

EU INTEGRATION AND DOMESTIC ADAPTATION IN GEORGIA



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Abstract

This chapter analyses Georgia's implementation of the EU–Georgia Association Agreement (AA), signed in 2014 and in force since 2016, through the sectors of minority education and water governance. It examines how 'EU conditionality' interacts with domestic adaptation, exposing tensions between formal legal approximation and context-sensitive application, fault lines strategically exploited by anti-EU actors in hybrid warfare. To capture Georgia's pragmatic balancing of EU norms with local needs, institutional capacity, and political realities, this chapter advances the concept of 'smart alignment'. Anchored in 'Europeanization' and legal harmonisation theory, and drawing on EU progress reports, national legislation, policy documents, and civil society monitoring, this study assesses both normative convergence and functional divergence. Structured in three parts, it first situates the AA within Georgia's legal and political context, then explores the '1+4' programme as a lens on minority integration, and finally examines water governance and public safety under EU environmental directives. These case studies highlight the contrasting dynamics of social policy implementation and technical regulatory alignment, offering an insight into how smaller states with limited institutional capacity can achieve meaningful convergence with EU standards while preserving political legitimacy and operational effectiveness.

Keywords: EU–Georgia Association Agreement, europeanization of Georgian law, legal harmonization, smart alignment, minority higher education, 1+4 programme, integration policy, water governance, public safety, right to water, policy adaptation

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1. Introduction

Georgia's path toward European integration since signing the Association Agreement (AA) with the European Union in 2014, which fully entered into force in 2016, offers a compelling test case to understand the dynamics of Europeanisation in post-Soviet contexts. While the Agreement provides a unified framework for political, legal, and institutional transformation, Georgia's implementation experience reveals both sectoral progress and persistent challenges shaped by its unique geopolitical, socio-cultural, and institutional context. Anti-EU narratives and disinformation campaigns further complicate reform efforts, exposing gaps between formal approximation and societal internalisation.

This chapter examines the interplay between EU conditionality, domestic political will, and societal adaptation from 2018 until January 2025. It focuses on two emblematic sectors, minority education (specifically the 1+4 Integration Programme) and water governance, both of which were selected for their illustrative relevance. In water governance, a legal misfit with EU legislation remains evident, while in minority education, formal regulatory alignment is less stringent. Georgia has developed innovative and potentially replicable educational policies, yet uneven implementation and the need to tailor policies to daily challenges constrain the achievement of desired policy outcomes.

Analysing¹ official policy assessments, civil society reports, and EU progress reviews, this chapter introduces smart alignment, a context-sensitive adaptation mechanism that allows domestic practices to coexist with European frameworks. Smart alignment adjusts EU requirements to local political realities, social structures, and institutional capacities, rather than imposing mechanical replication. This approach is particularly relevant for states like Georgia, where democratic consolidation, minority integration, and regional stability remain tightly interwoven.

Despite accelerated legal approximation, which positioned Georgia among the frontrunners on the integration path and maintained consistently high public trust (67% in spring 2025),² Recent stagnation and democratic backsliding reveal limits in both political readiness and societal capacity to internalise EU norms. Large-scale disinformation campaigns, often linked to the Russian Federation, exploit regulatory misfits and social sensitivities, portraying EU standards as external interference and targeting vulnerable populations, including minorities.

Support for the European Union among Georgia's ethnic minorities has declined. According to the 2014 census, Azerbaijanis (6.27%) and Armenians (4.53%) form the largest minority groups. Surveys show that support for EU membership within these communities fell from 52% in 2021 to 43% in 2023, while opposition rose from 6%

1 The authors gratefully acknowledge Ms. Tekla Tevzadze for her assistance in the preparation of this chapter.

2 EU NEIGHBOURS east, 2025.

to 15%.³ Although EU membership remains more popular than joining the Russia-led Eurasian Union, preference for the latter increased from 28% to 33%, while opposition declined from 22% to 17%.⁴

This shift may partly be linked to language barriers and the impact of disinformation. Many ethnic minorities, particularly older generations with limited Georgian (the state language) proficiency, consume political news primarily through Russian-language media.⁵ These outlets frequently disseminate narratives that portray EU and NATO integration as destabilising, undermining trust in these institutions and framing Western actors as responsible for societal instability and regional conflicts.

These dynamics frame this chapter's central research question: What happens when the 'door of opportunity' for EU integration is open, but society and political institutions are insufficiently prepared to step through it, lacking time, resources, or political will to internalise European values and thus remaining susceptible to manipulation? The chapter's research hypothesis guides the analysis: accelerated EU approximation based on blanket conditionality, when misaligned with a candidate state's geographical, socio-cultural, and institutional context, outpaces societal and political adaptation, heightening vulnerability to disinformation and manipulation. Conversely, a tailored, context-sensitive, smart approach attuned to domestic realities and supported by political commitment enhances resilience and fosters an EU integration process rooted in shared values rather than formal compliance alone. By examining Georgia's experience in minority education and water governance, this chapter demonstrates how smart alignment can reconcile European integration imperatives with domestic constraints, mitigate the risks of manipulation, and strengthen the sustainability of EU reforms.

2. Key Theoretical Frameworks

Although this research focuses on Eastern European integration, it is grounded in broader theoretical frameworks, notably Europeanisation, EU conditionality, and 'legal transplants'. Taken together, these perspectives provide an analytical lens through which the Georgian case illustrates how Europeanisation extends to non-member states, identifying the incentives driving the process, such as conditionality, and informing the assessment of how sustainable and effective EU influence is in diverse political contexts. The analysis examines how institutional legacies and political constraints, particularly in Eastern Europe / post-Soviet settings, shape implementation possibilities, why legal approximation may be necessary, the mechanisms

3 Chkhikvadze, 2024.

4 Ibid.

5 Ibid.

through which it occurs, potential constraints that arise, and the critical role of context-specific factors in determining the scope and impact of EU-driven reforms.

Europeanisation, despite its widespread use, remains conceptually ambiguous.⁶ For this study, it is understood as the process through which states adopt EU rules,⁷ intersecting with broader theories of international influence on domestic politics, particularly Gourevitch's⁸ second-image reversed perspective, which posits that domestic structures may result from international pressures.

