

# **A GUIDEBOOK ON SPATIAL ARRANGEMENT FOR THE MUNICIPALITIES OF GEORGIA**

## **Volume 3: Background Essays**

**Tbilisi**

**January 2019**





1. Importance and Benefit of STP: Illustration based on Georgia .....	3
2. Spatial-Territorial Planning Methodology.....	9
3. Urbanization - Global Process and Georgia .....	11
3.1. Urbanization: The Growth of Cities .....	11
3.2 Urbanization: Decentralization.....	12
3.2 Urbanization: The Capital And The Rest .....	13
3.3 Urbanization: The Challenge Facing Rural Settlements And Smaller Towns.....	16
4. Administrative-Territorial Arrangement Of Georgia In The XXth Century.....	17
4.1 Spatial History: Ancient Times .....	17
4.2 Spatial History: 20th Century – Basic Administrative Territorial Divisions.....	17
4.3 Spatial History: Early 20th Century – Legislative Base.....	18
4.4 Spatial History: Early 20th Century – Spatial Thinking.....	19
4.5 Spatial History: Mazras Of Eastern Georgia .....	20
4.6 Spatial History: Mazras Of Western Georgia .....	21
4.7 Spatial History: 1921 Constitution Provisions.....	22
4.8 Spatial History: Soviet Period.....	23
4.9 Spatial History: Recent Period .....	25
5. Radical Land Reforms – From Capitalism To Capitalism.....	28
5.1 Land Reform: 20th Century .....	28
5.2 Land Reform: Current Situation .....	31
5.3 Land Registry: Legal Provisions .....	31
6. Transformation Of Georgia’s Settlement System.....	33
6.1 The Impact Of The Natural Conditions To Develop Regional Settlement System.....	33
6.2 Technology And Infrastructure Influence On Settlement System .....	34
7. Normative Acts and related strategic documents .....	39
7.1 Constitutional Laws Of Georgia .....	40
7.2 International treaties and agreements of Georgia.....	41
7.3 Sectoral Laws.....	44
7.3.1 Law of Georgia On the Procedure for The Expropriation of Property for Compelling Social Needs (1999) .....	44
7.3.2 Civil Code of Georgia (1997) .....	45
7.3.3 Law of Georgia on State Border (1998) .....	46
7.3.4 Law of Georgia on Water (1997) .....	46
7.3.5 Law of Georgia on the system of Protected Territories (1996).....	48
7.3.6 Law of Georgia on Cultural Heritage (2007) .....	49

7.3.7 Law of Georgia on Tourism and Resorts (1997) .....	50
7.3.8 Law of Georgia on Sanitary Buffer Zones for Resorts and Resort Sites (1998).....	51
7.3.9 Law of Georgia “Waste management code” (2014) .....	51
7.3.10 Law of Georgia “Free Industrial Zones” (2007).....	52
7.4 Directive Documents .....	52
7.5 Materials used for analysis and research.....	58
<b>8. Spatial-territorial dimension in sectoral legislative-normative acts (the example of municipal waste management) .....</b>	<b>59</b>
<b>Annex A: “Vision” of three villages of Ambrolauri community municipality .....</b>	<b>65</b>

Figure 1: Plan of Tiflis by Batonishvili Vakhushti (1735) .....	3
Figure 2: 1782 Plan of Tiflis elaborated by the Russian cartographers.....	4
Figure 3: 1899 Plan of Batumi .....	6
Figure 4: St Petersburg Plan (1799).....	6
Figure 5: Poti Plan (1901).....	7
Figure 6: General Plan of Batumi 1927 (not implemented).....	7
Figure 7: Global settlement picture at night .....	11
Figure 8 Settlement picture of Southern Caucasus; showing agglomerations in night ....	14
Figure 9: System of Dividing Ranges which constitutes the Settlement System of Georgia	33
Figure 10: Tskhemvani Bridge on the River Matchakhela, Village Chkhutuneti, Khelvachauri Municipality.....	34
Figure 11: Birds in flight paths .....	63

## 1. Importance and Benefit of STP: Illustration based on Georgia

The concept of STP was not fully understood in Georgia until the 19<sup>th</sup> century. The settlements were developing spontaneously, according to the will of the powerful elite. A vivid example of this is the Tiflis ruling of 1769 (text included in Georgian version)<sup>1</sup>.

This text makes it clear that the Georgian cities were developing spontaneously without consideration of perspectives/potential and instrumental surveys. This situation is confirmed by the cartographic masterpiece of Batonishvili Vakhushti - the first handmade cartographic drawing of Tiflis (1735) - previously the layout of Tiflis was known only by the drawings of foreign travellers. [Figure 1]

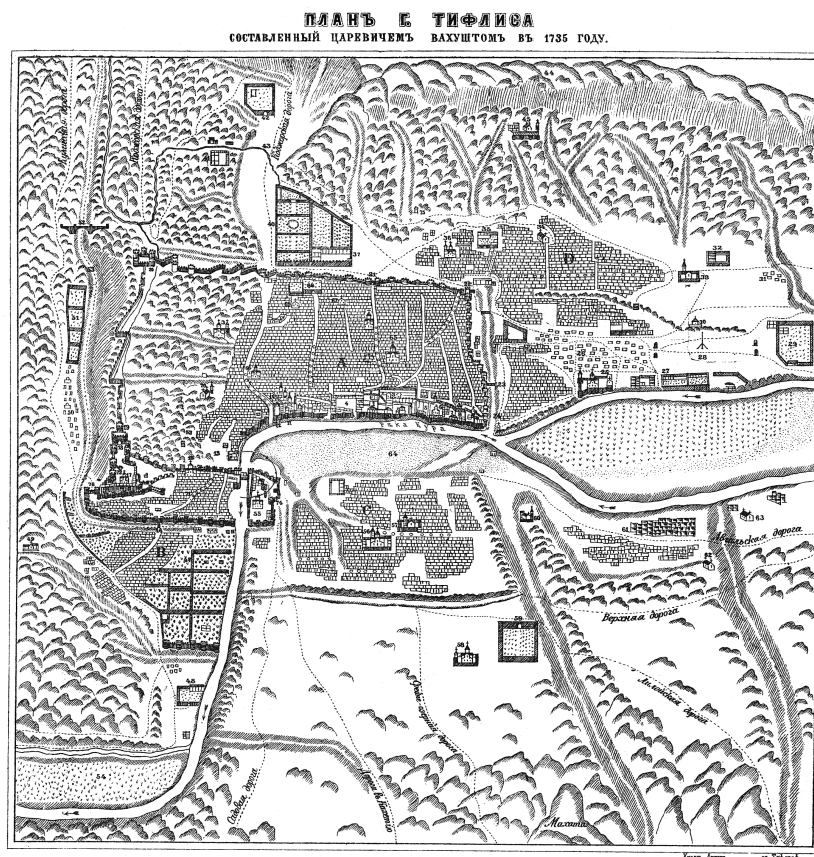


Figure 1: Plan of Tiflis by Batonishvili Vakhushti (1735)

Source: Wikipedia

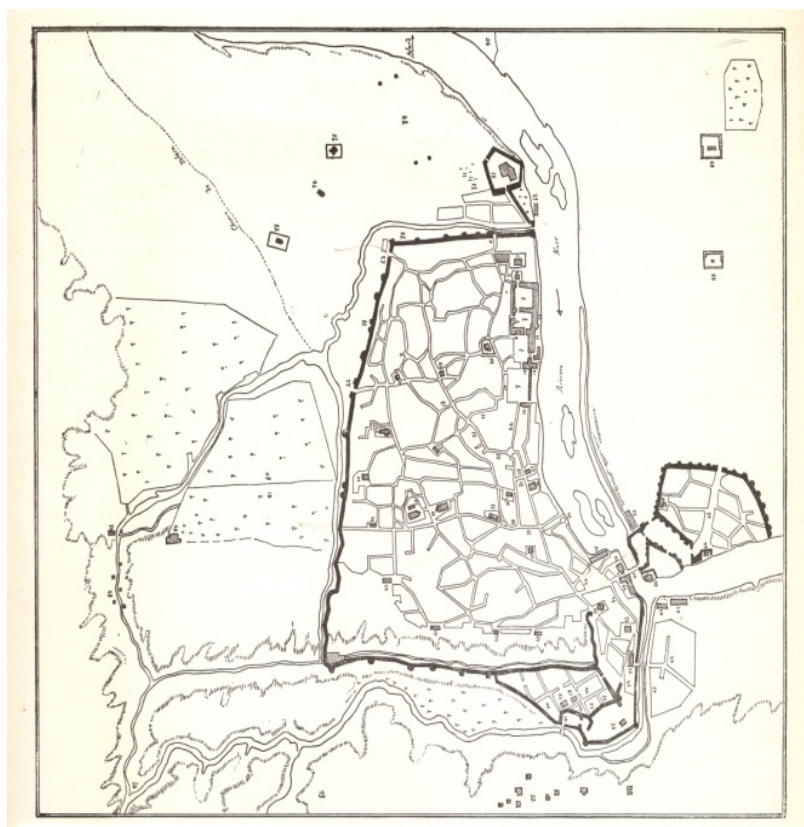
At the end of the XVIII<sup>th</sup> century Ioane Bagrationi, the creator of the State Reorganization Reform Project of East Georgia, was trying to introduce the land inventory in Kartli-Kakheti, a kind of

<sup>1</sup> Tiflis judgment, Sept. 24, 1769. Ruling about disputed roads. Beginning of the XIX<sup>th</sup> century. In: "Documents for the History of Tbilisi". Tbilisi, p. 331-332.

prototype of the State Register<sup>2</sup>. Ioane Bagrationi also saw the necessity of archiving the acts or other documents.

As for STP, the author of the draft reform project is mainly limited to the ideas of organizing fortifications and defense structures in the whole of Kartli-Kakheti, including Tiflis; incidentally he pays attention to the need for developing the urban settlement network.<sup>3 4</sup>

This reform project was not destined for implementation - in the beginning of the XIX<sup>th</sup> century East Georgia and later West Georgia fell under the rule of the Russian Empire, and the Empire laws and state system spread over them. It should be mentioned that the Russian Empire has been trying to invade Georgia before, it is confirmed by the preceding military-topographical activity from their side, making plans of settlements, including Tiflis. (Figure 2).



**Figure 2: 1782 Plan of Tiflis elaborated by the Russian cartographers.**

Source: V. Beridze

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<sup>2</sup> Text in Georgian version about management of land, knowing the boundaries of all villages, forests and valleys, which land belongs to who, etc.

<sup>3</sup> Old Georgian text regarding the creation of the city at Kaishauri

<sup>4</sup> Ioane Bagrationi. Sjuldeba (Kartli-Kakheti state reform project). Tbilisi, TSU. 1957.

STP in the XIX<sup>th</sup> century Georgia was carried out according to the Russian rules; the settlement's basic plans (maps) were created and territorial development perspectives emerged, however, in most cases the development answered military-strategic interests and subjective considerations.

General A. Ermolov's initiative on the development of the Tiflis' Garetubani (Vorstadt) and military check-points in the countryside - Gombori, Tetrtskaro and Manglisi are well known, as well as urban planning ideas of A.Griboyedov regarding Tiflis. Still, STP was lagging behind the rapid development of settlements and new requirements<sup>5</sup>.

Ilia Chavchavadze took a closer look at STP in the light of Georgian public opinion of that time. In a publication (dated year 1878), less known in the modern Georgian urbanism, he was the first who revealed not only the actuality of the STP issue but also presented the list of specific measures to be taken for the urban development of Tiflis - first of all, it concerned the city's "General Plan" and ecological problems.<sup>67</sup> Ilia convincingly explains the reasons of such situation.<sup>8,9</sup>

It is noteworthy that Ilia does not give only the indifferent statements regarding microclimate situation in Tiflis. Ilia's outlook on urban development of the city is very important for the unwritten history of Georgian urbanism.<sup>10,11</sup> It should be noted that the first plan mentioned by Ilia, according to the modern urban planning methodology, is known as a "Basic Plan", while the second implies "General Plan".

Naturally, in terms of STP, for the authorities of the Russian Empire, the aim was to solve the military-strategic and later trade-economic tasks. Consequently, special attention was paid to the

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<sup>5</sup> V. Beridze. Architecture of Tbilisi. 1801-1917. Tbilisi, "Sabchota Sakartvelo", 1960.

<sup>6</sup> "In the past, our city was more enjoyable place to live in than it is today. Nowadays it is richer, but this wealth was gained at the expanse of our health. Tiflis was predominantly green and beautiful gardens and orchards were blooming. Due to this, the winter in the city was not as cold as it is now, and the summers were cooler and more humid. In the course of time, these gardens were destroyed and huge palaces were built in their place, buildings came closer to each other, free air-flow stopped, the air drained and now a person can hardly breath during the summer. "

<sup>7</sup> I. Chavchavadze. Public letters, 1862-1882. Tbilisi, "Metsniereba". 1997.

<sup>8</sup> "If our ancestors had a more long-term outlook, surely today our Tiflis would be a nicer place with better air. If they had not allowed to build buildings in places where gardens could thrive or had not destroyed the ones that existed, if they had preserved the groves on river Mtkvari and had not built the buildings on its banks, if they had developed alleys and squares in the city or transformed some squares into gardens than Tiflis would have been a better place to live in and would not be in any ways inferior to many European cities, which attracts huge number of people. The air and location of Tiflis would have supported all of these".

<sup>9</sup> I. Chavchavadze. Public letters, 1862-1882. Tbilisi, "Metsniereba". 1997.

<sup>10</sup> "Each well-managed city has two plans. One plan depicts the city as it is today. They say that such a plan is being elaborated. Fair enough. But this is not enough. The city should prepare and approve the second plan as well, the one which reflects the future of the city. This plan should show the streets which will be corrected and expanded, the squares that need expansion and that are reserved; the places, river banks where the groves and garden should be developed etc. Anything that goes against this plan must be strictly prohibited and the ones who want to build new buildings or renew the old ones, should be allowed to do so only in compliance with this plan".

<sup>11</sup> I. Chavchavadze. Public letters, 1862-1882. Tbilisi, "Metsniereba". 1997, p.199-2001



development of the Black Sea coastal towns. Examples include rapid development of Batumi (Figure 3) and Poti, both based on "General Plans".



Figure 3: 1899 Plan of Batumi

Source: Wikipedia

The General Plan of Poti elaborated by V. Maslovski, with the initiative of N. Nikoladze, very much resembles the plan of the capital of the Empire – St. Petersburg (Figure 4 and 5) which had very similar topographic environment.



Figure 4: St Petersburg Plan (1799)

Source: Wikipedia

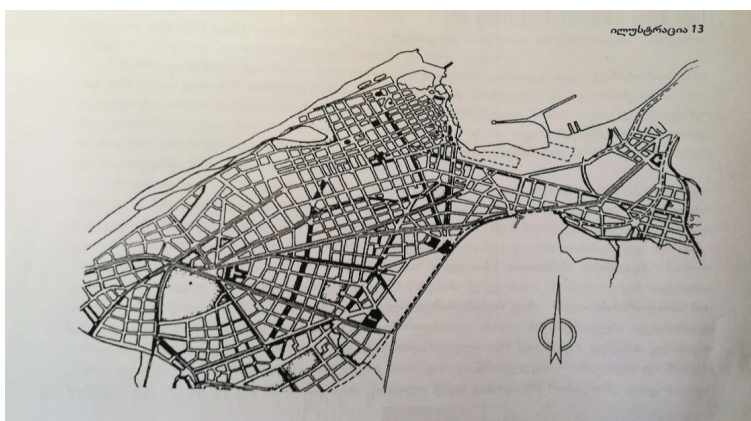




**Figure 5: Poti Plan (1901)**

Source: Wikipedia.

