

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



GYLA's Statement about Sakdrisi - Kachagiani

Protection of cultural heritage by Law is state's constitutional obligation. Accordingly, the state shall undertake all necessary measures with a view to protect and maintain it for future generation.

For the past period media aired actively developments around prehistoric goldmine discovered and examined by German and Georgian scientists on the territory of Bolnisi municipality located on Sakdrisi-Kachagiani hill. Part of the scientists insist on uniqueness of the goldmine considering it the oldest among the discovered,

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prehistoric gold mines in the world, dated back to IV-III millennia B.C.

Obviously, GYLA cannot dispute about the issues that go beyond the legal frameworks and require specific knowledge. However, we think, that while archeologists and geologists argue about real values of the Sakdrisi-Kachagiani, the architect - Gorderdzi Narimanishvili's, statement on Sakdrisi-Kachagiani site released through public broadcaster on January 27, 2014 shall be considered with attention. Namely, the architect reports that on January 8, on the request of the Ministry of Culture and Monuments Protection of Georgia he, along with other specialists, visited the site. As Mr. Narimanishvili alleges, the place that has been examined by Georgian-German expedition for years and which has revealed the oldest mines and materials of the early bronze age is covered with earth. Moreover, two new entrances made by the Georgian-German expedition on the site in 2013 are also demolished.

As it is known to public, at this point the status of cultural heritage, as well as the status of protection of archeological zone has been removed to Sakdrisi-Kachagiani site. Nevertheless, it remains to be the archeological object. The condition, however fails to ensure adequate protection of the site.

We think that when different parties dispute about granting the status of cultural heritage to the site while other specialists of the branch are not given the chance to visit it and in parallel information is released on possible changes and damages of the site, the Minister of Culture and Monuments' Protection should exercise its authority envisaged by the law on cultural heritage which provides that that *"if it is impossible to determine the condition of the site comprehensively, as well as if data connected to its historic and cultural values require check up and additional examination, the Minister is still authorized to include the monument in the list of cultural heritage."*

It is also decisive that issuing the relevant order by the Minister of Culture and Monuments' Protection and entry of the site in the list of the cultural heritage will automatically cause application of the regime established by the legislation on the historic monuments. This consequently will increase the chance of protecting Sakdrisi-Kachagiani. Furthermore, it would be reasonable to set up an international commission manned from experienced experts and specialists, which should determine the actual historic value of the Sakdrisi-Kachagiani gold mine.

It should also be noted that according to Georgian legislation *"the ground for granting the status of cultural heritage to the site shall be its historical or cultural value related to its antiquity, uniqueness or authenticity"*

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.” Accordingly, even if after relevant researches and expert opinions, Sakdrisi-Kachaghiani pre-historic mine is not considered the oldest in the world, it will not be the hindering factor for granting the status of cultural heritage to the monument, since antiquity of the object is the one and not the only reason for granting the status to the site.