Early studies examined Europeanisation mainly within EU member states,⁹ but from the 1990s onwards research expanded to third countries. The EU increasingly exported its laws through what Magen¹⁰ terms 'transformative engagement through law', with enlargement representing a pivotal case. Candidate and neighbouring states adapt to EU rules as a precondition for accession rather than as a consequence of membership.¹¹ In the absence of a membership prospect, alternative forms of policy conditionality, such as market access or visa facilitation, may serve as substitutes.¹²

Overall, the EU uses political conditionality to promote its norms and values, offering incentives to non-member states and leveraging the threat of exclusion or sanctions to ensure compliance among members. Adaptation pressures exerted by the EU largely depend on the 'goodness of fit' between EU and domestic structures.¹³ The poorer the fit, the greater the expected adaptation.

Understanding how legal change unfolds in practice requires examining the pathways through which norms travel across jurisdictions, with legal transplants remaining central yet contested. Watson¹⁴ defines a legal transplant as the movement of a rule or system of law from one country or people to another, noting its historical prevalence, but his approach has been criticised for neglecting context, in that it only considers the existence of similar rules rather than their effects in different systems.¹⁵ Critics argue that law is deeply embedded in cultural, historical, and linguistic contexts, making transplants inherently limited.¹⁶ Merryman emphasises that superficial rule similarity does not guarantee functional equivalence, while Hoffman¹⁷ and Kahn-Freund¹⁸ highlight the impossibility of meaningful transfer without considering the surrounding legal and societal environment.

6 Radaelli, 2000.

7 Schimmelfennig and Sedelmeier, 2005.

8 Gourevitch, 1978.

9 Hix and Goetz, 2000.

10 Magen, 2007.

11 Sedelmeier, 2011.

12 Vachudova, 2007.

13 Risse et al., 2001.

14 Watson, 1993, p. 21.

15 Watson, 1993, p. 96, fn. 3.

16 Legrand, 1997; Merryman, 1994, p. 50.

17 Hoffman, 1991, p. 272.

18 Kahn-Freund, 1974, p. 27.

Genuine legal change thus demands a careful, context-sensitive alignment of transplanted norms with local social, institutional, and political realities, ensuring substantive rather than merely formal convergence and enabling effective operation in practice. For such an approximation to be sustainable and achieve meaningful impact, the ‘fit’ must therefore be smart and context-sensitive, going beyond a mere formal similarity in order to ensure substantive compatibility.

We conceptualise smart alignment as a bridging mechanism that addresses the tension between Watson’s notion of transferable rules and Legrand and Merryman’s view of the law’s socio-cultural embeddedness. The concept of smart alignment resonates throughout debates in Europeanisation and convergence studies, drawing on ideas such as ‘strategic adaptation’, ‘selective harmonization’, and ‘pragmatic compliance’. Unlike these approaches, however, smart alignment underscores a deliberate, context-sensitive calibration of EU rules, prioritising practical implementation over blind legal approximation.¹⁹

2.1. Eastern European Integration Theories

This chapter engages with broader debates on Eastern European integration and critically assesses EU external governance theories by examining their applicability to Georgia. While these frameworks illuminate general tendencies, new dynamics have emerged, including intensified anti-EU narratives, disinformation, and hybrid warfare, particularly in post-socialist and post-Soviet states bordering Russia.

These phenomena exploit state vulnerabilities and amplify the importance of context-specificity in the approximation process. Anti-EU actors strategically frame conditionality as an external interference, leveraging perceived tensions between European norms and local practices to erode public support and recast the integration narrative, portraying the EU as a threat to sovereignty and identity. Collectively, these developments suggest the rise of a new analytical trajectory in EU governance studies, one that accounts for evolving, context-sensitive dynamics increasingly beyond the explanatory reach of earlier integration frameworks.

In the past, the EU’s external governance approach has been criticised for disregarding the domestic political and institutional contexts of target countries.²⁰ The European Union’s approach to external governance frequently gives rise to a legalistic tendency, often resulting in shallow or selective reforms. Researchers have stressed that the CEE countries had formally adopted a vast body of EU legislation, which however was often inadequately applied and enforced, and therefore had not substantially altered actors’ behaviour.²¹ This dynamic has prompted scholarly con-

¹⁹ Reland, 2025.

²⁰ Korosteleva, 2012.

²¹ Falkner et al., 2008; Börzel, 2009.

cerns about what Goetz²² describes as ‘shallow Europeanization’, or what Jacoby²³ similarly labels ‘Potemkin harmonization’. As Mungiu-Pippidi²⁴ aptly notes, while the European Union often achieves far-reaching formal reforms, ‘developments on the ground are modest to nil’, exposing the persistent gap between rule adoption and substantive domestic change.

In the Eastern Partnership, the large-scale ‘export of EU law’²⁵ is shaped by post-Soviet legacies and mediated by domestic interests, norms, and practices.²⁶ A high institutional misfit between national and transnational rules often generates adaptation pressures that diverge from domestic preferences and capacities, making EU norms more of a constraint than an opportunity, and imposing significant adaptation costs.²⁷ Langbein therefore argues that successful rule transfer requires a context-specific approach, with the EU adjusting goals and means of integration to sectoral domestic capacities rather than imposing uniform prescriptions.²⁸ Scholars have similarly questioned the effectiveness of wholesale legal transplants in Eastern Partnership states, emphasising that the pace of implementation and integration must be determined on a country- and sector-specific basis.²⁹

Taken together, these insights underline that effective Europeanisation cannot rely on uniform conditionality alone but depends on tailored, context-sensitive strategies that enable smart alignment. Such an approach allows states to reconcile EU norms with domestic realities and capacities, accounting for sectoral particularities, adapting regulatory frameworks to national contexts and margins of appreciation, and avoiding a one-size-fits-all model.

Europeanisation presupposes a ‘misfit’ between European and domestic legal-institutional frameworks,³⁰ with change occurring most visibly when adaptation is inconvenient.³¹ This logic applies acutely to accession and associated states, where Association Agreements intensify pressures, particularly in sensitive areas like minority rights, a core Copenhagen criterion. While some expect convergence in policies and institutions,³² empirical evidence demonstrates persistent variation across sectors and states.³³ The EU–Georgia Association Agreement illustrates the necessity of smart alignment, offering a framework to adapt EU norms to Georgia’s distinctive context. Sectoral particularities such as abundant, decentralised water resources and the integration of ethnic minority education highlight pronounced regulatory

22 Goetz, 2005, p. 262.

23 Jacoby, 1999.

24 Mungiu-Pippidi, 2005, p. 22.

25 Dragneva and Wolczuk, 2012.

26 Delcour, 2017, pp. 5, 11.

27 Langbein, 2015, pp. 11–12.

28 Langbein, 2015, p. 168.

29 Wolczuk, 2017, p. 12.

30 Duina, 1999; Héritier et al., 1996.

31 Börzel and Risse, 2003.

32 Schneider, 2001.

33 Kohler-Koch, 1998; Harcourt, 2000; Héritier and Knill, 2000; Cowles, Caporaso and Risse, 2001.

incongruence. These domains engage core EU objectives towards environmental protection, human rights, and Copenhagen compliance, while reflecting local institutional capacities and socio-political realities. Together, they demonstrate that tailored strategies, calibrated to domestic capacities and societal needs, provide a more viable and sustainable pathway to harmonisation than blanket approximation, underscoring the practical and theoretical significance of smart, selective alignment in EU integration processes.