After the sovietization of Georgia, elaboration of STP documents took a wide character. It is noteworthy that in this regard, Batumi again was ahead of Tiflis - the General Plan of Batumi was developed in 1927 (Figure 6), while "Tiflis City Planning Project" - in 1934.



**Figure 6: General Plan of Batumi 1927 (not implemented).**

Source: N. Asatiani. 1989.<sup>12</sup>

<sup>12</sup> Асатиани Н.А. Грузинское советское градостроительство 1920-30-х годов. Тбилиси, «Мецниереба», 1989.

For the last period of the Soviet Union, in Georgia the urban type settlement and part of the large villages were provided with master plans for development and reconstruction.

After independence, despite the fact that these documents have not been abolished, the land use problems in Georgia, due to subjective or objective conditions, fell subject to personal or group interests. Formally, during the presidency of E. Shevardnadze, fictitious and “stillborn” steps were made in the direction of establishing the spatial order, but this area went under the shadow of a new task regarding the establishment of the real estate owners’ emerging class.

Recently, STP in Georgia is experiencing an emancipation process that is associated with a new stage of public development. In modern conditions, experts believe that the two obstacles among others create a challenge for the effective development of society:

- (1) Inefficient land use, and
- (2) Less coordination between land use and infrastructure planning.

Three political directions have to be implemented to overcome this situation:

- Development of transparent and systemic land management - including real estate registration, land appraisal and land use;
- Coordination of land management with infrastructure development, planning and construction legislation, natural resources and risk management;
- Use of market forces and regulations to expand the adequate supply of basic services.

STP and establishment of spatial order has a special role in the implementation of such policy.

The necessity and benefits of STP in contemporary society are considered in the context of sustainable development principles, taking into consideration all three components of benefit.

## 2. Spatial-Territorial Planning Methodology

Following the collapse of the Soviet doctrine on urban development, the long-term uncertainties and confusion, the approach to STP is being developed based on Georgian legislation and international recommendations.

### Planning Methods and Tools

The work in this direction, initiated by professional circles, started back in 1989-1990 - in the format of an open concept competitions. The second conceptual contest was held in 2002. Due to obvious reasons, in terms of urban development it was oriented on the most pressing and system shaping urban settlement – the Capital, Tbilisi. 11 teams composed of different specialty urbanists participated in the competition. The materials of 6 selected concepts were compiled as one document - "Summary Concept of Urban Development of Tbilisi".<sup>13</sup>

It is important that one Chapter of this "Concept" was dedicated to the Capital, seen in the context of the unified system of settlements in Georgia. Despite the theoretical-methodological significance of this transitional paper for the theory and practice of Georgian urbanism, it has largely remained an unused document.

Today, in the STP practice, together with the legislative-normative documents of Georgia, some internationally recognized methodical guidelines are applied. The legislative normative base of Georgia is sufficiently discussed in the first and second Volume of the Guidebook; here there are only two repeated - because of their fundamental importance; these are:

- Law of Georgia “On the Basis of Spatial Arrangement and Urban Development”<sup>14</sup> and
- Technical Regulation "Basic Provisions for Settlement' Territories Use and Regulation of Development".<sup>15</sup>

Along with these normative acts, foreign methodological sources, which are distinguished by their practical approach, should be used at the pre-projecting stage of STP, including:

- Cities in Transition. World Bank Urban and Local Government Strategy, 2000.<sup>16</sup>

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<sup>13</sup> Concept of Tbilisi Urban Development. 2001 (manuscript, in Georgian).

<sup>14</sup> <https://matsne.gov.ge/ka/document/view/29614>

<sup>15</sup> [http://www.economy.ge/uploads/files/2017/mshenebloba/dadgenileba\\_59.pdf](http://www.economy.ge/uploads/files/2017/mshenebloba/dadgenileba_59.pdf)

<sup>16</sup> <http://siteresources.worldbank.org/INTINFNETWORK/Resources/urban.pdf>

- Georgia's Urbanization Review. Towards an Urban Sector Strategy. Georgia's Evolving Urban System and its Challenges. WB, July 2014.<sup>17</sup>
- Land Administration in the UNECE Region: Development Trends and Main Principles. UNECE, 2005<sup>18</sup>
- Guide to City Development Strategies. Improving Urban Performance Cities Alliance, 2006<sup>19</sup>
- Spatial Planning. Key Instruments for Development and Effective Governance, with Special Reference to Countries in Transition. UNECE, 2008.<sup>20</sup>

It is noteworthy that the afore-mentioned documents pay the most attention to the development of a city, while the issues of development of community municipalities are put on the back burner.

Taking into account the analysis of the provisions of these documents, local reality and best practices, municipal STP has to be implemented in accordance with the Development Strategy of each municipality, taking into consideration specific conditions. For the purposes of the Guidebook, the concept of "Strategy" is generally defined as an integrated approach/model of actions aimed at achieving sustainable development of the municipality.

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<sup>17</sup> <http://documents.worldbank.org/curated/en/282241468274759653/Georgia-Urbanization-review-toward-an-urban-sector-strategy-Georgias-evolving-urban-system-and-its-challenges>

<sup>18</sup> <https://www.unece.org/fileadmin/DAM/env/documents/2005/wpla/ECE-HBP-140-e.pdf>

<sup>19</sup> <http://www.citiesalliance.org>

<sup>20</sup> [https://www.unece.org/fileadmin/DAM/hlm/documents/Publications/Spatial\\_planning.e.pdf](https://www.unece.org/fileadmin/DAM/hlm/documents/Publications/Spatial_planning.e.pdf)

### 3. Urbanization - Global Process and Georgia

#### 3.1. Urbanization: The Growth of Cities

Among the world-historical events that radically changed the forms of social organization of humanity in recent years, and the global and national system of settlement, is, first of all, urbanization. The Latin word “urbanus” - or urban – is its basis.

Urbanization, the growth and development of the cities in the Soviet Union, was considered as a negative event characteristic to the "capitalist" social-economic system – just like genetics, cybernetics and sociology. The acute public theoretical discussion of the "urbanists" and “antiurbanists” in the late 1920s was halted by the announcement of the Communist Party saying that development of the "socialist cities" should fall subject to the interests of heavy industry and military-industrial complex. In the Soviet Union the monofunctional cities of primary and secondary industry were created or sharply increased, including in Georgia (Chiatura, Tkibuli, Zestafoni, Tkvarcheli, Rustavi, Kaspi, much later - Madneuli). These cities, in the absence of the Soviet economic system, received the not so favourable title of "Shrinking Cities" and the fate of their development is still quite vague.



**Figure 7: Global settlement picture at night**

Source: <https://academo.org/demos/night-time-satellite-imagery/>

Today more than half of humanity lives in the cities, urban areas/agglomerations and urban metropolitan areas (Figure 7).

According to the forecasts, by 2030 this share will be 2/3. According to countries, this figure is quite variable; it is 53.5% in Georgia (2014). For comparison, the indicators of neighbouring countries are



as follows: Armenia - 62.8%; Azerbaijan – 54.4%; Turkey - 72.9%. In general, there is some causal connection of regularity/pattern, which is that - the more developed the country is, the more urbanized is its resettlement system: Belgium - 97.8%; Netherlands - 89.9%, Luxembourg - 89.9%; France - 79.3%; Germany - 75,1%; Israel - 92,1%, etc. This correlation has some “exotic” exceptions, even in Europe - Liechtenstein for example - 14.3%.

It is known from the theory of urbanization that this irreversible process is characterized by two phases. In the first phase, that developed countries went through a long time ago, large cities are becoming even more enormous. The orientation towards the centre (centre focus) is taking a universal, comprehensive and all-encompassing character: almost every resource of the country's development - demographic, financial-economic, informational, scientific, educational, cultural, sport or other – is being concentrated in large cities. At the same time, the settlement centres are more or less self-sufficient/self-sustainable, and in light of the Soviet city planning doctrine, represent closed units. The Soviet period General Plans, even of Tbilisi, can be used as an illustration of this doctrine.

### **3.2 Urbanization: Decentralization**

The second, mature phase of urbanization – is the decentralization phase, its spatial-territorial expression is rapid formation of urban agglomerations and metropolitan areas. Suburbanization develops: commuters, labour, cultural and educational communications. The population of small towns, boroughs and villages are also involved in this process. Communication technologies make it possible to avoid the need to go to the large cities, for economic or intellectual activities, even at an international scale. Georgia is at the initial stage of this second phase of urbanization. This process requires intentional management, reasonable regional policy - including "planning" at all levels of settlement system - national, regional, local.

The success of municipal development is directly dependent on the policy of real financial-economic decentralization. In this regard, it is important to understand the principle difference between decentralization and deconcentration. Clear examples of the latter – deconcentration - are the announcement of Kutaisi as the parliamentary capital of Georgia; the transfer of the Constitutional Court in Batumi; the transfer of the part of the National Intellectual Property Center of Georgia "Sakpatenti" to Mtskheta and other similar actions.

### 3.2 Urbanization: The Capital And The Rest

Urbanization processes in Georgia have to be discussed with consideration of the above factors. Tbilisi is often called "Tavkombala"<sup>21</sup>; this is true in terms of quantity - Tbilisi holds 30.0% of the country's population. Is it a lot? There are the capitals of much more developed countries than Georgia, where this share is even higher, for example Riga (Latvia): 33% (2017); Montevideo (Uruguay): 38%; not to mention city-states such as Singapore, with its 100% urban population. The main thing is how the National Settlement System is organized, what role is played by the capital in this whole system, is it a kind of economic "shelter" for the poor population of the regions or the driving force of social-economic reforms in the country, the true initiator of decentralization?

The urbanization process is accompanied by previously unknown events of a universal character that affect the settlement system. Among them we would like to stress the following:

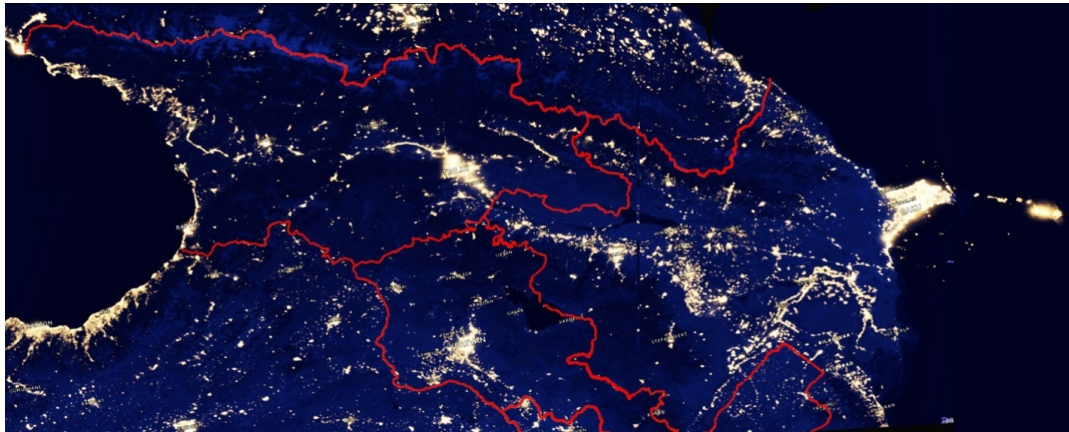
In public and economic life, the category of distance is substituted by the category of time; this process in a narrow-field sense is called an "inversion of space". That is, nowadays the time required to cover the distance between two functional points is more important than the distance itself. Such transformation has added to spatial-territorial planning the tool of the isochron method.

Following the trails of the road transport infrastructure, the number of commuters is increasing, and this process will definitely intensify and geographically spread in the direction of the main transport arteries.

Forms and typology of settlement elements are changing. Self-sufficient, isolated settlements are replaced by different new urban forms of various configurations and scale (agglomerations, conurbations, metropolitan areas) based on tight social-economic coexistence. This process has begun long ago in Georgian reality; but even up to this day appropriate attention is not paid to this issue in terms of "planning". The main examples of the settlement system transformation include cities, but this process is sometimes evident at the level of villages as well. Not to say anything about Tbilisi and Batumi agglomerations, the following pairs of settlements are important: Kutaisi and Tskaltubo, Samtredia and Kulashi; Zestaphoni and Shorapani; Chiatura and Sachkhere; Khashuri and Surami; Bolnisi and Marneuli and others. A clear example of the agglomeration of urban and rural settlements is the Inner Kakheti municipalities - including the continuous chain of 60 km long settlement: Telavi-Bakurtsikhe-Tibaani, which is well illustrated in below Figure 8. Planning of such "small" municipalities separately, without any coordination, lacks any sense.

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<sup>21</sup> literally tadpole – used negatively by locals to describe that Tbilisi is the place where everything happens, where everyone lives and that the rest of the regions of the country are abandoned



**Figure 8 Settlement picture of Southern Caucasus; showing agglomerations in night**

Source: nightearth.com

The tendency of incorporating adjacent villages in large towns (administrative incorporation) has developed back in the XIX century (in the case of Tiflis villages - Chugureti, Kukia, Vere, the villages of German colonists "Neue Tiflis", "Alexandersdorf"). This process is taking place in current Tbilisi as well - in 2007 Tbilisi incorporated the villages of Gardabani and Mtskheta municipalities, recreational and suburban territories; Batumi incorporated the best seaside part of the Khelvachauri municipality. In these cases, the incorporation of the hinterlands, first of all, served fiscal interests; the interests of the municipalities were considered to the lesser extent. On the other hand, Tbilisi officials did not pay attention to the need of incorporating the villages or settlements such as - Lisi, Nakhshirgora, Bvreti and many others, which were not served adequately in terms of service by the Mtskheta municipality - due to their orographic isolation.

The accompanying process of urbanization leads to fierce competition among the cities and, more importantly, their economic efficiency and expediency in terms of functional necessity. This process has led to the whole class of “depressed” cities all over the world that has been named “Shrinking Cities”. This is not just the problem of the underdeveloped or developing countries – Detroit (USA) and Leipzig (FRG) are on the top of the list of such cities. In the case of Georgia, even with the background of significant emigration of part of the population and a dramatic decrease in childbirth, the settlements of the territories “linked” to the mining industries are distinguished by socio-economic depression and significant depopulation, in particular: Tkibuli, Chiatura, Vale. The main reason for the depopulation of these settlements is the sharp decline in economic importance of their primary industries (mining).

The trend of decreasing population is reflected in the data of the General Censuses of the population of 1989 and 2014:

	Year 1989	Year 2014

Tkibuli	21.994	9.770
Chiatura	68.501	39.884
Vale	6.333	3.646

Worldwide, for the assessment of the balance of national settlement systems population ratio of the country's largest city (more often - the capital) and one or more adjacent towns is used as an indicator. For example, these coefficients for Germany are as follows: (the capital – Berlin-1 and its nearby cities, as of 01.01.2016): Hamburg - 1,97; Munich - 2,43; Cologne - 3,32). In Georgia, within the so-called "Big Four" of the largest cities there are: the capital -Tbilisi -1; Batumi - 7,25; Kutaisi - 7,51; Rustavi - 8.86.

The above calculations do not necessarily mean that the city's well-being and recognition of the true urban culture is determined only by the magnitude of the city. The best example of this is the town of Signaghi, the population of which historically has never exceeded 4,000 (in 1989 – 3,147; in 2014 – 1,485), but with the quality of the urban environment, that is hard to compare with the majority of other cities in Georgia - even with population ten times more. In this case, the socio-cultural dimension of the organism of the city - the level of urban culture – is the most important aspect<sup>22</sup>.

