Cultural Goods</i>	22.06.2001./N 985 - II/ (last amendment 2007), regulates development of international co-operation in the field of culture
<i>Law on Copyright and Related Rights</i>	22.06.1999./ 2112-III/ (last amendment 2007), regulates norms of copyright and joint copyrights, fulfilment of international obligations; protects personal non-property and property rights of authors and their assignees
<i>Law on Limitary Measures in Connection with Intellectual Property</i>	22.06.1999. /2159-III/ (last amendment 2010) The law establishes the rule of application of the special measures on the state boundary of Georgia in case of imports or exports; to products manufactured with violation of the copyright, or the rights on the product name or geographical specification. It is based on the provisions regarding special measures on the state boundary of the agreement on the aspects of the intellectual property related to the trade concluded in the framework of the world Trade Organisation
<u>Law On National Archive Fund and National Archive</u>	29.12. 2006/4205-rs/ (last amendment 2011), regulates relations in the field of accounting, preservation and use of the Archive Fund and other main issues related to archive science.
<i>Law on Broadcasting</i>	23.12.2004, /780-სს/(last amendment 2011) determines the obligations of public broadcasting to protect the public interest in the sphere of news, public and political, educational, cultural and sport programmes; determines the obligations of public broadcasting to protect the public interest in the sphere of news, public and political, educational, cultural and sport programmes. The law subject to the freedom of word and opinion and free entrepreneurship determines the rule of operation of broadcasting, the rule of creation and function of the independent regulatory authority in the sphere of broadcasting, the terms and conditions of regulation of activity, rules and procedures of licensing in this sphere.
<i>Law on Telecommunications</i>	2005

<u>Law on Electronic Communications</u>	02.06.2005/1514-Ilb/(last amendment 2011) The law establishes the legal and economic basics of activity with electronic communication networks and facilities on the territory of Georgia, the principles of formation and regulation of the competitive environment in this sphere, the functions of the independent national regulatory authority (Georgian National Communication Commission), the rights and duties of natural persons and legal entities during ownership of electronic communication networks and facilities, their operation and service provision.
<i>Concordat- Constitutional Agreement between the State and the Autocephalous Orthodox Church of Georgia</i>	2002, regulates relations between the Autocephalous Orthodox Church of Georgia and the government.
<i>Laws providing financing</i>	
<i>Law on the Budgetary System</i>	29.12.2004, defines allocation of public funds for culture between different levels of government
<i>Law on the State Budget of Georgia</i>	2005
<i>The Tax Code</i>	<u>0917.09.2010 /N3591-IIIb/</u>
<i>The public laws that determine the legal status, rules of activity and terms of reference of the state institutions of various levels</i>	
<i>Law on Structure, Authority and Procedures of the Government of Georgia</i>	11.02.2004./N3277-IIIb/ (last amendment 2011)
<i>Law on Public Service</i>	31.10. 1997/ N 1022 - Is /(last amended in 2011) The law establishes the legal basics of public service organizations in Georgia, regulates the relations connected with the performance of public service, determines the legal status of the service
<i>Law on Legal Entities under Public Law</i>	28.05.1999./N 2052 - Ibis/ (last amended in 2011). The law establishes the rule of creation, activity and organization of legal persons of public law
<i>The Organic Law on Self Government</i>	16.12.2005/2304-rs/ (last amended in 2011). The law in pursuance with paragraph 4 of Article 2 of the Constitution of Georgia and the European Charter On Local Self-government determines the legal, economic and financial basics of implementation of local self-government, state guarantees thereof, the rule of creation of local self-government bodies, their powers and relations with the state authorities.

<p><i>Law on Independent National Regulatory Authorities</i></p>	<p>13.09. 2002 /N1666-Is (last amended in 2011). The purpose of this law is to create the stable legal basis and perfect institutional environment for the sustainable operation of the national regulatory authorities in order to provide in the various spheres of the economy the balancing of interests of license holders and consumers, effective pricing and providing services and goods. The law establishes: the independence of independent regulatory authorities operating in Georgia from any political pressure, inappropriate influences and illegitimate interference of state authorities or other officials as well as from any other actions which may infringe their independence; the power of implementation of the perfect regulation of the concrete sphere; responsibility for ensuring the transparency and reliability of decision-making procedures.</p>
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