3. Selection of Policy Domains and Methodological Approach

For this research, minority education and water governance were selected as analytically distinct policy domains to assess Georgia's alignment with EU integration requirements under the Association Agreement. Minority education is socio-cultural and identity-laden, while water governance is technical and regulatory. They occupy different positions within EU competences: education remains largely decentralised under Member States, whereas water governance falls under shared competence with a common legislative framework. Both domains reveal divergent regulatory approaches in Georgia, shaped by its unique geography, polyethnic composition, and historical legacies. The system must integrate long-established, historically rooted traditional minority communities rather than primarily addressing recent migrant populations, and is closely tied to national security considerations. By contrast, many EU Member States addressed such challenges before the Union evolved from a primarily economic community into a values-based polity. These distinctions underscore the need to examine how EU norms are selectively adapted in Georgia, highlighting differentiated pathways of alignment across socio-cultural and technical policy areas. The Council of Europe's Framework Convention for the Protection of National Minorities (FCNM) provides the primary legal framework guiding national policy on minority rights protection and implementation.

Recent developments show that anti-EU actors have exploited these sensitivities, manipulating identity tensions and leveraging disinformation campaigns as part of hybrid warfare, a trend observable across post-socialist states such as Slovakia, Hungary, Romania, and Eastern European candidate countries, and amplified by external entities, notably Russia, who employ narratives based around Russian-speaking minorities and the contested 'responsibility to protect' doctrine.

By contrast, water governance is technical, regulated under a well-developed *acquis Communautaire*, and requires formal legislative alignment and institutional adaptation, offering a compliance-oriented lens for assessing regulatory convergence. However, fine-tuning (sectoral calibration) is needed to accommodate domestic sectoral specificities.

This study adopts a qualitative, comparative case study methodology grounded in policy analysis and legal-institutional research. It focuses on Georgia's 1+4 Programme for ethnic minorities and water governance to capture sector-specific adaptation pathways. Primary and secondary sources, including Georgian government policy documents, EU reports, civil society monitoring, and parliamentary materials, cover the period from 2018 until January 2025. This comparative design highlights cross-cutting patterns and sector-specific challenges in legal approximation and policy adaptation, with water governance receiving particular attention due to its higher formal alignment requirements. The scope here is limited to documentary analysis, without empirical fieldwork.

4. EU–Georgia Association Agreement: Legal and Political Framework

4.1. *EU–Georgia Association Agreement (AA)*

The EU–Georgia Association Agreement³⁴ was signed on June 27th 2014, in Brussels and entered into force on July 1st 2016, following the provisional application from September 2014. This agreement is a cornerstone of the European Union's Eastern Partnership policy, designed to deepen political and economic ties between the EU and Georgia. It aims to promote democratic reforms, strengthen the rule of law, and gradually integrate Georgia into the EU's internal market through the establishment of a Deep and Comprehensive Free Trade Area (DCFTA).

The Association Agreement is a bilateral treaty founded on the principles of partnership, mutual needs, and cooperation. It outlines a detailed roadmap for Georgia's development, aligned with European standards, guiding the country's transformation into one that fully meets EU criteria. Central to this process are mandatory reforms in critical areas such as human rights, rule of law, combating corruption, and fighting transnational organised crime, all of which are intended to bring peace, stability, and sustainable growth to Georgia.

A particularly significant feature of the Agreement is the DCFTA, which has opened up the European market to Georgian goods and services, fostering trade and economic growth. The negotiation process between Georgia and the EU began in July 2010, with the DCFTA component added to the agenda in 2011. Throughout the negotiations, a comprehensive and inclusive approach was taken, involving fifteen plenary sessions on political issues, six rounds focused on trade, and around one hundred video conferences on sectoral cooperation and DCFTA matters. The

34 European Union, 2014.

negotiations concluded in July 2013, culminating in the initialling of the Agreement on November 29th 2013, during the Eastern Partnership Summit in Vilnius.

Alongside Georgia, Moldova and Ukraine also signed Association Agreements with the EU. While the EU maintains similar agreements with other countries, the three Eastern Partnership states' agreements are unique due to the inclusion of the DCFTA and extensive political and sectoral cooperation clauses. The Agreement reflects a high level of legal and regulatory convergence with the EU, making Georgia's Europeanisation process practically irreversible, provided the state does not backslide.

The primary objective of the Agreement is to ensure political association and gradual economic integration between Georgia and the European Union. It explicitly recognises Georgia's European aspirations and choices, anchoring cooperation in the EU's foundational values: democracy, protection of human rights and fundamental freedoms, and the rule of law. The Agreement also strongly reaffirms respect for Georgia's independence, sovereignty, territorial integrity, and internationally recognised borders.

In a notable advancement reflecting Georgia's specific context, the Agreement emphasises joint efforts to promote post-conflict rehabilitation and reconciliation. Peaceful resolution of conflicts is a key topic in the ongoing political dialogue between the parties and other international stakeholders. Importantly, the inclusion of a dedicated Art. on conflict resolution was secured through Georgia's proactive efforts during negotiations.

The Association Agreement is binding as an international treaty between equals for both parties. While it takes precedence over ordinary national legislation, the Constitution of Georgia remains the supreme legal authority. Crucially, Art. 78 of the Constitution establishes EU integration as a national constitutional priority, obliging all constitutional bodies to take every measure within their competences to advance Georgia's path toward European Union membership. Consequently, in cases of conflict, national laws must be amended to comply with the Agreement, anchoring Georgia's path towards EU integration as both a legal and constitutional priority.