From these positions, it should be emphasized that organizing living space, i.e. the terms of land plot use, property forms and "planning" are part of any culture. In this case, we will borrow the definition from Polish sociologist Jan Szczepański to explain the sociological sense of the *culture*: "Culture - is the material and intangible product of the human activity, the value and the recognized rule of behaviour that are objectified and adopted and passed on to the subsequent generations"<sup>23</sup>. In other words, culture is everything that does NOT belong to nature. The culture for the social unity - including territorial – is divided into characteristic subcultures. In the context of global urbanization, the main element of culture and the driving force is the phenomenon of an urban subculture.

In this regard, it should be remembered that the synergic nature of the city, its architectural-spatial and social-cultural integrity, was deeply understood by Sulkhan Saba Orbeliani, a great Georgian thinker of the XVIII century, who left us the world scale and admirable definition of the city's phenomenon: "Community and cohabitation is called city, because single person can not handle himself, but without supporting each other and bringing cobenefits"<sup>24</sup>. The depth of this definition is

<sup>22</sup> Urban Culture – culture of urban areas; it represents great number of very different people in a very limited space – most of them are strangers to each other. This makes it possible to built up array of subcultures closed to each other, exposed to each other's influence, but without necessarily intruding into people's private lives.

<sup>23</sup> Jan Szczepański. Basic concepts of sociology. (Translation from Polish). Tbilisi, "Science", 1997.

<sup>24</sup> Sulkhan Saba Orbeliani, Sitkvis kona qartuli which is leqsikoni. Tbilisi, Sakhelgami, 1945.

clearly seen when compared to the definition of world urban sociology classic Louis Wirth: "For the sociological purposes, the city can be defined as a relatively large, close and permanent settlement of socially heterogeneous individuals." It is noteworthy that in this definition of the city, Louis Wirth avoided verification of quantitative parameters and stressed the level of the generalized categories.

### 3.3 Urbanization: The Challenge Facing Rural Settlements And Smaller Towns

Louis Wirth reveals several qualitative indicators that largely distinguish "urban lifestyle" from the lifestyle of the traditional community. These are: a wider spectrum of cultural life; replacement of relative (kinsfolk) and neighbouring social relations/ties with friendships/acquaintances or professional contacts; formalization of social control; secondary, attenuated communication; labour division and sub specialization; high territorial and social mobility; and the most important – privacy<sup>25</sup>.

In addition, Louis Wirth concludes that urbanism is a lifestyle and it can be habitual for rural settlements as well. This new environment or characteristics of these traditional villages has been given a special term by the western urbanism – ruralisation. Essentially, today we are dealing with the functional-territorial rural – urban continuum. The spread of "urban lifestyle" - is an irreversible process; the main thing is to understand this trend at all levels of settlement system<sup>26</sup>.

From these positions, it is said that in the conditions of Georgia's urbanization, the need for promotion and distribution of urban lifestyle needs support not only in rural areas, but also in small towns and boroughs, which are in a culturally marginal and transient situation.

This task requires specific solutions in the "planning" context. First of all, it is the planning and development of public and public spaces at the local level in every settlement and not only in the large cities; this is the establishment of halls for community gatherings and creation of networks; this means construction of cultural and sports buildings and facilities and such. When drafting the nomenclature of the functional zones for the "planning" documentation, separation of public zones from the business zones needs to be discussed locally, etc. In this respect, the role of the local self-government is decisive in the process of spatial and territorial planning that has originated from the "social mandate".

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<sup>25</sup> Louis Wirth "City, critical introduction" (Editor L. Asabashvili). Translation from English, Tbilisi, "Urban Reactor", 2014.

<sup>26</sup> V. Vardosanidze. City and urban relations in Georgian culture."The city's contours. Urban lectures at the Boell Foundation". Tbilisi, Heinrich Boell Foundation South Caucasus Regional Bureau, 2015.



## 4. Administrative-Territorial Arrangement Of Georgia In The XXth Century



**Know your history! More specifically: to know how to make spatial plans for Georgia for the future we need to understand how we arrived at the present from a spatial perspective from the past.**

### 4.1 Spatial History: Ancient Times

Organizing the space has always been the primary task for the stable existence of any society and the state. It is known from Georgian history that the first king of Iberia, Parnavaz (IV-III B.C.) started his state activities with radical administrative-territorial reform: “Parnavaz came to Mtskheta and rules his kingdom; and divided the country into nine regions.....”<sup>27</sup>

From this text it becomes obvious that even in ancient times the head of the country understood the importance of the integrity of the structure and management system of the state. Since then, these two categories of interrelations have gone a long way in Georgia and are still waiting for optimal decision today.

### 4.2 Spatial History: 20th Century – Basic Administrative Territorial Divisions

For the purpose of this Guidebook, it is enough to cover the practice of the XX<sup>th</sup> century, but it is worth mentioning that the foundation of this practice in the nineteenth century was established under Russian Rule.

The short period of existence of the First Democratic Republic of Georgia (May, 1918 – February, 1921) was a very fruitful period for the intense development of the nation; the country's administrative-territorial reform and land reform were among the most important tasks.

As to administrative reforms, at that time the *status quo* was denied at the level of provinces<sup>28</sup>; self-governance was formed on two levels –

- (1) Mazra (county) and self-governing city;
- (2) The community.

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<sup>27</sup> Life of Kartli. Volume IV. Batonishvili Vakhushti. Description of the Kingdom of Georgia. Tbilisi, "Soviet Georgia", 1973, p. 57.

<sup>28</sup> Law of the Democratic Republic of Georgia on "Cancellation of Administrative Institutions and Establishment of the Position of Administration Inspector" (30 January 1919).

The territory of Georgia was divided into 20 Mazras (Batumi and Artvini districts, which were subsequently incorporated).

The average values for Mazras were:

- Populations – 120,000 residents;
- Territory – 4,800 km<sup>2</sup>.

In addition to Mazras the number of self-governing cities was 26. Two main criteria for the division of the community were identified:

- subsidiarity (the possibility of proximity to the population and the possibility of direct communication) and
- the amount of local income.

Despite the acute economic crisis, self-governments began active implementation of infrastructure projects; for example, construction of new sections of railway: Samtredia - Senaki; Gori - Tskhinvali; Kutaisi - Khoni.

### 4.3 Spatial History: Early 20th Century – Legislative Base

The legislative-normative base of self-governments was forming intensively; the Spatial Planning issue took its rightful place in it.

For example, the draft “Law on Local self-governance of the Republic of Georgia”<sup>29</sup> stated that: “The community within its territorial boundaries has responsibilities for:

- Maintenance of roads, bridges, foot bridges, etc., installation of ports and their operation; work to improve traffic and build any kind of vehicles and maintain them;
- Supervision on each public property - street, square, cemetery and such. Proper construction, planning of settled areas, supervision of all building construction, technical, sanitary, hygienic, and other types of supervision;
- Installation of water supply network, waste water system, external lighting, gardens, parks, etc.;
- Investigation/survey to study local conditions;
- Carrying out census and maintain cadastre, ongoing recording of the residents.

The “Draft Law on Community”<sup>30</sup> provided the definitions of this basic institution:

**“Community:** The name Community implies the smallest territory, the first level of the local self-government, with special competences and administering organs.

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<sup>29</sup> "Draft Law on Local Self-Governance of the Republic of Georgia"(1921).

<sup>30</sup> Draft Law “On the Community” (1920).

**Community area:** The community is established within closely connected borders. The community, together with its space, should be defined in a way that each citizen of the community can have permanent communication with the Gamgeoba and that the latter has the possibility to fulfil its obligations; as well as having enough budget to fulfil the purposes of the self-government and farming."

#### 4.4 Spatial History: Early 20th Century – Spatial Thinking

The explanatory note to the draft law was drawn up splendidly. High-level of state thinking of its authors was visible; most of its provisions have not lost their constructive significance even up to this day - especially to reinforce the theory and practice of the "Planning Regions". The "Explanatory Note" has to be analysed from this perspective.

From the very beginning the document says: "During administrative division of the territory of Georgia, we have adopted Mazra as the standard of highest administrative unit. The division into Mazras during Russian ownership was not done artificially. These units have existed for centuries, and are suitable for Georgia's natural division into separate geographical units."

The above mentioned document emphasizes the necessity of succession for management units, the necessity of taking into account the existing infrastructure and the danger of radical and voluntary decisions:

*"We have to consider the fact that the existence of Mazras in the past century, when new civil life began, caused the same economic consolidation of the constituent parts of each Mazra. Administrative centers have naturally become a center of trade, construction of roads was driven by the existing subdivision into Mazras, etc. Therefore, radical change in the division of higher administrative units of Georgia and adoption of other highest administrative units, for instance, in the former police district, <...> would cause a complete mess in civic life."*

*In addition, the "Explanatory note" refers to "a sort of equilibrium between separate areas or population" and the "political side of the issue".*

The document gives detailed review of the territorial boundaries of each Mazra, taking into consideration the changes ("overlap") and the location of their centers. Below are given the provisions of the document, which will have practical importance for the territorial-state arrangement of Georgia in the future. These provisions, as necessary, are supplemented by corrective comments. It should be taken into consideration that the "rayions" in the text do not imply the administrative-territorial units but certain geographical areas.

## 4.5 Spatial History: Mazras Of Eastern Georgia

The above mentioned draft law declared: “Tianeti and Dusheti Mazras had to be united. Besides, instead of Dusheti, Ananuri was offered as a center of a unified Mazra”.

***Comment:** Based on today's reality, the best prospect of development as a center of the region does not lie with Ananuri, which lost territorial resources is covered by the Zhinvali water reservoir, but with the town Zhinvali due to the urban infrastructure left after hydro construction has been completed.*

“Dusheti Mazra contains the rayon, which has natural economic “attraction” towards Tbilisi. This is Mtskheta rayon, which covers Mtskheta-Mukrani and Saguramo. This part represents a hinterland of Tbilisi; in terms of demand-delivery conditions and roads it is connected to Tbilisi and has to be included in Tbilisi Mazra”. In addition, there is an opinion that Ertso must also be included in Tbilisi Mazra (Tianeti is included in “Ananuri Mazra”).

***Comment:** It is difficult to miss the idea of Tbilisi city agglomeration and capital district, which is clearly reflected in this sentence; however, the urban planning agglomeration category was not yet recognized at that time- the term "hinterland" was used instead.*

“In terms of Signaghi Mazra <...> Chailuri and Kakabeti – is included in Tiflis Mazra. These villages have strong connections with Tiflis”.

***Comment:** This rational proposal predicts inclusion of Outer (Gare) Kakheti (current Sagarejo municipality) in the Capital District.*

"Tiflis, because of the special conditions that it represents the capital city, <...>, should obviously be separated from the Mazra as the superior administrative unit, which actually already happened."

***Comment:** Currently the situation is reverse – the Capital District has to be reestablished.*

“From Gori Mazra Dzegvi-Kvemo Nichbisi rayon (Mtkvari valley below the tributary of Ksani) must be included into Tiflis Mazra. This small sector <...> is more closely related to Tiflis, than to Gori”.

**Comment:** *This sentence delineates west of the future Capital District, boundary with Shida Kartli.*

“In order to better integrate Borchalo Mazra (mainly today's Kvemo Kartli) it is very important to carefully select the correct administrative center. At the time of Russian ownership the borough Shulaveri was considered as the administrative center. This is undoubtedly unacceptable because Shulaveri is located on the outskirts of the Mazra and is not helpful for any rayion except for the Debeda-vally rayion. The center is currently located in the village of Ratevani (Ekaterinenfield); <...> It will be much more appropriate if we move the center towards the east - namely in the village of Qveshi. ”

**Comment:** *This is the case when it is difficult to agree with the authors of the document. Today's realities dictate that we need to move the Kvemo Kartli Center from the city Rustavi to the city of Bolnisi for a number of reasons, with the precondition that a direct motorway of national importance connecting Bolnisi to the Tetrtskaro will be constructed.*

"In Gori Mazra, towards the direction of Akhaltsikhe-Akhalkalaki, Borjomi rayion is located, which is a kind of transition zone between Akhaltsikhe and Gori Mazras . <...> the two communities, (Borjomi), which represent Borjomi rayion, have equal attitudes towards Gori and Akhaltsikhe”.

**Comment:** *Functional-territorial dualism of "Borjomi rayion" is well seen; today it becomes increasingly clear that the solution would be to upgrade the status of this unique municipality to the regional level ("the Region (Mkhare) of Tori").*

## 4.6 Spatial History: Mazras Of Western Georgia

Here, it is discussed only the Lechkhumi Mazra in the context of including it in the administrative center of Zemo Svaneti.

„Zemo Svaneti is located in the Inguri valley and it is cut off from Kvemo Svaneti and Lechkhumi with a high ridge <...> which is closed in the winter and complicates communication between these



two parts. Zemo Svaneti is considered to be included in Zugdidi Mazra, but hereby there are also several notable arguments, which are very important, in particular: "Separation of Zemo Svaneti from Lechkhumi is unacceptable because in this case the parts of Svaneti, the Upper and Lower Svaneti, would be in two different Mazras. Both parts of Svaneti have unique living conditions, archaic society and customs. At the same time, Svaneti is different from neighbouring Mazras by its cultural condition. "

*Comment: Today's situation when Zemo Svaneti is included in Samegrelo Region, occurs only because of the existence of the Zugdidi-Mestia motorway, has to be changed; and this will definitely happen after the tunnel is constructed in Svaneti ridge, which will take few years.*

#### 4.7 Spatial History: 1921 Constitution Provisions

On February 21, 1921, the Founding Council of the Democratic Republic of Georgia adopted the Constitution of Georgia<sup>31</sup>.

The Constitution did not fully define the administrative-territorial arrangement of the country; it only stated that "the capital city is Tiflis" and that "the administrative division and the establishment of the borders of the self-governing entities are carried out in accordance with the legislation" (such draft laws were disclosed above).

In addition, two articles containing a chapter in the Constitution were dedicated to provisions regarding autonomy: "Article 107. Inseparable parts of the Republic of Georgia - Abkhazia the Sokhumi district, Muslim Georgia (Batumi Mkhare) and Zakatala the District of Zakatala, are granted autonomy with respect to governance in local affairs".

The "Constitution of Georgia" was not destined to enter into force - the Red Army entered Tiflis within a few days and Georgia was occupied.

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<sup>31</sup> Constitution of Georgia (1921)

## 4.8 Spatial History: Soviet Period

After the spread of the Bolshevik governance (1921), Georgia, Azerbaijan and Armenia had been joined in the Transcaucasian Soviet Socialist Federal Republic, which was included in the USSR (1922).

The principal administrative unit in Georgia, until October 1930, was the Mazra. However, in 1928 the larger administrative unit was created – the district. In March 1930, the districts and Mazras were divided into smaller units - rayons. In fact, a 5-tier administrative-territorial structure was established:

1. Transcaucasian Soviet Socialist Federal Republic;
2. Georgian Soviet Socialist Republic,
3. 3 Autonomous Units and 4 Districts (Tiflis, Kutaisi, Gori and Kakheti);
4. 6 Mazras (Senaki, Zugdidi, Ozurgeti, Zemo Svaneti, Akhalkalaki, Akhaltsikhe) and Poti City Council;
5. 65 Rayions.

The districts of East Georgia counted the following districts:

- **Tiflis district** (center - Tiflis) - Tiflis, Kazbegi, Dusheti, Ertu-Tianeti, Sagarejo (till 1930 - Outer Kakheti), Mtskheta, Sarvani (Borchalo), Luxemburg, Bashkheti, Ibbulakhi, Manglisi, Guinea-Kala (Tsalka) ) Regions;
- **Kakheti region** (center - Gurjaani) - Gurjaani, Telavi, Kiziki (Sighnaghi), Lagodekhi and Kvareli districts;
- **Gori district** (center - Gori) - Gori, Kaspi, Khashuri, Borjomi districts;
- Autonomous region of South Ossetia (center - Kitskvali) - Tskhinvali, Java and Akhagori districts.

