

## Legal analysis

### Resume

The legal analysis on existing conditions of the Gelati monastery is prepared in the framework of the Gelaty monastery complex rehabilitation project.

The legal analysis of the existing conditions of the Gelati monastery complex was stipulated by range of complications that the rehabilitation project working group has faced. There are singled out some of these complications:

- Absence of the cadastral boundaries of the Gelati monastery complex. Except physical boundaries (fence), there are no reference points, defining the territory of the monastery, and consequently, the church property.
- Gelati monastery is bordering with several cadastral units, sections of agricultural land, that are processed by local people, as well as private houses and plots. Preparation of the project by the complex rehabilitation working group appeared complicated as the the issue of private ownership was not defined, which sections should be included into the rehabilitation project, where were the borders of the private ownership in accordance with Constitution of Georgia.
- While preparation of the rehabilitation project, significant inconveniences have occurred, concerning unsuitable buildings, existing on the territory of the monastery, and consequently, there had to be defined dismantling or necessary replacing perspectives of these buildings, legal basics of influencing on buildings, marked by the sign of private ownership
- There have occurred significant inconveniences, concerning the private personal plot section, located right on the Gelati monastery complex territory, that expediently, for the monument rehabilitation, should be moved to the State/Church ownership. In accordance with the above noted procedures, definition of the legal basics on expropriation and preferential purchasing is necessary for the monument future rehabilitation to be planned.
- It's vital for the monument rehabilitation process, the harmful influence on the monument (traffic, that, because of strong vibration, damages the monument. Although, the safety norms are totally neglected) to be restricted and the legal basics for their prohibition, to be worked out

- For the monument future functioning, it's significant the individual protection zone of the complex monument to be defined, that should seize the area, being in the monument general interest.

Legal analysis of existing conditions in the Gelati monastery complex has been prepared in collaboration with experts of presented fields, as well as, on the basis of profound consultations with specialists, participants of the rehabilitation group. In preparation of the legal analysis, there also have participated executive governmental and local self-government institutions.

It should be noted, that with the goal of regulating the above mentioned items, as well as, for high efficiency of rehabilitation project group acting, the search of legal mechanisms and detailed analysis of existing conditions should be carried out. Without making analogous analysis, rehabilitation of the monuments of Georgian cultural heritage and especially, the complex ones, will appear more and more complicated. We assume it as expedient, that while rehabilitation projecting process, the legal evaluation of existing conditions of the monuments, included in the World Heritage list, as well as, the monuments of national significance, to be prepared. Implementation of this practice will significantly promote carrying out the rehabilitation project, and also, efficiency of those works, considered in the framework of rehabilitation project.