The Agreement's general provisions reaffirm the commitment to core democratic principles and human rights as outlined in foundational international documents such as the Universal Declaration of Human Rights (1948), the European Convention on Human Rights (1950), the Helsinki Final Act (1975), and the Paris Charter (1990). Both parties pledge to uphold these principles in their domestic and international relations, and to adhere to global norms such as the non-proliferation of weapons of mass destruction.

Moreover, the Agreement commits Georgia and the EU to fostering a free market economy, sustainable development, and effective multilateralism. By reinforcing the rule of law, good governance, and cooperation in combating corruption and organised crime, the parties contribute jointly to regional peace, stability, and security, as well as to safeguarding the territorial integrity and independence of the countries involved.

The Agreement identifies specific areas where Georgia is carrying out concrete reforms with the support of the European Union: (a) The strengthening and protection of common European values – the commitment to and spread of democracy and the rule of law, good governance, human rights and basic freedoms; a respect for the principles of international law, including sovereignty and territorial integrity within internationally recognised borders; the promotion of peaceful conflict resolution. (b) Foreign and security policy – a deepening political dialogue and cooperation in relevant fields, including domestic reform, non-proliferation of weapons of mass destruction, regional stability, and more. (c) Justice, freedom and security – increasing the independence of the judiciary, access to justice, and ensuring the right to a fair trial; migration management; combating human trafficking, money laundering, organised crime, corruption, and illegal drug trafficking; ensuring personal data protection and preventing terrorist financing; enhancing cooperation on border management and other issues. (d) Modernisation of sectoral policy and implementation of European standards – cooperation in areas such as transport, energy, environmental protection, agriculture, tourism, research and technology, employment and social policy, healthcare, education, culture, civil society, and regional development, etc. (e) Trade and trade-related issues – the establishment of the Deep and Comprehensive Free Trade Area (DCFTA), creating a mechanism for Georgia’s gradual economic integration into the EU’s internal market.

Title V of the Association Agreement envisages sectoral cooperation in 23 areas: transport; energy; environmental protection; climate action; industrial and enterprise policy and mining; company law, accounting, auditing and corporate governance; financial services; information society; tourism; agriculture and its development; fisheries and maritime governance; research and technological development; consumer policy; employment, social policy and equal opportunities; public healthcare; education, training and youth; cultural cooperation; audiovisual and media; sport and physical activity; civil society cooperation; regional development and cross-border cooperation; civil protection; and participation in EU agencies and programmes.

To monitor the Agreement’s implementation, the Association Council (ministers) and Association Committee (deputy ministers) were created. The Committee is supported by thematic sub-committees that meet at the civil servant level. A Parliamentary Association Committee, comprised of members of the European and Georgian parliaments, facilitates dialogue and may request information from the Association Council.

The EU-Georgia Association Agenda is the main instrument for implementing the Association Agreement. It outlines priority commitments, supports implementation, and reflects joint cooperation priorities. Georgia has made significant progress on the 2014–2016 and 2017–2020 Agendas, with the 2021–2027 Agenda recognising reforms that have deepened Georgia’s political association and economic integration with the EU.

Currently, Georgia is in the implementation phase of the Agreement, which includes legislative and institutional convergence, introducing European standards,

expanding sectoral cooperation, adopting European practices, and increasing participation in EU agencies and programmes. The new Association Agenda reflects these developments.

The DCFTA is a vital part of the Agreement, providing Georgian goods and services access to the EU market. Unlike a typical free trade agreement, it removes tariff and non-tariff barriers and regulates a wide range of trade related issues such as food and product safety, competition policy, intellectual property, customs, and public procurement. It also entails the alignment of trade-related laws, institutions, and administrative mechanisms with those of the EU.

Implementation of the DCFTA grants Georgia access to a stable market of 27 EU countries and 446 million consumers. The EU market offers reliable rules, developed distribution, rising prices, and demand for natural products.

The DCFTA covers: Trade in goods (tariffs); Rules of origin; Customs and trade facilitation; Trade in services; Sanitary and phytosanitary measures; Technical barriers to trade; Intellectual property rights protection.

During negotiations, Georgia achieved an unprecedented agreement with the EU on tariff liberalisation. Upon the agreement's entry into force, all Georgian-origin products (except garlic, under quantitative restrictions) are exempt from EU import tariffs.

Free trade without tariffs or technical restrictions increases the export potential of Georgian products to EU markets and supports Georgia's economic growth. As a result, EU–Georgia trade continues to grow, with Georgian exports rising annually.

4.2. Political Context

The European Union (EU) has been a key supporter of Georgia's democratic consolidation, territorial integrity, and socio-economic development. This strategic relationship was formalised with the signing of the EU–Georgia Association Agreement (AA)³⁵ in June 2014, which fully entered into force on 1st July 2016. The AA, together with the Deep and Comprehensive Free Trade Area (DCFTA), laid the foundation for political association and economic integration with the EU, based on shared values such as democracy, the rule of law, human rights, and good governance.

The AA institutional framework includes the Association Council and various sub-committees to monitor implementation, while the EU–Georgia Association Agenda identifies priorities for reform and approximation to the EU *acquis*. Until 2022, the EU published regular implementation reports reviewing Georgia's progress across multiple sectors.³⁶ These reforms have been pursued under the broader framework of the European Neighbourhood Policy (ENP) and the Eastern Partnership (EaP), both

³⁵ Ibid.

³⁶ European Commission and High Representative, 2021.

of which emphasise regional stability, sectoral convergence, and enhanced citizen mobility.³⁷

On 3rd March 2022, in the wake of Russia's full-scale invasion of Ukraine, Georgia formally applied for EU membership.³⁸ On 23rd June 2022, the European Council acknowledged Georgia's 'European perspective' and set out 12 reform priorities that Georgia needed to fulfil to obtain candidate status. The European Commission, in its 2023 enlargement package, recommended granting candidate status conditional on addressing nine key steps. This recommendation was endorsed by the European Council on 14th December 2023.³⁹

However, momentum slowed considerably in 2024. On 27th June, the European Council declared⁴⁰ that the EU accession process was '*de facto* halted', citing Georgia's backsliding on democratic reforms, particularly the adoption of the controversial Law on Transparency of Foreign Influence, often likened to Russia's 'foreign agents' law.⁴¹ In its October 2024 enlargement report,⁴² the Commission emphasised Georgia's limited progress on the reform agenda and warned that accession talks could not proceed without a clear reversal of the current trajectory.

Further deterioration followed the disputed 2024 parliamentary elections, leading the European Parliament to pass a resolution on 13th February 2025, expressing concerns over electoral integrity and democratic backsliding, and calling for repeat elections under international standards. In January 2025, the Council of the European Union responded by partially suspending visa facilitation measures with Georgia, citing systemic rule of law concerns.