Akhalkalaki and Akhaltsikhe mazraᵓ were separated:

- Akhalkalaki Mazra (center - Akhalkalaki) - Akhalkalaki and Gorelovka districts;
- Akhaltsikhe Mazra (center - Akhaltsikhe) - Akhaltsikhe, Adigeni, Atskuri and Toloshi districts.

There were 5 monasteries on the territory of Abkhazia: Gali, Gudauta, Ochamchire, Gumista (from 1929 - Sokhumi), Gagra.

Chorokhi (from 1929 - Batumi), Kobuleti, Keda, Khulo were created since 1924 on the territory of Ajara.

In the rest of Western Georgia there were the following mazras: Kutaisi, Shorapani, Senaki, Zugdidi, Ozurgeti, Zemo Svaneti, Racha and Lechkhumi (since 1928 - Racha-Lechkhumi). A separate administrative unit was Poti. In 1928 Kutaisi Mazra joined the Racha-Lechkhumi and Shorapani mazras and became the Kutaisi district.

This multilevel structure of management was soon changed. In October 1930 the districts and mazras were abolished, and in 1936 the Transcaucasian federation dissolved.

By 1940, 30 regions were established in eastern Georgia:

Aghbulagi (white source), Adigeni, Aspindza (till 1933 - Tolosh), Akhalkalaki, Bashkchieti (from 1947 - Dmanisi), Bogdanovka (till 1933 - Gorelovka, now - Ninotsminda), Borjomi, Borchalo (from 1947 to Marneuli), Gori, Gurjaani, Dusheti, Kazbegi, karaia (since 1947 - Gardabani), Kaspi, Kvareli, Lagodekhi, Luxemburg (hereinafter - Bolnisi), Sagarejo, Signaghi, Telavi, Tianeti, Tbilisi, Khashuri (1928 - 1934 - Stalinis), Tsalka and Red Sources; South Ossetia Autonomous District: Java, Znauri (1936 - 1938 - Okon), Leningori (former and current Akhagori), Stalinist (1931 and 1961 - Tskhinvali) regions. At the same time, the following districts of western Georgia were formed:

In the territory of the former **Kutaisi** region – Kutaisi, Orjonikidze (till 1932 – Kharagauli), Zestaponi, Chiatura, Sachkhere, Chkhari (since 1950 – Terjola), Oni, Ambrolauri (Chrebalo region was joined to it), Kvemo Svaneti, Tsageri, Maiakovski (till 1940 – Baghdati), Vani, Samtredia, Tkibuli (till 1938 Okriba), Tsulukidze (till 1936 – Khoni);

In the territory of the former **Ozurgeti mazra** – Makharadze (till 1934 – Ozurgeti), Chokhatauri, Lanchkhuti; In the territory of Senaki mazra - Abasha, Mikha-Tskhakaia (till 1935 – Senaki), Gegetchkori (till 1936 – Martvili);

In the territory of the former Zugdidi Mazra – Zugdidi, Chkhorotsku, Khobi, Tsalenjikha.

**Zemo Svaneti** region and the city of **Poti** were established as separated regions.

The administrative arrangement of Apkhazia and Adjara remained the same. Later in 1952 Khulo region was separated from Shuakhevi region in Adjara; while Sokhumi region was separated from Gulripshi region in Apkhazia.

In 1944, two regions of the Russian Federation were transferred to Georgia - Klukhori and Itumkale (Tsitelkhevi), which were returned back in 1953.

In 1951, Georgia returned to the district arrangement for only two years - 29 in Tbilisi and 28 in Kutaisi. At this time 6 in Abkhazia, 4 in Adjara, 4 in South Ossetia. It is important that 10 cities received special status (Tbilisi, Gori, Rustavi and others). In 1953 the districts were abolished.

Since 1963, the Soviet Union has begun to grow administrative units. 37 regions were created instead of 71 districts in Georgia; Including in the eastern region of Georgia: Akhalkalaki, Akhaltsikhe, Bolnisi, Gardabani, Gori, Gurjaani, Dusheti, Tetrtskaro, Telavi, Tianeti, Marneuli, Sighnaghi, Kazbegi, Kvareli, Khashuri; South Ossetia autonomy districts - Znauri, Leningori and Java districts.

In western Georgia 19 regions were established: Makharadze, Lanchkhuti, Tskhakaia, Gegechkori, Zugdidi, Mestia, Lentekhi, Tsageri, Ambrolauri, Sachkhere, Zestaponi, Mayakovsky, Samtredia, Tskaltubo districts. In Abkhazia, Gali, Gudauta and Ochamchire districts were considered; In Adjara - Keda, Chakvi and Khulo districts. This reform turned out to be irrelevant - the old regions were restored in 1964-1966. In 1968 Batumi district was called Khelvachauri district. In 1976 Tskaltubo received the status of the city council.

As a result of many administrative-territorial reforms, after reorganization of the USSR (1936) the Georgian SSR included: 3 autonomous units, 65 rayons and 10 cities of so called republican subordination - Tbilisi, Gori, Marneuli, Rustavi, Zugdidi, Kutaisi, Poti, Tkibuli, Tskaltubo, Chiatura.

## 4.9 Spatial History: Recent Period

After the restoration of independence (1991), the South Ossetian Autonomous District was abolished and its two rayons - Tsikhinvali and Kornisi (former Znauri) - joined Gori and Kareli rayons respectively.

By 2009, Georgia had a 4-level administrative-territorial system ("Territorial State Arrangement" according to the wording of 1995 Constitution):

- National Level;
- Regional quasi-level , 12 units, including the capital city and Autonomous Republics;
- 67 rayons and 6 cities which were not subordinated to the rayon
- city, borough, community and village included in rayon.

The "Code" of 2014 states that self-governance is carried out in the municipalities – in the self-governing cities and self-governing communities. Self-governing cities are considered as the settlements of the city category, which are granted or will be granted the status of the municipality according to the Code. Thus, the Code named 12 cities - Tbilisi, Batumi, Kutaisi, Rustavi, Poti, Telavi, Ozurgeti, Zugdidi, Gori, Ambrolauri, Mtskheta and Akhaltsikhe<sup>32</sup>.

By 2017 the territory of Georgia (except the occupied territories) was divided into 79 municipalities with the following mean parameters:

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<sup>32</sup> Organic Law of Georgia "Local Self-Government Code", (2014).

- Territory - 790 km<sup>2</sup>;
- Population – 52,700 persons, which exceeds average European value by 9-times.

At the Spring Session of 2017, the Parliament of Georgia abolished the status of the municipality (i.e. self-governing city) for 7 of the above-mentioned cities. Only 5 urban municipalities remain: Tbilisi, Batumi, Kutaisi, Rustavi, Poti. The competences of 7 self-governing cities were taken out.

From the spatial-territorial planning standpoint, it is important that the "Code" establishes the concept of the primary administrative - territorial unit of municipalities. The following categories of settlement are considered as the territorial units: village, borough and city.

The following necessary parameters are established for them: name, administrative borders, territory and registered population. Nowadays, this requirement of the "Code" is not enforced with respect to the villages in terms of administrative boundaries. Thus, some parts of the villages of Georgia are basically out of the scope of the legislation; this creates substantial difficulties in developing the "planning" documentation for community municipalities.

As known, according to article 2, paragraph 3 of the Constitution of Georgia (1995), the definition of new socio-economic realities reflecting the administrative-territorial structure of the country is postponed for an indefinite term: "The state territorial arrangement of Georgia will be defined by the principle of separation of powers by constitutional law after the full restoration of jurisdiction on the whole territory of the country".

Thus, in terms of management, the territorial arrangement of the country does not have a constitutional base – only the status of the Capital (Tbilisi) is constitutionally defined.

What concerns the regions of Georgia, even though at this level there is a State Trustee - Governor's Institute, that is formally strengthened by the Regional Consultation Council, it cannot be regarded as a full value management level because it does not answer the imperative requirements of the European Charter of Self-governance:

- it is not a legal entity
- it does not have an elective representative body, and,
- it does not have any own revenues.



**Although the Constitution and other legislative documents according the regional and municipal development are problematic, this does not mean municipalities should not act in terms of spatial -territorial planning. There are**



**many opportunities for action to define the “Vision” of spatial development of each Municipality and to collect data for Municipality Profile.**

## 5. Radical Land Reforms – From Capitalism To Capitalism

An ideal planning system requires detailed knowledge of each parcel of land in a country, together with its surface structure (land-cover) and its use (land use). Building this knowledge takes many years of dedicated effort.

Spatial planning is concerned with how the use of that land might change in the future.

As for administrative structures it is important to know the historic background of land use and land reform, so that changes in the future can be made including assessment of previous policy.

### 5.1 Land Reform: 20th Century

After the Liberal-democratic Revolution of February 1917 in the Russian Empire, the institution or state form of the highest authority in Transcaucasia changed several times over the course of 15 months: Special Transcaucasian Committee (O3AKOM in Russian) - Transcaucasian Commissariat - Transcaucasian Seim - Transcaucasian Democratic Federative Republic. None of them managed to carry out systemic land reform, but separate, disorganized steps were made in this direction<sup>33</sup>. Only the leadership of the **Georgian Democratic Republic**, which was declared on 26<sup>th</sup> of May 1918, initiated the systematic agrarian reform in the country. By this time the fundamental issue of agricultural land ownership was solved, including the private form of ownership, as proposed by German advisers.

Several Laws served the urgent reform of the land in the Democratic Republic of Georgia; among them one of the first was the Law "On transfer the land/homesteads ownership to the residents from the state fund" (January 28, 1919)<sup>34</sup>. By virtue of this Law: "1. The homesteads from the State Fund are granted to the rural residents as private property, except for the exception provided in Article 2 (2) of this Law." In addition, the lands "for resettlement and settlement" approved by the Minister of Agriculture were not distributed. As a rule, the land was given to the inhabitants of the villages whose main source for existence was the land cultivation. However, residents of the cities resettled to the village did not lose the right to buy the land. Preconditions of agrarian cooperatives were also created. Article 6 of the Law was important: "The pasture shall be transferred to the community or village into their private ownership." The transfer of other categories of land was limited.

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<sup>33</sup> Decree # 16 of 1917 of the Transcaucasian Commissariat; laws of the Transcaucasian Seim of March 7 and May 2, 1918

<sup>34</sup> The Law of the Democratic Republic of Georgia on "Issuing the land from the state fund to the private owners" (January 28, 1919).

Land acquisition incurred fees; in addition, the Minister of Agriculture was given the right to install a fee (to agree on instalment payments) for 2 years in specific cases. Purchase certificates/agreements were registered in the registry of certificates by the senior notaries. The incoming funds were accumulated on the account of the special Agricultural Fund, "<...> which is required to satisfy the necessary agricultural needs." The Minister, in agreement with the community of the Mazra, imposed the average "preferential" price for each district on a '*desetina*' (unit of area in Russian Empire) based on which, the district committee was setting up prices for specific plots, taking into consideration the quality of soils. It is noteworthy that the principle of market prices was spread over the cities and their hinterlands.

In parallel to the above-mentioned Law, on January 28th 1919, the Law was issued "On Declaration of the former tenant, state and other lands as private property"<sup>35</sup>. This Law expanded the privatization land fund, as well as the circle of people to whom the agricultural land was transferred; some categories received the land free of charge. At the same time, the state, by the power of the Law, takes over the important irrigation facilities of agricultural infrastructure and gives management rights to the "Water Division"<sup>36</sup>.

As Georgia became part of the USSR the reform of agricultural land ceased. The main ideological vector turned by 180 degrees - the first Constitution of the Soviet Socialist Republic of Georgia (March 2, 1922) abolished private property for the production industry, facilities and land (this fundamental principle was followed by the Constitutions of the SSR of Georgia in 1927, 1937, 1978). Although the "Land Code" (1922)<sup>37</sup> of the Soviet Union allowed the use of the state land individually, soon the whole course towards total collectivization rendered this document irrelevant.

The last Constitution of the Soviet Union (1977)<sup>38</sup> once again confirmed that land, fossil, waters and forests represent the special property of the state. Lifetime and free of charge use of the land was allowed, as well as the use of state land by the citizens to maintain their own economy and to construct individual residential houses.

During the brief period of "Perestroika" (Russian "reconstruction"- 1985-1991) inevitable agrarian reform was becoming more and more mature in the Soviet Union. With the advice to implement the

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<sup>35</sup> The Law of the Democratic Republic of Georgia "On Declaration of the former tenant, state and other lands as private property" (28 January 1919).

<sup>36</sup> The Law on "Abolishment of Mariam's irrigation association and transfer of its property to the state", 1919.

<sup>37</sup> Land Code, 1922

<sup>38</sup> Constitution of the USSR, (1977)

reform thoughtfully and without a hurry, the President of the USSR Mikhail Gorbachev was addressed by 28 foreign economists, mainly Americans. The letter said the following: *"Transition of the Soviet Union towards a market economy will significantly improve the well-being of its citizens <...> But there is a threat that your country will borrow from us such signs of the economy that prevents Western countries from flourishing.*

*In particular, there is a danger that you will follow our path and give permission to the private sector to keep the large part of the land rent. <...>The society must make maximal effort to use the land rent (as a result of collective labour) in favour of all its members. At the same time, the value added to the property as a result of their work and investments should belong to these individuals. "*

The collapse of the Soviet Union and the announcement of Georgia as an independent country "conceived" the hope to implement land reform reasonably and rationally. However, since 1992, the agrarian policies of each of the alternating governments together with their unpreparedness, fragmentary character and group interests were very much similar<sup>39</sup>. Even up until today, the country has no fundamental political document for systemic agrarian reform, the land code has not been developed, cadastral works have not been completed, and the principle of matriculation was rejected. Acute political confrontation is caused by the sale of agricultural land to foreigners.

With the force of the Civil Code of Georgia adopted in 1997, the State collected immovable property data (including land) in the public registry. The State Department of Land Management was created to administer this field. The first step towards land reform was made. In spite of this, the Technical Inventory Bureaus under subordination of the local self-governing bodies continued to register ownership rights on apartments and individual dwellings. There was no coordination between these two agencies.

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<sup>39</sup> T. Chkheidze. Agrarian Policy of the Government of Georgia (1990-2003). Tbilisi, "Opiza", 2003.

## 5.2 Land Reform: Current Situation

In 2004, the State Department of Land Management, and later the Technical Inventory Bureaus were abolished; a New Agency for Registration of Rights on Immovable Property – the National Agency of Public Registry - Legal Entity of Public Law under the Ministry of Justice of Georgia – was established. The functions of the State Department of Land Management were distributed among various state agencies. The functions of the land administration and information stored in the Technical Inventory Bureau was transferred to the National Agency of Public Registry. Today the technical system operating at the Agency is considered exemplary on an international scale.

## 5.3 Land Registry: Legal Provisions

The “Code” identified nomenclature of the municipality property:

Article 107 - Property assigned to a municipality under this Law:

1. Under this Law, the following property existing in the territory of a municipality shall be assigned to the municipality:
  - a) local roads and their sections, streets, underground and over ground crossings, pavements, traffic lights, street lightings, squares, public gardens, boulevards, fountains, parks, green plantings and coast-protecting structures;
  - b) non-agricultural land, except for:
    - b.a) privately owned land;
    - b.b) the land to which public property, and the property created with the State's participation, is fixed;
    - b.c) the land subject to the fixation to the property (public property and the property created with the State's participation) determined by subparagraph (b.b) of this paragraph in the manner prescribed by the legislation of Georgia;
  - c) the land fixed to the municipal-owned facilities, including the facilities stipulated by subparagraph (a) of this paragraph;
  - d) local forests and water resources;
  - e) agricultural land, except for cases provided for by paragraph 2 of this article.
2. The following agricultural land shall not be considered as the property of a municipality:
  - a) the agricultural land, including pastures, that has been registered as private or state property
  - b) the non-registered agricultural land for which an application for registration as state property has been filed in the manner prescribed by paragraph 3 of this article, except for cases provided for by paragraph 4 of this article;

- c) the non-registered agricultural land existing in the territory of a municipality;
- d) the routes for driving cattle;
- e) the agricultural land located in a 500m wide State border strip;
- f) the land of state reserves, natural monuments, national parks and sanctuaries;
- g) the land designated for historical, cultural, natural and religious monuments of state importance;
- h) the land of the state forest fund;
- i) the land transferred in the form of usufruct or with a right to use to the institutions and legal entities under public law financed from the state budget and from the budget of an Autonomous Republics of Georgia;
- j) the land of the state Water Fund.

3. A municipality's property right with respect to unregistered agricultural land that is located in its territory shall arise based on the application, in the prescribed manner, to the respective registering agency and the registration of the rights, which shall not deprive the State of its right to register the unregistered agricultural land as public property.
4. If the State and a municipality simultaneously apply to the respective registering agency for the registration of the same land or part of that land, the application that has been registered earlier shall be satisfied. If the applications have been filed on the same day, the application of a municipality shall be satisfied.

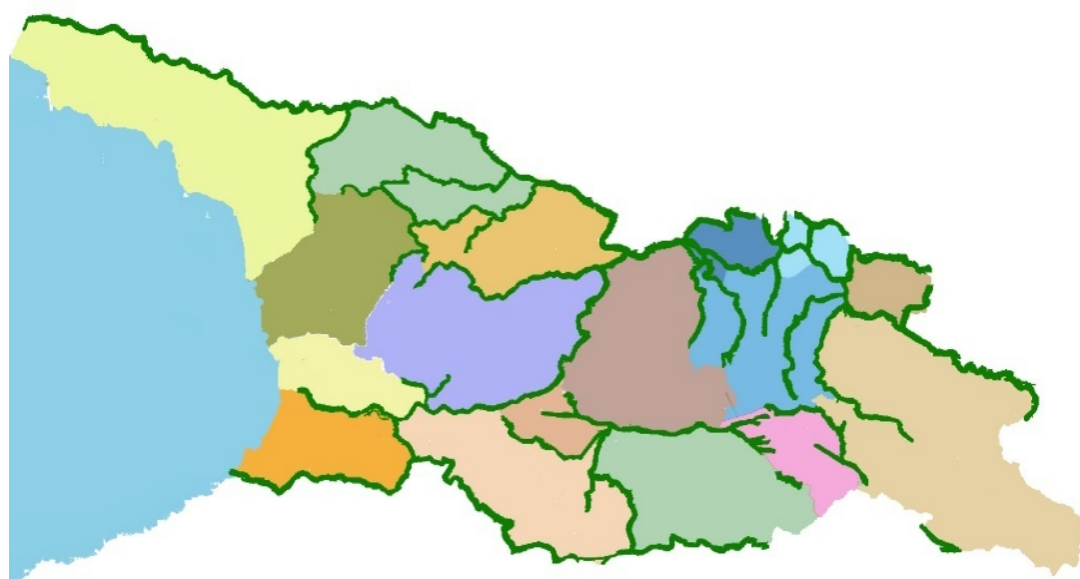


**Every municipality should work towards ensuring that all categories of its land are properly measured and recorded in the National Agency for Public Registry.**

## 6. Transformation Of Georgia's Settlement System

The settlement system of Georgia was historically determined by the orography of the country; the main parts of this system are territorial units which are surrounded by the dividing ridges that are separated from each other by historical-cultural standpoint and that are currently known as the Regions or Mkhares of Georgia.

### 6.1 The Impact Of The Natural Conditions To Develop Regional Settlement System



**Figure 9: System of Dividing Ranges which constitutes the Settlement System of Georgia**

Sketch by: Dzidziguri P. 1981.

The supporting units of the modern settlement system, a kind of urbanization foci, were largely formed in the XIX<sup>th</sup> century. Before, the towns due to the political division, lack of communications and roads, did not form a functionally integrated system of settlement.

The movement on Likhi Pass was seasonal, and only available for pedestrians, riders and cabs; due to the absence of reliable roads in Western Georgia, until the middle of the XIX<sup>th</sup> century, traveling from Poti port and the import of goods in Western Georgia and then to the Eastern Georgia, was possible only through the navigation on the river Rioni (antique authors, in particular, Strabo wrote - the route continued to Shorapani by river Kvirila). It can be said that in late medieval times the west of Georgia represented the part of the “countryside without cities”. The Black Sea coast was swamped and it was



possible to travel only by the sea or deep inland roads – the proof of this are the brilliant monuments of engineering-art that exist even today – single span bridges in Adjara from XI century (Figure 10).



**Figure 10: Tskhemvani Bridge on the River Matchakhela, Village Chkhutuneti, Khelvachauri Municipality**  
Sketch by Dzidziguri P., 1972.

The situation was relatively better in Eastern Georgia, where important administrative, workshop and trade centres existed. According to the census in 1770, there were 4,000 families (20,000 people) living in Tiflis at that time, 3,700 people lived in Telavi, 3,500 in Tsilkani, 2,500 in Gori, 1,000 in Surami, 500 in Ananuri, 500 in Signaghi. For comparison, in 1772 the Kutaisi population was only 500 people; for the traveller's eye, it looked like a rural area.

In the XIX<sup>th</sup> century, construction of road infrastructure and military bases began. They were directed against the attacks of Lezghins (tribes of northern Caucasus) and Turkey. In this way Manglisi, Tetrtskaro and Gombori military camps were established. The conditions of traffic on the Georgian Military Road and the way out of the Likhi Range improved; development of roads network started in western Georgia as well.

## 6.2 Technology And Infrastructure Influence On Settlement System

The settlement system transformation followed the steps of introduction of technical innovations and infrastructure in Georgia (according to years):

1804	Regular Postal Communication;		
1860	Telegraph;	1920s	Airline service;
1871	Railway;	1926	Radiobroadcasting
1893	Telephone;	1933	High-voltage power lines;
1907	Kerosene pipe line (from 1931 oil pipeline);	1957	TV broadcasting;

1910s Motor transport;

1960 Gas pipe line.

Currently wireless (satellite) television, cellular telephone networks, transregional optic -fibre cable across the territory of Georgia have been added to the technological developments and expansion of the coverage zones of these systems. Recently the construction of a high class, international highway road was also added to these developments. All of these are integrated in the geopolitical project "Transport Corridor Europe-Caucasus-Asia" (TRACECA), which runs through Georgia.

Technical-technological innovations and their territorial expansion have always influenced (and still influence) the condition of the settlement system and its constituent elements - sometimes also having a negative impact. For example, transferring the shipment of cargoes in Western Georgia to land routes suppressed the rapidly emerging/developing port of river transport for passengers and goods - the borough Orpiri located at the confluence of the rivers Rioni and Tskhenistskali, basically ceased operation. The transfer of the Georgian Military Road to be adjacent to the river Aragvi placed the historical centre of Mtiuleti – Dusheti township – at a dead-end; while the Tsilkani, which had the transit function, turned into one more village. In Imereti, the railroad bypassed Kutaisi, which in some sense diminished its significance and limited its development prospects.

On the other hand, the implementation of urban infrastructure projects and the utilization of natural resources was an impetus for the rapid development of the settlement system of Georgia. The construction of the railway is associated with emergence of cities, such as: Samtredia, Zestaphoni (formerly station Kvirila, for a short time - Jugheli), Khashuri (once - Stalinisi). Chiatura, Tkibuli, Vale, later – Madneuli developed on the base of the mining industry. The City Rustavi was built on the base of Transcaucasian Metallurgical Complex. Hydro-energy facilities created the boroughs - Jvari, Sioni, Zhinvali. Balneological resources of medicinal properties gave rise to the resorts - Borjomi, Abastumani, Tskaltubo, Menji and others.



**Implementation of infrastructure projects has a great impact on the settlement system of Georgia and the development of specific municipalities.**

Under the conditions of the Soviet Union's planned economy, understanding such a considerable shift in the settlement system of Georgia and determination of the perspectives was necessary. The fundamental work "Regional Settlement Arrangement Scheme of the SSR of Georgia for 1991-2001" developed by State Project Institute "Saqqalaqtmshensakhproeqti" in 1976-1978 was dedicated to the

planned management of urbanization process and balancing of the settlement system<sup>40</sup>. Since 1926, the number of Georgian population increased from 2,677.2 thousand to 4,953.5 thousand, i.e. 1.8 times; including the urban population - from 594.2 thousand to 2,506.6 thousand, i.e. 4.4 times. The population grew by 12% even in mountainous areas as well.

This was the first conceptual work, some of the provisions of which have not lost their significance even today. The Soviet approach towards the territories was critically evaluated due to their "beyond economical" status. It was emphasized that in one year the average of 4.7 thousand hectares of land was "transformed" from the agricultural into non-agricultural, creating an alarming situation for a republic with little territories. The General Scheme of settlement also focused on other shortcomings in this system:

- Significant increase of Tbilisi, both in terms of population and territories;
- Irrational use of urban territories;
- Disbalance between highlands and lowlands;
- Issues with regard to maintaining agricultural lands;
- Degradation of valuable natural landscape (terrain);
- Deficiencies of environmental policy;
- Imperfections of transport and social infrastructure;
- Insufficient functional-structural interdependence between settlements;
- Inadequate efficiency of urban and rural construction;
- Underdeveloped recreational/leisure weekend places.

The document substantiated that the urban construction method for improvement of the existing situation was the establishment of a new theoretical approach - "Group Systems of Settlements" (GSS) integrated by uniform infrastructure. This form of settlement should have ensured:

- A wide choice of jobs without the need to change place of residence, which was especially important for the dwellers of small towns and villages of the GSS ;
- Change of the place of work without the need to move to another place, which was important for the residents of the large cities.

As a result of option analysis (4 options) the final version of the document was developed. The selected option meant dividing the territory of the Republic of Georgia into three types of GSS. Large - Tbilisi and Kutaisi; medium - Batumi and Sokhumi; small - Telavi and Tskhinvali; in southern

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<sup>40</sup> Regional Settlement Arrangement Scheme of the SSR of Georgia for 1991-2001. Tbilisi, "Saqqalaqtmshensakhproeqti", 1979 (Rotaprint edition, in Russian)

Georgia a small GSS was being formed - Akhaltsikhe. During the development of the settlement system, attention was paid to the time needed to reach city-centers, which should not have exceeded 1.5-2 hours; in addition, the time needed to travel from Tbilisi to Kutaisi (i.e from Eastern to Western Georgia) was limited up to three hours.

The development of new urban settlements was proposed based on the construction of hydropower plants - Jvari, Zhinvali, Sioni. The number of villages was decreasing by 15%, which was associated with the concept of the "prospect less village" (this doctrine was reinforced by the communist ideology with the use of art - the films "They Came Down from mountains", "The Fellow from Sabudara"). It should be mentioned that in the last period of Communist regime the tendency of the Communist regime has changed to the opposite direction, what was reflected in the slogan - "Mountaineers returned to mountains".

Special importance was given to the already matured issue of the formation of Tbilisi agglomeration. It was emphasized that the Tbilisi agglomeration was not the subject of theoretical reasoning any more, but a given fact; it is developing along the river Mtkvari by linear configuration and includes cities: Mtskheta, Tbilisi, Rustavi, Gardabani. Separate research was devoted to the formation of this agglomeration, which employed, unusual for that time, urban-sociological studies.

It can be said that the "Regional Settlement Arrangement Scheme of the SSR of Georgia for 1991-2001" was a progressive document of its time: Regional Planning documentation and the General Plans for the settlements were drafted or corrected and approved based on its provisions. **Thus, at the time of the collapse of the Soviet Union, Georgian cities and boroughs - except for a few exceptions - were provided with General Plans.**

After the declaration of independence (1991), this document was not cancelled; furthermore, by the decree # 204 of the President of Georgia (dated: May 20th, 2001) on the "Policies to implement the State Urban Planning on the settled territories of Georgia", their validity term was extended until December 31st, 2003. At this time, the Ministry of Urbanization and Construction of Georgia and the relevant local governing bodies were asked to conduct the methodological and pre-projecting statistical and research activities<sup>41</sup>. However, the "Rose Revolution" radically altered the situation in the sphere of STP and took out the STP task from the agenda.

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<sup>41</sup> Decree # 204 of the President of Georgia, dated 20 May 2001, on "Implementation of Urban Development Policy Measures in the Settlements of Georgia".

In recent years, the interests of the state and international organizations towards STP have clearly increased. This was supported by factors in the new settlement-forming process. Large infrastructural facilities have impacted the task of the spatial order across the country; the development of mountain-skiing sports caused the construction boom in Borjomi (Bakuriani, Mitarbi) and Dusheti, Kazbegi (Gudauri) municipalities; it has a great influence on the perspective of social-economic development of Mestia (Hatsvali, Tetnuld), Khulo (Beshumi) and Chokhatauri (Bakhamro) municipalities. The Spatial-Territorial Plan of Mestia Municipality Development has been completed and in August 2018 was passing approval procedures.

Implementation of infrastructure projects will have a great impact on the settlement system of Georgia and the development of specific municipalities; in this regard, projects of different scale or content may become exemplary - in the Zugdidi municipality construction of Anaklia deep sea port and Anaklia city, in Shaori (Ambrolauri municipality) - tourist-recreational zone development. In connection with this it should be stressed that the process of developing the STP documentation at the local level has been lacking a systemic approach and local initiatives throughout the country; it was characterized by “fragmentation” and disregard of the context at the regional level.

## 1. 7. Normative Acts and related strategic documents

The defining point for reviewing the multilateral issues of STP of Georgia is a clear determination of the objectives of this activity, i.e. the understanding of the administrative-territorial structure of the country and adaptation to the main goals of the country's development. Therefore, from the day of independence of Georgia, on the background of radical political reforms, the new administrative-territorial arrangement and management goal had emerged. Despite the actuality of this task, the functional spatial structure of the country is mainly based on the soviet model even today.

Currently the functional-territorial category “hidden” in the political reality of Georgia – emancipation of the region - is becoming increasingly important, which, ultimately, will contribute to the formation of the optimal model for the state territorial arrangement, including planning decisions of a taxonomic-hierarchical system at all levels and will make the spatial plan development process more efficient.

Below is a brief analysis of legislative-normative acts, directives and recommendation documents on the regional development and STP existing in the Georgian jurisdiction; it is presented according to the descending hierarchy established by the Law on “Normative Acts” (2009). This Law states (article 2):

1. A legal act is an obligatory act to be executed by the state or local self-governing body (official), as prescribed (issued) by the Georgian legislation.
2. The types of legal acts are: normative act and individual act.
3. A normative act is a legal act adopted (issued) in accordance with the legislation of Georgia by the state or local self-governing body (official), which contains the general rule of conduct for its permanent or temporary and multiple use.
4. Individual legal act is one time and should comply with a normative act. An individual legal act shall be accepted (issued) only on the basis of a normative act and within the limits established by it.

The law establishes that the normative acts of Georgia have the predominant legal power to the normative acts of the local self-government. Taking into consideration the above mentioned, there are presented the legislative-normative acts in a descending hierarchy:

- Constitution of Georgia, Constitutional Law of Georgia;
- Constitutional Agreement of Georgia;
- International Agreement of Georgia;

- Organic Law of Georgia;
- Law of Georgia (Code), Decree of the President of Georgia, Regulation of the Parliament of Georgia;
- By-laws of Georgia.