On 31st May 2025, Georgia's Foreign Agents Registration Act (FARA) officially came into force. Modelled on the U.S. Foreign Agents Registration Act enacted in 1938, the Georgian version mandates that individuals and organisations receiving foreign funding and engaging in activities deemed to serve foreign interests must register as foreign agents. Non-compliance can result in criminal penalties, including up to five years of imprisonment.

EU High Representative for Foreign Affairs and Security Policy Kaja Kallas and Commissioner for Enlargement Marta Kos described the law as a 'serious setback for the country's democracy'. In an official statement, EU officials characterised the law's entry into force as a regrettable development, warning that it could negatively impact Georgia's democratic institutions and civic space. The statement further noted that the legislation may have serious implications for Georgia's EU path, particularly in light of the European Commission's prior recommendations on the steps required to advance accession negotiations.⁴³

37 Delcour, 2019, pp. 40–44.

38 European Commission, 2022.

39 European Commission, 2023.

40 European Council, 2024.

41 European Commission for Democracy through Law, 2024.

42 European Commission, 2024.

43 European External Action Service, 2025.

Despite these setbacks, the EU continues to support civil society and public accountability in Georgia. The EU Delegation launched consultations in 2025 to collect civil society feedback for its annual progress assessment, reiterating that Georgia's European path remains open, provided that the government re-commits to democratic norms and genuine institutional reform.

5. Education Sector and Ethnic Minorities

Recognised as a vehicle for promoting shared values, social cohesion, and inclusive economic growth, the education sector is a cornerstone of EU cooperation and development, aimed at fostering knowledge, skills, and innovation. It supports mobility, lifelong learning, and the harmonisation of educational standards across member states.

Charles Taylor, in his work *Multiculturalism and the Politics of Recognition*, examines the significance of recognition in the formation of both individual and collective identity. He emphasises that societies must be able to acknowledge cultural differences without compelling distinct groups to assimilate into the dominant culture. This approach supports the coexistence of cultural diversity, where differences are accepted and neither the state nor society perceive them as a threat (securitisation of minorities). At the same time, individuals and groups retain the freedom to preserve and express their unique cultural identity and characteristics.⁴⁴

This is precisely the challenge faced by multicultural states: how to foster civic identity without resorting to assimilation; how to address the challenges arising from diverse, multi-ethnic and multi-religious realities; and how to transform ethnic or religious particularism in a way that does not undermine minority belonging or the value of diversity. Participatory democracy as majority rule exercised under conditions that respect minority rights represents an attempt to achieve this delicate balance.

Within a state grounded in legal and civic identity, citizens must acquire competences that simultaneously foster a sense of belonging to a broader political community and safeguard individuality, their so-called authenticity, within a framework that upholds ethnic, linguistic, religious, or cultural specificities. The state must view diversity as a source of societal strength rather than a threat, providing structured intellectual environments in which students engage collectively in dialogue and debate.⁴⁵

Comparative European experiences illustrate different approaches. France embodies the rather assimilationist pole, subordinating collective identities to

44 Taylor, 1992, p. 41.

45 Masalkin, 2020, pp. 69–73; Phiralishvili, 2007.

republican unity, with education producing neutral citizens. Italy exemplifies territorial pluralism, with constitutional guarantees and regional autonomy ensuring bilingual/trilingual education in areas like South Tyrol and Valle d'Aosta. Lithuania represents a transitional approach: following legal reforms in 2025, minority-language education is aligned with EU standards, but implementation remains fragile and contingent on external monitoring. These cases highlight the spectrum between assimilation and pluralism, the tensions between historic minorities and migrant populations, and the critical role of education in managing diversity.⁴⁶

Within the framework of the EU–Georgia Association Agreement (AA), education is addressed as both a technical and strategic priority, reflecting Georgia's broader alignment with EU norms and standards. This dual focus illustrates the principle of smart alignment, providing a conceptual and comparative lens for understanding minority education initiatives, such as the 1+4 Programme, which reconcile formal EU compliance with context-sensitive policies tailored to local linguistic and demographic realities, thereby advancing both inclusion and functional convergence.

Under Title IV (Cooperation in the Field of Education, Training and Youth) of the Association Agreement,⁴⁷ Georgia has committed to enhancing cooperation with the EU in areas such as the modernisation of higher education, quality assurance, and the promotion of the Bologna Process. This includes a convergence toward European standards in academic recognition, student and staff mobility, and institutional autonomy.

Georgia officially joined the Bologna Process in 2005. Since then, the country has undertaken a series of reforms to align its higher education system with the European Higher Education Area (EHEA), including the introduction of a three-cycle degree structure (Bachelor–Master–Doctorate), a credit transfer system (ECTS), and quality assurance mechanisms.

Since 2007, Bologna Process ministerial communiqués have emphasised the importance of making higher education systems more inclusive and reflective of population diversity. The London Communiqué called for a guarantee that students from all socio-economic backgrounds could access and complete higher education. In 2009 ministers committed to setting measurable targets aimed at increasing the participation of underrepresented groups by 2020. Later *communiqués* from Bucharest (2012)⁴⁸ and Yerevan (2015)⁴⁹ to Paris (2018) and Rome (2020)⁵⁰, reaffirmed these goals, highlighting the need for flexible learning paths, the recognition of prior learning, enhanced support services, and the inclusion of conflict-affected and disadvantaged students. The evolving concept of the 'social dimension' also emphasised

46 Tevzadze, 2010.

47 European Union, 2014, Art. 359.

48 European Higher Education Area, Ministerial Conferences, 2012; European Higher Education Area, Ministerial Conferences, 2015.

49 Ibid.

50 European Higher Education Area, Ministerial Conferences, 2018; European Higher Education Area, Ministerial Conferences, 2020.

peer learning, gender balance, and equitable access to international mobility as key to a more inclusive European Higher Education Area.

For Georgia, the education sector has thus become a platform for both internal transformation and international cooperation. Alignment with EU education policy helps to strengthen institutional frameworks, improve access and quality in education (including for minority groups) and build a more competitive and cohesive society. It also serves as a channel for advancing Georgia's strategic aspirations toward European integration through the creation of a knowledge-based, inclusive, and citizen-oriented education system.