As a disclaimer, one can say that the spatial territorial aspect - directly or indirectly – is contained in almost all components of public life. Consequently, the regulations set by not only special but also other sectoral legislative-normative acts, which in some form refer to the organization of space, must be considered in the STP process. Due to the abundance of such acts, the following are the most important provisions from the STP standpoint.

## 7.1 Constitutional Laws Of Georgia

According to **the Constitutional Law of Georgia "On the Status of the Autonomous Republic of Adjara" (2004)**, in accordance with article, 7, p.1, the Autonomous Republic of Adjara, among other things, manages following issues:

- “g) Construction of local importance and urban development;
- h) Roads and Other Communications of local importance ”.

Formulation of these provisions is vague; the reader can assume that "urban development of local importance” implies the land use general plans of settlements and development regulation plans. However, the higher-level document - "Spatial Arrangement Scheme of the Autonomous Republic of Adjara" ([www.ajaraspg.ge](http://www.ajaraspg.ge)), completed in 2013 (but not approved), was developed based on the planning task approved by the Order No. 79, dated April 8, 2011, of Minister of Finance and Economy of Adjara Autonomous Republic.

### **Constitutional Agreement of Georgia between the State of Georgia and the Apostolic Autocephalous Orthodox Church of Georgia (2002).**

This Constitutional Agreement, known as "Concordat", contains a number of norms that are necessary to take into account during development of spatial planning documentation. These norms are:

„Article 7: The state recognizes the ownership by the Orthodox church of the Christian monasteries, chapels (acting and non-acting) or their ruins on the whole territory of Georgia as well as land plots where these structures are located.



The protection zones for the above-mentioned structures, the rules of their maintenance and use are determined by the legislation of relevant state service and in agreement with the Church”.

## 7.2 International treaties and agreements of Georgia

Georgia is a Party to many international agreements or treaties. Below, a few of them are discussed in terms of STP.

**The "European Charter of Local Self-Government"** (1985, operates in Georgia since 2004).

Georgia has ratified this "Charter" with several preconditions (disclaimers) that are considered admissible. Among the preconditions under which Georgia does not endorse specific provisions of the "Charter", in terms of STP, is Article 5: "Changes in the administrative boundaries of the local self-government will not be carried out without prior consultation with the appropriate local authority, if possible, by means of a referendum, where this is permitted by the law”.

The Constitution of Georgia, in general, allows the possibility of holding a referendum (article. 2.5) and gives its legal provision to "the Organic Law of Georgia on Referendum", but the latter does not consider changing the administrative boundaries of the local self-government as subject of the referendum. This issue is regulated by the Organic Law of Georgia, the "Local Self-Government Code" articles 11-13 and the "Regulation on formation and Cancellation of Settlements, including a settlement in a specific category or changing the category and rules on changing administrative borders of the Settlement" approved by Resolution # 307 of the Government of Georgia dated July 1, 2016. These documents replace a referendum referred to in the Charter with the consultation with the population, whose formal nature of which appeared in the process of expansion of Tbilisi's municipal borders in 2006-2007.

The need for adjusting administrative boundaries is obvious in such cases as nearby territories of Tbilisi, i.g. including the villages and settlements around the Lisi lake area and from the Mtskheta municipality into Tbilisi Municipality.

**"Rio Declaration on Environment and Development"** (1992). The declaration confirms and enforces the principles of sustainable development; emphasizes the integrity of the triad: economy, ecology, social unity. The 25th Principle of the Declaration states that "peace, development and environment protection are interrelated and inseparable."

**The Aarhus Convention** (1998, in force in Georgia since 2001) - “on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters” is important from the standpoint of public involvement in the STP Process”.

From the STP perspective the UN Convention on “**Combating Desertification in those countries experiencing serious drought and/or desertification, particularly in Africa**” (1994, operates in Georgia since 1999) is of practical importance. Despite the fact that Africa is mentioned in the name of the Convention, the seriousness of this global problem for Georgia has been proven by severe drought in 2017. The Convention explains several special terms, including:

- “Desertification“ means land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities
- „Drought“ means the naturally occurring phenomenon, which adversely affects land resource production systems.
- „Land“ means the terrestrial bio-productive system that comprises soil, vegetation, other biota, and the ecological and hydrological processes that operate within the system.

The process of desertification in Georgia is mainly taking place in both inner and outer Kakheti and Kvemo Kartli - the Dedoplistskaro, Sagarejo, Gardabani, Marneuli municipalities. Here the measures to prevent desertification such as covering irrigation and melioration, forest cultivation, installation of windbreaks and more, are not being taken. Obviously, these measures cannot be accomplished by the efforts of the municipalities; it is necessary to plan at the regional level and develop and implement state programs.

In response the document - "Second National Program for Action against Desertification" has been approved by the Government of Georgia by the Decree # 742 dated December 29, 2014. This "program" is developed at a highly academic level, but its implementation is unjustifiably delayed/protracted.

The current stage of socio-economic development of the country is largely defined by a multilateral international agreement, the full name of which is "**the Association Agreement between the European Union and the European Atomic Energy community and their Member States, of the one part, and Georgia on the other part**" (fully enforced in 2016). This document is briefly referred to as the Association Agreement. In the 500-page main document and its numerous annexes the regional development, i.e. the STP - and the need to achieve spatial order was not sufficiently emphasized. Below are those excerpts that refer to this area in direct or indirect form:

„Chapter 21. Regional development, cross-border and regional level cooperation:

Article 372

1. The Parties shall promote mutual understanding and bilateral cooperation in the field of regional development policy, including methods of formulation and implementation of regional policies, multi-level governance and partnership, with special emphasis on the development of disadvantaged areas and territorial cooperation, with the objective of establishing channels of communication and enhancing exchange of information and experience between national and local authorities, socio-economic actors and civil society.

2. The Parties shall in particular cooperate with a view to aligning the Georgian practices with the following principles:

- (a) strengthening multi-level governance as it affects both the central level and municipal communities with special emphasis on ways to enhance the involvement of local stakeholders;
- (b) consolidation of the partnership between all the parties involved in regional development, and
- (c) co-financing through financial contribution by those involved in the implementation of regional development programs and projects.

Despite the complicated wording of this article (especially p.1) the main idea is clear – this is strengthening municipal involvement in solving the problems of higher (regional) level.

Article 373

1. The Parties shall support and strengthen the involvement of local level authorities in regional policy cooperation including cross-border cooperation and the related management structures, enhance cooperation through the establishment of an enabling reciprocal legislative framework, sustain and develop capacity building measures and promote the strengthening of cross-border and regional economic and business networks.

2. The Parties will cooperate to consolidate the institutional and operational capacities of Georgian institutions in the fields of regional development and land use planning by, inter alia:

- (a) improving inter-institutional coordination in particular the mechanism of vertical and horizontal interaction of central and local public authorities in the process of development and implementation of regional policies;
- (b) developing the capacity of local public authorities to promote reciprocal cross-border cooperation in compliance with EU principles and practices;
- (c) sharing knowledge, information and best practices on regional development policies to promote economic well-being for local communities and uniform development of regions.

This article pays special attention to spatial planning and cross-border relations at the regional level.

„Article 374

1. The Parties shall strengthen and encourage development of cross-border cooperation in other areas covered by this Agreement such as, inter alia, transport, energy, communication networks, culture, education, tourism, and health.

2. The Parties shall intensify cooperation between their regions in the form of transnational and inter-regional programmes, encouraging the participation of Georgian regions in European regional structures and organizations and promoting their economic and institutional development by implementing projects of common interest.

3. These activities will take place in the context of:

(a) continuing territorial cooperation with European regions, including through trans-national and cross-border cooperation programmes;

(b) cooperation within the framework of the Eastern Partnership, with EU bodies including the Committee of the Regions and participation in various European regional projects and initiatives.

The list of spheres of cooperation in the first paragraph of this article is final; however, the environmental and cultural heritage issues are not mentioned.

At one time, the real regional problems in Georgia became very prominent and the agreement between the European Union and the Government of Georgia - **"The Financing Agreement - Supporting Georgia's Regional Development Reform"** (2011) - served as a huge impetus for this. Within the framework of this Agreement, together with other activities, 2014-2021 strategies for the development of the regions of Georgia were developed.

## 7.3 Sectoral Laws

### 1.1.1. 7.3.1 Law of Georgia On the Procedure for The Expropriation of Property for Compelling Social Needs<sup>42</sup> (1999)

During development of STP documentation, there are often encountered the cases where the optimal design solution is hindered or even made impossible due to the private ownership of a particular object (land, building-structure), which is the result of “myopic” privatization in the past. In order to overcome such a collision, the Law of Georgia on the “Procedure for the expropriation of property for compelling social Needs”, based on the constitutional norm, introduces into the legal space the

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<sup>42</sup> This law is different from the Organic Law of Georgia on the "Rules of Deprivation of Ownership in Face of Emergency Public Needs" (1997). This organic law acts when there is a danger to human life or health (military or emergency situation, ecological catastrophe, natural disaster, epidemic, epizooty). Thus, in spatial planning terms, it is less useful.

concept of "expropriation", which implies the deprivation of property, with adequate compensation. The expropriation is carried out by the court's final decision and with reasonable compensation.

Paragraph 2 of the article 2 states: Expropriation for compelling social need shall be carried out for the implementation of the following works:

- a) Construction of roads and highways;
- b) Installation of railway lines;
- c) Installation of pipelines for crude oil, natural gas, and oil products;
- d) Construction of power transmission and distribution lines;
- e) Installation of water supply, sewerage, and rainwater collector pipelines;
- f) Installation of telephone lines;
- g) Installation of TV cables;
- h) Construction of structures and facilities for compelling social needs;
- i) Works for national defense;
- j) Operations for the extraction of natural resources.

It is not difficult to miss the gap in the law in terms of legal techniques - h) covers all items. But the other elements are much more substantial - the majority of the listed objects are so called "Linear structures", as a rule, they are of trans-local, regional or even national scale. This means that municipal spatial arrangement is inadmissible without at least prior consideration of existing or forecasted (planned) regional infrastructure.

In addition, during the rehabilitation of city areas when demolition of building blocks is needed **the Law of Georgia on "Housing Condominiums" (2007)** requires consent of the whole population of residents. The solution would be adding the subparagraph "K) - with the purpose of carrying out works in rehabilitation areas defined by the Georgian legislation" - to the list of the above mentioned expropriation cases ".

### 1.1.2. 7.3.2 Civil Code of Georgia (1997)

The issue of land ownership is particularly acute during expropriation of lands for infrastructural projects in mountainous regions. On the one hand, the "Civil Code" of Georgia recognizes some of the customary laws of the mountains (Article.2, p.4): "customs are applied only if they do not contradict with the universally recognized norms and rules of public conduct." On the other hand, as independent researchers believe, "traditional property is not recognized in the Georgian legislation, even though there are still traditional systems of land ownership and rights of use in the mountainous regions". In 1999-2003, **"the Law on Agricultural Land Ownership"** included norms that

recognized traditional community ownership of pastures in villages of mountainous regions. In June 2003 the amendments were made to the law and these norms were removed. "<sup>43</sup>

#### 1.1.3.7.3.3 Law of Georgia on State Border (1998)

Certain provisions of this law should be taken into account during the development of spatial planning documentation. The law establishes three legal categories with geographical features: “Georgian State Border,” “Border area,” “Borderland.” The following are their legal definitions:

**the State Border of Georgia** – a line and a vertical plane along that line that separates the territory of Georgia - the land, waters, subsoil, and air space - from the territory of a neighbouring state;

**Border area** – an overland strip of a maximum of 5 kilometres in width, extending into the territory of Georgia either from the Georgian State Border line or from the coastline; as well as part of the territory of an international airport (aerodrome), railway station, international river harbour and seaport, where border control connected with the crossing of the border is carried out. In particular cases, a border area may be defined by an ordinance of the Government of Georgia in the overland section of the State Border of Georgia as 30 kilometres from the State Border line;

**Borderland** - a part of a border area of a maximum of 500 meters in width that directly adjoins the State Border; <...>“.

The fact that many municipalities in Georgia directly adjoin the state border adds urgency to these functional and spatial conditions. Furthermore, it should be taken into consideration that, at present, apart from the Turkish section of the state border, the border is neither demarcated, nor delineated.

#### 1.1.4. 7.3.4 Law of Georgia on Water (1997)

Water legislation - including by-laws and normative acts - is very important in the STP process. In this regard some of the provisions of the Law on Water represent a starting base:

„Article 6

1. Waters within the territory of Georgia are state property and shall be allotted for use only. Any action directly or indirectly violating the state property right to water shall be prohibited <...>

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<sup>43</sup> The public policy essay elaborated by NGO "Green Alternative" - "the legislation regulating the seizure of property for necessary public needs and its compliance with guidelines of the United Nations Food and Agriculture Organization (FAO) (2016), p. 18.

The title to land shall not imply the right to use surface or ground waters, existing within or flowing through that land except for the cases defined in the Article 32 of this law.<...>

„Article 9. Water groups

1. Based on their hydrographical features and geographical location, special scientific, aesthetic, and also economic importance and conjuncture, water bodies shall be divided into the following groups:

- a) of special state importance
- b) of state importance
- c) of local importance.

2. The following shall fall under the group of special state importance:

- a) glaciers and permanent snow cover
- b) surface water bodies of special scientific and aesthetic importance.

6. The following shall fall under the group of state importance:

- a) bogs;
- b) the surface water bodies, water resource lands of which are located within the territories of two or more self-governing units of Georgia;
- c) transboundary water bodies;
- d) territorial waters and waters within special economic zones;
- e) considerable deposits of ground waters.

7. All water bodies within the territory of Georgia shall fall under the group of local importance.

8. The Ministry shall determine and approve the lists of surface water bodies of special state and state importance by an order on Approving the Lists of Surface Water Bodies of Special State and State Importance.

According to Article 32 of the Law, general (non-commercial, personal) water use is free of charge. Article 12 establishes the competence of self-governing units in the field of resolving water related issues. Article 14 has essential importance in terms of STP, according to which water conservation measures should take into account:

- "Land use schemes" of municipalities;
- Settlement and development plans and projects;
- Infrastructure projects;
- Plans for development and sector development; Management Plans of Protected Areas.

20): The "Law on Water" introduces the concept of a water protection zone and determines the regime of its use. Specifically, the width of the river water protection zone shall be measured from the edge of a riverbed to both sides under following procedure (Article 20):

- a) 10 meters - in the case of a river up to 25 kilometers long



- b) 20 meters - in the case of a river up to 50 kilometers long
- c) 30 meters - in the case of a river up to 75 kilometers long
- d) 50 meters - in the case of a river over 75 kilometers long.

The 3-tier sanitary protection zones for water bodies established by this law are of practical importance (article 21). The regimes for these zones are determined by the provisions on “sanitary protection zones of water bodies used for drinking and household water supply, medical and resort purposes” approved by order # 297/n (dated August 16, 2001) of the Minister of Labour, Health and Social Affairs of Georgia on "Approving the standards of qualitative condition of the environment”.

#### 1.1.5. 7.3.5 Law of Georgia on the system of Protected Territories (1996)

In the spatial planning process, the existence of a variety of protected areas / zones / strips, territorial enclaves, sectors, zones of urban construction restrictions have to be considered.

Considering the requirements of the Law of Georgia on "Protected Territories" is of significant importance. It is true that the title of the law has a claim on a universality, but essentially it covers only natural and natural-anthropogenic landscapes (it does not specifically refer to monument protection zones). In this framework, the law defines: "Protected area - a land area of special significance for the maintenance of biological diversity, natural resources and cultural phenomena involved in the natural environment and/or water-habitat the protection and management of which is carried out on a long-term and sustainable legal basis."

The law sets the following categories of protected areas:

- State Reserve;
- National Park;
- Natural Monument;
- Wildlife Reserve;
- Protected landscape;
- Area of multiple use.

Hereby, the law recognizes that "Categories in the International Network of Protected Territories - Biosphere Reserve, World Heritage Sites, wetlands of International Importance" may exist in Georgia. The law provides definitions for each of these categories and adjusts them to international nomenclature.

Article 13 of the law determines the planning of the system of protected territories:

1. The planning of the System of Protected Territories is a part of the Georgia's Development Strategy and is closely linked with both different (national, regional) levels of territorial planning and various programs of sectoral planning (environmental protection and preservation, science, education, health care, tourism, recreation, forestry, hunting, energy sector, agriculture, transport, housing and construction, protection of the monuments of history and culture, etc.).
2. The planning of the System of Protected Territories specifies planning regions, natural and natural/historical sites and complexes which should be protected; defines recommended categories, boundaries, and zones of protected territories, as well as permitted activities; develops priorities and phases of establishing the protected territories.
3. The planning of the System of Protected Territories shall be the responsibility of the Ministry of Environment and Natural Resources, the Ministry of Urbanization and Construction, and the Central Department of Protected Territories, State Reserves and Hunting Areas (hereinafter referred to as the "Protected Territory Service").

Such extensive extract from the law requires a comment: (1) it is essential that the law connects the planning of the system of protected areas with regional planning; but it cannot "see/grasp" the municipal (former rayional) level in this regard. (2) It is important that the law recognizes the phenomenon of the planning region. (3) Paragraph 3 of this article is contradictory, according to which three institutions are planning (and not providing/ensuring) at the same time and this is far from reality.

This law is closely related to the "Forest Code of Georgia" (1999).<sup>44</sup>

#### 1.1.6. 7.3.6 Law of Georgia on Cultural Heritage (2007)

It is important that for elaboration of the STP document, the Law of Georgia on "Spatial Arrangement and Basis for Urban Construction" gives preference to the Law of Georgia on "Cultural Heritage ". For example, Article 32, p.5 states that "Conditions for granting the status of inappropriate buildings in the cultural heritage protection zones are determined by the Law of Georgia on Cultural Heritage".

In the independent Georgia, the latter is the second sectoral law 45. In terms of spatial organization, Chapter VIII of the Law - "Buffer Zones for the Protection of Cultural heritage and Their Regimes" - is essential. Due to the large volume and detail of this chapter, here we present only the following provisions which are given in article 34:

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<sup>44</sup> The document "General Overview of Forest and Forest Lands Legislation" (2015) developed by the NGO Green Alternative contains important material with respect to STP.

<sup>45</sup> In 2016 the draft of Cultural Heritage Code was developed.

1. The structure of buffer zones for the protection of cultural heritage comprise primary and secondary buffer zones.
2. Primary buffer zones comprise the following perimeters:
  - a) The perimeter of physical security of the cultural property
  - b) The perimeter of visual security of the cultural property.
3. Secondary buffer zones are as follows:
  - a) The buffer zone of the historical development area
  - b) The regulation zone of the development area
  - c) Historical landscape protection zone
  - d) The buffer zone for archaeological sites.

The law defines the goals, tasks, regimes, parameters and approval rules for the buffer zones.

#### 1.1.7. 7.3.7 Law of Georgia on Tourism and Resorts (1997)

Article 2 of the Law establishes the basic terms for the field of tourism and resorts – the following are the main in terms of STP:

**6. Resort site** - an area containing natural curative resources, suitable for its intended use and having no appropriate facilities.

**7. Resort** - a resort site where treatment or recovery facilities or other infrastructure are located.

The list of resorts and resort sites of Georgia is determined according to the municipalities by the resolution # 655 of the President of Georgia, dated July 22, 2005, on "List of Resorts and Resort sites of Georgia". (Appendix) The resolution establishes the resort zones and rayions of Georgia.

The "list" is structured according to the following characteristics of resorts and resort sites:

- Name;
- Municipality;
- Type of resort / resort site;
- Height Above Sea Level;
- Resort zone;
- Mineral source type;
- Profile.

This information should be taken into consideration during development of municipal profiles. It is easy to understand the role of infrastructural projects or facilities for the specific settled area to transform it into the resort category. The law establishes that, as a resort and resort sites, must have the sanitary protection zones.

#### 1.1.8. 7.3.8 Law of Georgia on Sanitary Buffer Zones for Resorts and Resort Sites (1998)

The law describes the functional characteristics and territorial parameters of the sanitary protection zones for the resorts and resort sites.

#### 1.1.9. 7.3.9 Law of Georgia “Waste management code” (2014)

A single law has been selected from the Sectoral Legislation to be included in this Guidebook – “Waste Management Code,” which is sufficient to prove the necessity of examining spatial planning and its issues through a wide lens.

Due to the intended all-encompassing nature of this law, the official vision on waste management has been focused on a regional level. Paradoxically, this approach, much desired in other areas of infrastructural development, seems rather ineffective, unrealistic and questionable in the sphere of waste management especially in terms of municipal waste management.

The code provides definitions for concepts and terms in waste management. Some of the terms are “landfill,” “waste transfer station” and “temporary waste storage facility.” Article 4 notes that three factors must be taken into account while developing a waste management policy including: “economic viability”. The “Code” also emphasizes three principles in the management of this sphere. As well as the management of the funds for this sector the third of these principles, the “proximity principle”, is essential. It states that waste must be handled by the nearest waste facility and by keeping environmental protection and economic efficiency in mind.

As stipulated in the Code, the Government of Georgia, adopted two important documents on April 1st, 2016 resolution #160:

The 2016-2030 National Strategy for Waste Management

The 2016-2020 Action Plan.

The strategy includes waste management goals and objectives. One of them, Goal 3 objective 5, reads as follows: It is necessary to build new regional landfills that comply with international standards. Goal 4, Objective 1: “Construction of new modern regional landfills and waste transfer stations according to European Union Standard, by 2025; It is unclear whether the transfer stations, like landfills, are intended to operate on a regional scale or whether they should be set up in municipalities. This sort of uncertainty points to the lack of understanding of spatial territorial matters in making essential decisions for the country. It is hard to imagine transporting municipal waste, for example, from Tusheti to Kakheti regional landfill, even during summer. Or, from Ushguli to Samegrelo- Zemo Svaneti landfill located on the lowland plain.

According to the strategy, to date, across the whole country, sanitary landfills are operating in Tbilisi, Rustavi, Kaspi and Borjomi. The construction of 3 new regional landfills has been planned:

In the Autonomous Republic of Adjara

In Kvemo Kartli

In Imereti (will cater for Racha Lechkhumi and Kvemo Svaneti Region as well).

Taking into consideration the above information, the country-scale document has to be prepared – “General Scheme for Waste Management” which will be integrated in the STP documentation.

### 7.3.10 Law of Georgia “Free Industrial Zones” (2007)

This law sets forth spatial premises for the organization of such zones. "P.3, A5. Free industrial zones can be established on any territory that exceeds ten hectares, except for those territories defined by Georgian Law.”.

Article 5, Paragraph 1 of the Law vaguely defines the part of the necessary preconditions for creating FIZ, namely it requires: The description of the borders of the free industrial zone, and, Arrangement plan for a free industrial zone (FIZ) <...> “.

It is unclear as to which “Arrangement plan” is required by the law. It is clear, however, that utilizing buildings for residential purposes is prohibited (article 8, paragraph 4). According to the law, the responsibility of drawing up detailed rules for the “Arrangement plan” falls on the government. The Government resolution that laid out “Rules for the Establishment, Arrangement and Operation of Free Industrial Zones” was issued June 3, 2008 (#131). The resolution stipulates the following: “The Free Industrial Zone administrator works out the development plan, which is then approved in agreement with the Ministry of Economy and Sustainable Development of Georgia. There is nothing stated regarding the harmonization between the development plan and any corresponding municipal spatial plan.

Presently, in Georgia, there are a number of FIZs at different developmental stages and of various success rates, located in Tbilisi, Kutaisi, Poti, Kulevi and Anaklia (developing).

## 7.4 Directive Documents

The government’s interest towards the issues of Georgia’s regional development was revealed only about ten years ago. In 2006 the Security Council of Georgia in partnership with the European Union started administering the Project “Support for the regional development policy.” One of the components of the project aimed at the development of the framework for regional development.

Based on this framework a bill was drawn up on regional development, however, due to the absence of a relevant institution at the time (or with such pretext/excuse), state policy in this direction did not come to fruition.

In 2008, as a result of the reorganization of the Georgian government, an office of the Minister of Regional Management was set up along with a relevant body. In 2009, this institution was transformed into Ministry of Regional Development and Infrastructure of Georgia. In parallel, on the initiative of the delegation of the European Union, Polish and German governments, the Committee of State Regional Development was established, chaired by the first vice-premier. The organizational and technical support of the committee's operation was delegated to JSC Center of Effective Governance System and Territorial Arrangement Reform.

Seven thematic working teams were formed, which worked on the following topics:

1. Regional development funding;
2. Regional Management, Institutional Planning and Human Resource Management;
3. Poverty Reduction and Employment;
4. Municipal Development and Infrastructure;
5. Innovation, new technology and entrepreneurship;
6. Environmental protection and International Cooperation among regions;
7. Effective Legal Solutions (sic!) for regional development.

It should be noted that, none of the working teams' title demonstrated interest towards regional spatial planning. Also, it is worth mentioning that the number of participants with various statuses in the regional development committee, in its secretariat as well as in working teams exceeded 200 (!) resulting in an inverse effect. It is also noteworthy that among the over 200 participants there was not even a single spatial planning specialist.

The works were completed in 2009 and the material prepared by the committee – “The regional development of Georgia. Diagnostic report” was published in 2010. The document included the main directions and objectives of the national strategy for regional development. In these materials, “Spatial Planning” falls into the category of “Municipal development and Infrastructure.” Within the structure of the diagnostic report Spatial Planning was given a low, third rank status (subparagraph 4.2.4); the same status was granted to “Waste management (subparagraph 4.2.8.).” In addition, it should be noted that subparagraph 4.2.5 – “Municipal Development Plans” only examines the socio-economic development aspects. Further, the sub-paragraph looks at these aspects only in terms of self-governing entities (municipalities) – not on the regional level.

If we go back to the subparagraph 4.2.4 in the Diagnostic report – “spatial planning” it will become clear that in this 162-page document that just one page is devoted to the topic stated in the subparagraph’s title. Furthermore, the regional level is also omitted and the focus is still on municipalities.

“At present, spatial planning schemes do not exist on a national or on a municipality level. Not a single independent self-governing city or a municipality (except for Tbilisi and Batumi) has been granted an approved plan. Those municipalities that do not have the so called “Planning Regulation Rules” are obliged to use “fundamental provisions of settlement territory usage and the regulation of planning.”

Only this one paragraph proves the negative effects of ignoring specialists – instead of the mentioned “development plan”, “land use master plan” was mentioned, “main provisions” in such case are indicated without necessary references.

Subparagraph 7.2.3 of the diagnostic report assures us that we can view “State representative – governor’s institute” as the first step made towards deconcentrated regional management”. This passage proved once again that the aim of the previous government was not the decentralization of management based on universally recognized principles of subsidiarity but deconcentration of central governmental functions, which is a completely different process and does not serve the goal of building democracy in the country.

By the time the diagnostic report was published the governor’s institute has long been active in Georgia. The Law of Georgia on “structure, authorities and rule of conduct” (2004) established that: “State representative – governor is the representative of president and GoG in administrative-territorial units determined by Georgian Legislation and he/she is appointed or dismissed by the president in consultation with the prime minister” (1st paragraph of article 27 in the chapter VIII1, which was added in 2007).

The diagnostic report was logically followed by the thesis “Strategic recommendations for regional development of Georgia” prepared under the auspices of the Regional Committee of Georgia. “Recommendations” include one paragraph “4.4.2. spatial-territorial planning”. The text of this subparagraph is completely out of touch with the stylistic demands of "recommendations" and has a more pessimistic statement.



“The resources (potential) of institutions authorized for spatial-territorial planning are very limited both on the central and the local level. These institutions are not able to carry out the given tasks/functions. This problem is especially severe in LSGs (except for self-governing cities), where they have only one specialist who is not even authorized on spatial-territorial planning. In addition, there are other important problems: lack of specialists in this field (they are mainly employed in Tbilisi) and their low qualification; weak coordination on central, regional and local levels; lack of financial resources etc.”.

On 25th of June 2010 the resolution of the GoG N172 was issued, entitled: “on approval of the State Strategy for 2010-2017 Regional Development and Establishment of Regional Development Committee of Georgia”. “Regions” in the preamble of the strategy is underlined and the following is stated: “the main goal of the state strategy for regional development is to ensure a supporting environment for social-economic development in the regions and to improve life quality and standards, which can be achieved through balanced social-economic development of the regions, by increasing competitiveness of the regions and reducing social-economic inequality among regions”.

The word region is mentioned four times in one sentence; but what does the strategy offer in practical terms with respect to spatial planning in particular? The expectations in this case did not meet the reality – there were only two paragraphs in the subparagraph 2.6. on “spatial-territorial planning”; below we present these subparagraphs in full:

- “1. With the aim of supporting sustainable regional development additional conditions must be created to ensure spatial-territorial planning at regional and LSG levels.
2. With the aim of supporting elaboration of spatial-territorial planning and urban planning documentation it is necessary to have a unified database of existing basic information (aerial photographs, topographic maps, cadastral maps, etc.). Access to this database should be granted to the personnel authorized on spatial-territorial planning and urban planning issues”.

Meanwhile the rule for appointing governor in Mkhares (regions) has been updated. On November 29th 2013, the GOG issued resolution N309 on approval of a “statute for state representative – governors”. According to this “statute”, “state representative – governor is the representative of the government in the administrative-territorial units of Georgia and he/she is appointed and dismissed from the post by the GOG” (A.2, p.1). “State representative - Governor is responsible and accountable towards the Government of Georgia” (2 A., 6 p.).

The cited legal norms are not as noteworthy as the sequence of the positions of the subject and an object in this norm: institution is defined first – “state representative – governor” and after this his/her

particular area of competence (object) – “administrative-territorial units”. The legislator does not dare to mention the almost taboo category of “region” and operates by the list of municipalities existing in the regions. For example: article 3 of N308 resolution states:

“territorial boundaries of the state representative – governor’s authority is determined according to the following administrative-territorial units:

a) State representative – governor of the coverage area that includes Akhmeta, Gurjaani, Dedoplistskaro, Telavi, Lagodekhi, Sagarejo, Signagi and Kvareli municipalities;” in fact here is covered the Kakheti region. Similar poor definitions are given for other regions of Georgia.

On the other hand, the notion ‘region’ is mentioned in the governor’s management tools – “Regional Project’s Coordination service” is indicated among 4 structural units, which recognizes the importance of regional projects.

In addition, Resolution # 308, Article 5 - "Powers of the State trustee-Governor" - states that the State trustee:

“a) tasked by the GOG: coordinated implementation of regional policy and separate activities of LSG reforms;

b) tasked by the GOG: elaborates and/or implements social-economic development programs within the territorial boundaries and participates in regional development activities.

c) prepares recommendations and proposals on the priority directions of economic development in the corresponding territory that must be presented to the GOG”;

Some of the legal advisers consider that the Governor’s institute as “unconstitutional” (it would be more appropriate to say “extra-constitutional”). Nevertheless, in the current territorial-administrative arrangement and the state governance system of Georgia, the “region”, as unifier of municipalities, territorial “hub” and higher taxonomic unit, is mentioned only de-facto which reflects modern reality as well as traditions of the functioning and establishment of historic-cultural Mkhare (provinces). Such Mkhare (regions) <sup>46</sup> mentioned in resolution N308 are given in the same sequence:

Kakheti Mkhare;

Kvemo Kartli Mkhare;

Imereti Mkhare;

Guria Mkhare;

Samegrelo - Zemo Svaneti Mkhare;

Racha-Lechkhumi qvemo svaneti Mkhare;

Shida Kartli Mkhare;

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<sup>46</sup> List does not mention the capital – Tbilisi and Adjara Autonomous Republic (despite the fact that they are equalized to the status of region) and temporarily occupied Abkhazia AR and Tskhinvali Region (Samachablo).