One of the Agreement's key objectives is to foster mutual understanding and reform-oriented dialogue through integration into EU educational programmes, particularly Erasmus+. Participation in these programmes supports capacity building, intercultural exchange, and the development of inclusive education policies aligned with the EU principles of equality and non-discrimination.

In this context, the concept of smart approximation, as shown on the example of affirmative action for select ethnic/linguistic minorities, allows Georgia to align with EU education standards through context-sensitive national policies. While access to tertiary education is primarily determined by results from the Unified National Examinations, alternative pathways, such as the 1+4 Programme for ethnic minorities, exist to support inclusivity. Rather than replicating EU norms verbatim, initiatives like the 1+4 Programme meet core EU goals of access, inclusion, and quality while addressing local linguistic and demographic realities. This approach enables functional convergence through domestic innovation, offering a more effective path for countries with complex integration contexts.

5.1. Legal and Policy Framework of Minority Protection in Georgia

5.1.1. International (Universal) Standards

Georgia's international commitments in the field of minority rights are grounded in key United Nations instruments. The Universal Declaration of Human Rights⁵¹ has become part of customary international law and affirms equal access to education, fostering cultural inclusion and non-discrimination.

The International Covenant on Civil and Political Rights,⁵² ratified by Georgia in 1994, upholds the right of minorities to use their language and preserve their culture. The International Covenant on Economic, Social and Cultural Rights,⁵³ also ratified in 1994, guarantees the right to education and promotes cultural diversity.

51 United Nations, 1948, Art. 26.

52 International Covenant on Civil and Political Rights, Art. 27.

53 International Covenant on Economic, Social and Cultural Rights, Art. 13.

The Convention on the Rights of the Child (CRC) obliges states to provide accessible, quality education that fosters respect for cultural identity and language.⁵⁴ Georgia ratified the CRC in 1994. The International Convention on the Elimination of All Forms of Racial Discrimination (CERD), acceded to in 1999, prohibits ethnic discrimination in education and other fields.⁵⁵

The Convention on the Elimination of All Forms of Discrimination Against Women,⁵⁶ which Georgia joined in 1994, underscores the right of minority women and girls to equal educational opportunities. Additionally, the UNESCO Convention Against Discrimination in Education, acceded to by Georgia in 1992, prohibits discriminatory practices and supports minority language instruction.⁵⁷

The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992) outlines state responsibilities for protecting minority identities. While non-binding, it is broadly accepted as a global standard.

5.1.2. *Regional (European) Standards*

(1) The Council of Europe. The European Convention on Human Rights (ECHR), while not expressly referencing minorities, has been interpreted by the European Court of Human Rights (ECtHR) to protect them under provisions on private life, freedom of religion, expression, association, and education, particularly Arts. 8, 9, 10, 11, and Protocol No. 1, Art. 2 (Council of Europe, 1950). Art. 14 (non-discrimination) and Protocol No. 12 provide additional protection. Georgia ratified the ECHR in 1999 and Protocol No. 12 in 2001 (in force since 2005).

The ECtHR plays a crucial role in setting standards for minority rights. In *D.H. and Others v. Czech Republic* (2007),⁵⁸ the principle of equality in education was confirmed. In *Gorzelik v. Poland* (2004),⁵⁹ the Court emphasised the need for democratic societies to preserve minority identities. In *Catan and Others v. Moldova and Russia* (2012)⁶⁰ ECtHR found a violation of the right to education due to language restrictions in Transnistria, holding Russia accountable.

The Revised European Social Charter,⁶¹ ratified by Georgia in 2005, guarantees children's educational rights, including those of minority children. The European Charter for Regional or Minority Languages,⁶² neither signed nor ratified by Georgia, promotes the use of minority languages in education and public life.

54 United Nations, 1989, Arts. 28–29.

55 United Nations, 1965, Art. 5(e)(v).

56 The Committee on the Elimination of Discrimination against Women, Art. 10.

57 United Nations Educational, Scientific and Cultural Organization, 1960.

58 *D.H. and Others v The Czech Republic* (ECtHR, App no 57325/00, 2007).

59 *Gorzelik and Others v Poland* (ECtHR, App no 44158/98, 2004).

60 *Catan and Others v Moldova and Russia* (ECtHR, App nos 43370/04, 8252/05, 18454/06, 2012).

61 Council of Europe, 1961, Art. 17; European Social Charter (Revised), 1996, Art. 17.

62 Council of Europe, 1992.

The Framework Convention for the Protection of National Minorities (FCNM), ratified by Georgia in 2005, is a central European standard. It guarantees minority self-identification,⁶³ protection from discrimination,⁶⁴ the use of language in public and private life,⁶⁵ and education in and concerning minority languages.⁶⁶

The Committee of Ministers has also issued several recommendations addressing pluralistic education⁶⁷ and minority youth participation in political life.⁶⁸

(2) The European Union. While the European Union (EU) lacks a dedicated minority rights convention, relevant guarantees are embedded in its foundational legal framework. The Treaty on European Union (TEU) affirms the respect for minority rights⁶⁹ and the promotion of cultural and linguistic diversity.⁷⁰ The Treaty on the Functioning of the European Union (TFEU) prohibits discrimination⁷¹ and allows for EU action to combat it.⁷²

The Charter of Fundamental Rights of the EU, now primary law, prohibits discrimination⁷³ and affirms respect for cultural, religious and linguistic diversity.⁷⁴ While no secondary EU law focuses solely on minorities, The Racial Equality Directive⁷⁵ and the Employment Equality Directive⁷⁶ provide legal tools to combat ethnic and linguistic discrimination in education and employment. Resolutions of the European Parliament also contribute to the development of soft law in this domain.