Mtskheta-Mtianeti Mkhare;  
Samstkhe-Javakheti Mkhare.

In 2013, by the resolution of the GOG, 2014-2021 strategies for the development of the Regions (Mkhares) of Georgia was approved. “Strategies” are elaborated by a unified methodology, based on templates, which is of course fully acceptable. Thus, analysis of one of them is sufficient mainly from the spatial planning perspective. For this reason, a very problematic and interesting region is selected: Samegrelo-Zemo Svaneti. Sometimes comparison with the other regions is used.

The standard structure of the “strategies” is as follows (with minor difference in the headings listed below):

General characteristics of the regions;  
Social development of the region;  
Economic development of the region;  
Infrastructure and Social services (sic!);  
Environment protection;  
Government;  
Regional factors analysis (SWOT);  
Vision of regional development, strategic goals, objectives and proposals.

It can initially be said that “strategies” are written not only by a similar methodology but also in a uniform style; and this is especially implied in the aspect of urbanism and spatial planning. The sub-chapter of the fourth chapter – “appearance of the settlements and spatial planning” – on one hand are carelessly stereotyped and on the other hand does not reflect the reality of the region. The text states that “spatial-territorial planning is not implemented either in Mkhare or in the municipal level in the region”, whereas by the time the “strategy” was prepared plans did exist, e.g. Poti city Land Use General Plan project.

Unawareness of the need for regional spatial planning and its “secondary position” is expressed in the SWOT analysis, where this field is not even mentioned in the weaknesses. In the first goal of this strategy: “strengthening capacities of public authorities”, among other goals the following is mentioned which gives some hope: “Elaboration of Samegrelo-Zemo Svaneti spatial-territorial development plan; Preparation of a systematized document for urban and spatial-territorial planning of the municipalities under the Mkhare; for this purpose, ensuring targeted support by donor organizations and involvement of LSGs”.

Despite the fact that a person who elaborated standard “strategies” included “spatial-territorial planning” in the inappropriate “goal” (in this regard, in Kvemo Kartli “strategy” this direction was included in the more appropriate “goal” – “development of basic infrastructure and construction”), this statement is very convincing.

The recent positive trend of the "region enfranchisement" as a developing sphere is evident. Thus, the intermediate (stage specific) document - "The Governmental Program: Freedom, Rapid Development, Prosperity 2016-2020" - envisages "regional economic policy" as one of the priority directions.

It should be underlined once again, that spreading spatial planning on a country scale will be less effective without the prior territorial-state arrangement of Georgia.

## 7.5 Materials used for analysis and research

Many field specific and sectoral surveys are dedicated to the issues of regional development in Georgia – from political to water/wastewater. Most substantial among these are the series of “political documents” prepared by the regional development program within the framework of Georgian Applied Research Facility for Regional Development (GARF-RD). Documents are prepared by the Civil Society Institute, with the financial support of the UN and the participation of several partner organizations. Here it is sufficient to mention series N1 (2015):

Cross-border, trans-border and transnational regional cooperation;

Territorial optimization - urban and rural development;

Regional and infrastructure development policies in line with the priorities of the EU Association Agreement;

Local transport;

Utilities – water supply.

## 8. Spatial-territorial dimension in sectoral legislative-normative acts (the example of municipal waste management)

It is hard to find a field of social life that lacks a spatial-territorial dimension. For this reason the Georgian legislation emphasizes the principle that "spatial-territorial plans are integrated documents, which bring together the sectoral plans and projects and ensure their integration, as well as formulate the spatial-territorial development policy for the given territory." (Law on "Spatial Planning and Basis of Urban Construction", article 11, paragraph O.2.). This means that the planner should comprehensively know the sectoral concepts, strategies, programs, plans, projects, and other types of directive documentation that exist in the project area, first of all, the provisions that directly address the problem of spatial organization. Below it is presented an important example in this regard.

**Municipal waste management** - this is particularly problematic for the majority of municipalities. The metaphorical platform has three slogans, which is based on 3R - "Reduce", "Reuse", "Recycle". This field, in Georgia, is regulated by several legislative-normative acts at the legal level. These acts are based on EU Directive Requirements. Among the 7 general requirements outlined in the act, the first is the location:

„When determining the location of the landfill, environmental requirements should be taken into account, namely:

- Distance from residential and recreational zones, rivers, water reservoirs and other agricultural or urban areas to the border of the polygon;
- Existence of groundwaters, coastal zones or protected areas in the vicinity of the polygon;
- Geological and hydrological conditions of the land plot; possible risks of flooding, landslides or avalanche;
- Protection of nature or cultural heritage in the adjacent area.“

Among the legislative normative acts of Georgia, regarding this sphere, the main law is the Law of Georgia -"Waste Management Code", which was adopted in 2014 and which became effective in 2015. "Code" provides the principles of waste management, classification of all types of waste and their definitions, and allocates the competences of different organs involved in this field.

4 basic principles of waste management are as follows:

- Principles of **preliminary safety measures**;
- Principle – **“one who litters pays”**;

- „**Proximity/vicinity principle**” - waste should be recycled at the closest facility, taking into consideration environmental and economic efficiency;
- “**Self-sufficiency principle**” - The integrated and adequate network of municipal waste placement and restoration/renewal/retrieval facilities should be established and operated.

It is not hard to see that the last two principles have a territorial dimension, which affects the municipality's or region's "planning".

Among many terms used in the "Code" several are especially important with regard to "Planning":

- **Household waste** – waste produced by residential activities;
- **Municipal waste** - household waste, as well as other waste, which, according to their characteristics and composition, is similar to household waste (including the waste collected from the streets).

Based on the "Code" the "National Strategy for Waste Management 2016-2030 and National Action Plan 2016-2020" was unanimously approved by the Government of Georgia by resolution N160, dated April 2016. The "Strategy" recognizes that there are no certified landfills for inert, as well as construction materials and hazardous waste.

The "Strategy" should have established: (1) the criteria for determining the location of waste recycling and disposal facilities and (2) locations of the regional landfills and the dates of their commissioning. In addition, municipalities should have developed a five-year waste management plan; joint work of bordering municipalities was allowed. The landfills were divided into three categories – landfills for hazardous waste, non-hazardous waste and inert waste.

"Action Plan" is a document that provides a general reference about the regions and municipalities; it lacks the geographical detail and territorial “inclusion”. It was necessary to develop a thematic generalized scheme of landfills across the country, which would significantly facilitate the development of the "planning" documentation.

One of the recommendations implies coordination of the bordering municipalities in management of landfills. Existing but unauthorized landfills should be closed by 2020; illegal landfills should be closed or rehabilitated. According to the "Action Plan", three regional landfills - Adjara, Imereti (would also serve Racha-Lechkhumi and Kvemo Svaneti regions) and Kvemo Kartli should have been added to the 3 active sanitary landfills (Tbilisi, Rustavi, Borjomi), and by 2020 municipal waste transfer stations should be constructed in all municipalities, in parallel, closed landfills should be operated in conservation and monitoring mode. Thus, "Strategy" and "Action Plan" require urgent response in the context of "planning" of municipalities or regions; otherwise, they will have to face the fact.

The Georgian legislation describes conditions for selection, design, and operation of non-hazardous waste processing stations and landfills. The Technical Regulation, approved by the Resolution # 421 of the Government of Georgia, dated August 11, 2015, - "On Landfill Construction, Operation, Closure and Subsequent maintenance" (Article 9) – establishes the following:

- „1. It is prohibited to construct a landfill in the first and second sanitary protection and in water protections zones;
2. The distance from residential housing to the landfill should NOT be less than 500 meters.
3. Landfill for non-hazardous waste should be located away from the aerodrome in accordance with the requirements of the International Civil Aviation Organization (ICAO);
4. When selecting a place for a landfill, following should be considered:
  - a) Hazards associated with flooding, soil subsidence, landslides or avalanches;
  - b) Geological and hydrogeological conditions;
  - c) Existence of surface water pollution hazards; existence of protected areas, nature or cultural heritage monuments."

The conditions for placement of the transfer stations is determined by the Technical Regulation - "Rules for Collecting and Processing Municipal Waste" approved by Resolution # 159 of the Government of Georgia, dated April 1, 2016. The technical regulation requires that:

"The location of the transfer stations must be determined by taking into account the following factors:

1. The commissioning and operation of the transfer stations should not be resisted by its neighbors.
2. During operation of the transfer stations, the noise and movement of vehicles should be minimized by means of efficient management and maintenance services.
3. The transfer station should be located close to the waste collection area in order to ensure that the waste collecting vehicles can quickly return to the routes and perform their functions.
4. Territory of the transfer stations should have an access to the main roads."

In addition, the area of the transfer stations should have some inclination, be sufficiently large and it should be possible to expand it.

In addition to these conditions, this "technical regulation" acknowledges that for a large and densely populated territories or areas, where the settlements are distant from each other, it may be required to construct more than one transfer station. With the purpose of clarifying this position, the "technical regulation" introduces the concept of "isolated settlement": "The settlement, from which the nearest city category settlement is located (with a population density of at least 250 people per 1 square/km) at least 50 km away or from which traffic movement during most of the seasons is problematic due to landscape or weather conditions.

The above-mentioned subordinate normative acts require additional legal clarifications. Below, we provide a few explanatory subordinate normative acts.

The technical regulation on “water protection zones”, adopted by the Decree # 440 of the Government of Georgia, dated December 31<sup>st</sup>, 2013, defines that "rivers, lakes, coastlines of the reservoirs, and ROWs of channels are included in water protection zones" (article. 2 , P. 1).

The width of water protection zone is calculated from the edge of the river bed on both sides according to the following rule:

- 10 meters – for the rivers up to 25 km in length;
- 20 meters – for the rivers up to 50 km in length;
- 30 meters – for the rivers up to 75 km in length;
- 50 meters – for the rivers longer than 75 km.

Lakes and steep slopes, as well as valleys, springs and small tributaries that are adjacent to the coasts of the lakes and reservoirs, can be included in the lake and reservoir water protection zones.

For the lakes and reservoirs that are not used for potable water supply or agriculture, the width of the protection zone is determined as follows: 300 meters, except for recreational and health resort facilities for which the appropriate width is 30 meters. The width of the ROWs of the channels is calculated from the edge of the channel by no less than 4 meters on both sides. From the "Planning" standpoint article 4, paragraph 4 of this technical regulation is essential: "Determination of water protection zones of surface water facilities in towns, boroughs and rural areas is carried out in accordance with master plans in which all the environmental, sanitary and hygienic issues are determined".

The location of waste transfer stations and landfills has big importance for the safe civil aviation:





**Figure 11: Birds in flight paths**

This situation becomes more pressing, due to the development of domestic flights (from Tbilisi to Batumi, Mestia and Ambrolauri) and private aviation. This issue is basically not regulated. Worldwide, the importance of this problem was put forward by the "Convention on Civil Aviation" (Chicago Convention) adopted in the 1940s. "Convention" provides only general recommendation (unofficial translation): "The appropriate authorities shall take corresponding control measures for the landfills or any other source, which can attract birds and wild animals near the aerodrome and its surroundings."

The current practice of selecting the territories for Georgia's airports (of domestic importance) generates risks for the flight safety due to placing the landfills in close proximity to the aerodromes. An example of this is Mestia Airport. In such case, a number of organizational methods has to be used to sort waste before advanced acoustical equipment becomes available (Long Range Acoustical Device – LRAD to scare off the birds). The Law of Georgia - "Air Code of Georgia" (1996) - does not specifically offer anything in this regard.

What concerns the sanitary protection zones, this issue is discussed in detail in the Law of Georgia on "Sanitary Protection Zones of Resorts and Resort areas." Before considering this law let us remind ourselves that, according to the Georgian legislation, the resort area is an area that contains natural medicinal resources, is suitable for exploitation, but does not have proper buildings; the resort is a resort area, which has medical and recreational facilities, adequate buildings and other infrastructure. Decree of the President of Georgia (dated July 22, 2005) on "the List of Resorts and Resort areas of Georgia" - provides the list of these facilities, their main characteristics, as well as Georgian resort zones and districts.

The above-mentioned law determines three zones of sanitary protection for Georgia's resorts and resort areas:

- Primary - strict regime;
- Secondary- limited regime;
- tertiary - surveillance.

**Primary (strict regime) zone** includes resorts and resort areas, which have natural water resources and artificial pathways, other natural medicinal resources and medicinal mud, medicinal karst caves, beaches – with coastal waters and adjacent territory having proper sanitary-hygienic rules and norms. Along with other works in this zone, it is prohibited to construct landfills and dispose waste as prescribed by the Georgian legislation, except for placing waste collection containers.

Border of the primary zone is established as follows:

- a) For mineral water passages and boreholes - taking into consideration the quality of their natural protection, but NOT less than 15 meters from the contour of the borehole or exit;
- b) For medicinal mud deposits - taking into consideration the natural quality, type and hydrogeological conditions of the deposit, but not less than 25 meters from the zero limit of the deposit or the maximum multi-year level of the reservoir;
- c) For the medicinal beach and the aquatoria - from the coast to the land at least 100, and in the reservoir - not less than 300 meters.

**Secondary – limited regime zone** includes the area where the surface and ground waters are flowing towards mineral waters and mud deposits, as well as the resort and resort areas where the resort facilities, other infrastructure, gardens, parks and the surrounding forests are located or there is a plan for the development of this area. In this zone it is prohibited to carry out a number of agricultural activities, construction of facilities, including cattle slaughter buildings, cattle grazing, construction of cemeteries or expansion of existing ones, and - most importantly in this case - construction of landfills and or disposal of any type of waste, except placement of waste collection containers.

The borders of the secondary zone are established as follows:

- a) For mineral water deposits - considering geo-structural and hydrological characteristics;
- b) For medicinal mud deposits – at the nearest watershed line of the surface waters;
- c) For other natural medicinal resources - considering geo-structural and hydrological characteristics

In case of necessity, the boundaries of the secondary zone may be determined by hydrodynamic and other factors in agreement with LSGs, but it should not be more than 500 meters from the first zone boundaries.

**Tertiary – surveillance zone** - includes hydro resources and area of climate formation and distribution, the forests surrounding resorts, as well as the territories the use of which without conformance to the rules established for the sanitary zone may adversely affect hydrological regime and sanitary-landscape conditions of the mineral waters and mud deposits.

The law defines the rules for determining the boundaries of the tertiary zone. Resorts, where research work is not conducted for the design of the sanitary protection zones, the managing body will establish a temporary border of the sanitary protection zone in agreement with local self-governments, corresponding bodies of the executive government and other interested organizations and provided that the design and approval of sanitary protection zone will be implemented in the manner prescribed by the rule and not later than two years from the commissioning of the resort.

The law pays special attention to the issue of responsibility regarding the design of the sanitary protection zones - this activity falls under the responsibility of LEPL National Tourism Administration, which operates under the Ministry of Economy and Sustainable Development of Georgia - mentioned administration develops appropriate projects in coordination with the ministries and presents them to the government for approval. Sanitary protection zones and their regimes should serve as the basis (according to the terminology used in the law) for the complex territorial schemes, functional zones, system of land tenure, regional planning and their conformance with the law.

## 1.2. Annex A: “Vision” of three villages of Ambrolauri community municipality

“This Section is only available in the Georgian version of the Guidebook.”