Georgia's Association Agreement with the EU (2014, in force since 2016) requires approximation to EU standards and reinforces commitments to minority rights.⁷⁷ As a candidate country for EU membership since December 2023, Georgia must fulfil the Copenhagen Criteria, which include respect for and the protection of minorities.⁷⁸

(3) The OSCE (Organization for Security and Co-operation in Europe). The OSCE High Commissioner on National Minorities (HCNM) has issued key policy guidance relevant to education. The Hague Recommendations⁷⁹ (1996) underscore the importance of mother tongue education alongside the acquisition of the state language

63 Council of Europe, 1995, Art. 3.

64 Council of Europe, 1995, Art. 4.

65 Council of Europe, 1995, Art. 10.

66 Council of Europe, 1995, Arts. 12–14.

67 Council of Europe, 2008, Recommendation CM/Rec(2008)7.

68 Council of Europe, 2023, Recommendation CM/Rec(2023)9.

69 TEU, Art. 2.

70 TEU, Art. 3.

71 TFEU, Art. 10.

72 TFEU, Art. 19.

73 Charter of Fundamental Rights of the EU, Art. 21.

74 Charter of Fundamental Rights of the EU, Art. 22.

75 Directive 2000/43/EC.

76 Directive 2000/78/EC.

77 EU–Georgia, 2014.

78 European Council, 1993.

79 Organization for Security and Co-operation in Europe, 1996.

(OSCE, 1996). The Ljubljana Guidelines (2012)⁸⁰ emphasise education as a mechanism for integration and social cohesion.⁸¹ In 2023, the HCNM further emphasised the role of inclusive education in social participation, particularly for the youth.⁸²

5.1.3. National Framework: Demographic Realities and Legal Standards

According to the latest General Population Census,⁸³ ethnic minorities constitute 13.2% of Georgia's population, with Azerbaijanis and Armenians forming the two largest groups. Azerbaijanis are primarily concentrated in Kvemo Kartli and Kakheti, while Armenians reside predominantly in Samtskhe-Javakheti and Tbilisi. Georgia's multiethnic landscape also includes Russians, Ossetians, Yazidis, Ukrainians, Kists, Greeks, Assyrians, and others. Georgia is also a linguistically diverse country. While many languages are spoken, only the Georgian and Abkhaz languages hold official status under the Constitution.⁸⁴

(1) Constitutional and Legal Guarantees. The Georgian Constitution does not contain dedicated provisions on minority rights. Instead, Art. 11 guarantees equality before the law and prohibits discrimination based on ethnicity, while Art. 27 guarantees free and universal general education for all citizens, including ethnic minorities.

The Law of Georgia on the Elimination of All Forms of Discrimination (2014)⁸⁵ reinforces this constitutional guarantee, mandating the state to address ethnic discrimination. However, it lacks detailed provisions specific to minority rights. Nonetheless, Georgia remains bound by its international legal obligations in this area, since international treaties ratified by the state have preference over national laws.⁸⁶

Most notably, state actions fall under the scrutiny of monitoring bodies like the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe (ACFC), since the FCNM provides a comprehensive framework for safeguarding individual and collective rights, including those pertaining to education, the media, and linguistic use.

In the educational domain, Georgia adheres to international soft law instruments such as The Hague Recommendations Regarding the Education Rights of National Minorities,⁸⁷ which underscore the importance of balancing native-language

80 Organization for Security and Co-operation in Europe High Commissioner on National Minorities, 2012.

81 Organization for Security and Co-operation in Europe, 2012.

82 Organization for Security and Co-operation in Europe, 2023.

83 National Statistics Office of Georgia, 2014.

84 Art. 2.3.

85 Law of Georgia on the Elimination of All Forms of Discrimination, 2014 (last amended 2 April 2025).

86 Constitution, Art. 4.5.

87 The Hague Recommendations regarding the education rights of national minorities & explanatory note.

instruction with the adequate acquisition of the state language. The state thus bears a positive obligation to ensure access to education in minority languages, while promoting integration through Georgian language proficiency.

The Law on General Education⁸⁸ (2005) guarantees free education and provides some accommodations for ethnic minorities, including instruction in minority languages. However, practical challenges remain due to insufficient teacher training, resources, and materials in minority languages.

(2) Policy Frameworks and Implementation. The State Strategy for Civic Equality and Integration (2021–2030) aims to enhance the inclusion of ethnic minorities through bilingual education, anti-discrimination, and civic participation. Its 2023–2024 Action Plan included 192 activities, with a reported completion rate of 60.4%.⁸⁹ However implementation challenges do persist. Critics note the absence of qualitative indicators and outcome-based evaluations, hindering effective policy assessment.⁹⁰

The National Human Rights Strategy (2022–2030) further outlines legislative and operational priorities. Priority III addresses the need to translate constitutional guarantees into actionable policy. Task ‘C’ explicitly seeks to enhance state language learning among minorities to improve public participation and equality.

(3) International Programmatic Support. International organisations such as UN Agencies, the OSCE, and the Council of Europe actively support Georgia’s efforts to improve educational access and language integration for minorities. Despite these initiatives, persistent structural challenges (such as underfunding and regional disparities) continue to hinder their full implementation.

5.2. Minority Inclusion in Higher Education System of Georgia – The 1+4 Programme

Education at all levels serves a protective function.⁹¹ According to various authors, higher education protects individuals from exclusion and ill-treatment. It helps young people maintain hope, fosters their resilience, and strengthens their resistance to extremist rhetoric and recruitment.⁹²

It is widely recognised that the attainment of higher education, in particular the completion of undergraduate studies, yields specific economic benefits at an individual level, and is also associated with a range of positive effects at state and societal levels. Research indicates that individuals who have been through higher education tend to be more tolerant, experience lower rates of child mortality, lead healthier lifestyles, and enjoy increased life expectancy. For the state, a well-educated population contributes to the public good through reduced burdens on criminal justice

88 Law of Georgia on General Education, 2005 (Last amended 13 December 2024).

89 Government of Georgia, 2023, p. 10.

90 Public Defender of Georgia, 2023, p. 3.

91 United Nations High Commissioner for Refugees and United Nations Educational, Scientific and Cultural Organization, 2016.

92 Kirk and Sherab, 2016; Barakat and Milton, 2015.

and social services systems, increased political participation, and higher fiscal contributions which come from a more prosperous labour force segment.⁹³

In the case of *Ponomaryov and Ponomaryov v Bulgaria*,⁹⁴ The European Court of Human Rights has emphasised that education entails a type of public, specifically characterised service that brings benefits not only to the immediate right-holder but also to society as a whole. Its democratic dimension includes the integration of minorities.

The Georgian language preparatory program, implemented as part of the 1+4 Programme, has a fifteen-year track record as a cornerstone of Georgia's affirmative action policy for ethnic minorities. Introduced in 2010 in response to challenges outlined in the 2009 National Concept for Civic Integration, the program was designed to address two core issues: limited proficiency in the Georgian language and the resulting barriers to civic and educational integration among non-Georgian-speaking communities. By offering a one-year Georgian language preparatory course followed by access to higher education, the 1+4 Programme aims to expand opportunities for students from major minority language groups, particularly Armenian and Azerbaijani speakers. Since its launch, the program has been embedded in Georgia's broader framework for civic equality and integration, with its objectives reflected in both the current (2021–2030) and earlier versions of the State Strategy for Civic Equality and Integration and their action plans, as well as in the Unified Education Strategy (2021–2030).

Following the General Abilities Test which can be taken in ethnic minority languages (Armenian, Azeri, Abkhaz, Ossetian), applicants meeting the required scores are enrolled in a one-year Georgian language preparatory course at a higher education institution. Upon successful completion, they continue their studies in their chosen faculty.⁹⁵

Additionally, a quota system allocates 5% of total available university spots to Armenian- and Azerbaijani-speaking applicants and 1% each for Abkhazian- and Ossetian-speaking students.

In 2024, state-funded places for the Georgian language preparatory program doubled from 100 to 200, reflecting a growing institutional support for minority integration through language acquisition.⁹⁶

The 1+4 program stands out as one of the most effective tools for promoting civil integration and improving access to higher education for ethnic minorities in Georgia.⁹⁷ It is worth noting that following its launch, the number of ethnic minority students has increased annually⁹⁸ until 2019.⁹⁹ A slight decline occurred between

93 Baum et al., 2013.

94 *Ponomaryov and Ponomaryov v Bulgaria* (ECtHR, App no 5335/05, 2011).

95 Adeishvili et al., 2022, Chapter 4, p. 24.

96 National Center for Educational Research (NCER), 2024.

97 Dalakishvili and Iremashvili, 2020, p. 55.

98 Parliament of Georgia, Committee on Education and Science, 2022, p. 54.

99 Tabatadze et al., 2020, Chapter 4, pp. 37–38.

2020 and 2022, largely due to the COVID-19 pandemic.¹⁰⁰ However, enrolment has been rising again in recent years, demonstrating the program's continued relevance and impact.

Overall, between 2020 and 2024, a total of 7,035 young people¹⁰¹ from ethnic minority backgrounds enrolled in higher education through the 1+4 program, highlighting its sustained role in advancing educational inclusion.

5.3. Education Conclusions: Enhancing Minority Inclusion and Civic Integration

In Georgia, minority education is governed by the Law on General Education¹⁰² and the State Strategy for Civic Equality and Integration.¹⁰³ Georgia is party to the Framework Convention for the Protection of National Minorities but has neither signed nor ratified the European Charter for Regional or Minority Languages, leaving specific legal safeguards for minority language education unenforceable. While international assistance and national strategies provide partial support, key practical gaps persist, including limited intercultural teacher training, a lack of multicultural content in textbooks, and unequal access to learning resources.

Despite its positive impact, the 1+4 Program faces several implementation challenges that limit its effectiveness and inclusivity. A major concern is the financial burden on applicants. While the program allows ethnic minority students to take the General Abilities Test in their native languages (e.g., Armenian, Azerbaijani), this subject is not part of the formal school curriculum, necessitating additional preparation, often through private tuition. Since state grants are only available to a limited number of students, applicants from lower-income families are disproportionately disadvantaged,¹⁰⁴ reinforcing existing inequalities in access to higher education.¹⁰⁵

Furthermore, students who do not receive state funding face additional barriers, not only must they cover the cost of the one-year Georgian language preparatory course, but they are also excluded from free tuition placements in state-funded faculties.¹⁰⁶ This creates a two-tier system where only grant recipients can fully benefit from the program's intended affirmative action. This reinforces inequality and undermines the program's affirmative purpose.

The variation in students' Georgian language proficiency at entry level presents an additional structural challenge. The existing preparatory curriculum is often mismatched to the students' actual needs, as it fails to sufficiently engage more advanced speakers while inadequately supporting those with limited skills.

100 Government of Georgia, 2025, p. 8.

101 Ibid.

102 Law of Georgia on General Education, 2005 (amended 13 December 2024).

103 Government of Georgia, 2021, State Strategy for Civic Equality and Integration 2021–2030.

104 Tarzyan, 2022.

105 Institute of Social Studies and Analysis, 2022.

106 Parliament of Georgia, Committee on Education and Science, 2022, p. 61.

This misalignment reduces the program's capacity to ensure academic readiness and equitable progression in Georgian language instruction.

Institutional disparities in the delivery of the Georgian language preparatory component further exacerbate this issue.¹⁰⁷ Universities differ¹⁰⁸ in their readiness, instructional quality, and student support systems, resulting in significant variation in completion and transition rates.¹⁰⁹ These inconsistencies highlight the need for stronger coordination, uniform standards, and robust quality assurance mechanisms at national level.

The 1+4 programme remains a flagship affirmative measure, recognised for improving access to higher education among ethnic minorities. Yet recent studies call for its further development through evidence-based reforms. Recommended steps include revising grant schemes to enable partial eligibility, offering free preparatory courses to non-grant recipients, calibrating language test difficulty, and addressing administrative barriers that limit participation in dual-subsidised or vocational tracks. Complementary measures should involve targeted awareness campaigns, functional internships, and improved employment pathways, particularly in priority sectors identified at municipal level.

Addressing these gaps is essential not only for improving equity within the program but also for ensuring that it meaningfully contributes to the broader goals of civic integration and educational inclusion.

To address these challenges and improve the program's long-term impact, the following policy measures are recommended: (a) Standardising language assessment: All institutions delivering the Georgian preparatory year should adopt a unified language proficiency standard aligned with the Common European Framework of Reference for Languages (CEFR). This will ensure consistency, comparability, and clear benchmarks across institutions. (b) Revising and recalibrating the program structure: The 1+4 program should undergo a comprehensive review based on both local data and international best practices. Reforms should include a more equitable grant allocation system (e.g., introducing partial grants), adjustments to the difficulty level of general ability tests in minority languages, and a structured assessment of applicants' linguistic competencies prior to enrolment. Legal restrictions that prevent simultaneous participation in other state-subsidised programs, especially in high-demand fields such as veterinary or technical studies, should also be removed. (c) Strengthening data-driven dropout analysis: A periodic, detailed study should identify the causes of dropout from the preparatory year, using disaggregated data (by geography, age, gender, ethnicity, and employment status). This will enable tailored, targeted interventions, especially for marginalised subgroups, such as rural youth or minority women. (d) Enhancing monitoring and evaluation mechanisms: Beyond tracking enrolment and graduation rates, qualitative indicators should be

107 Dalakishvili and Iremashvili, 2020, p. 51.

108 Gorgadze and Tabatadze, 2019, Chapter 5, pp. 49–69.

109 Parliament of Georgia, Committee on Education and Science, 2022, pp. 57–58.

introduced, such as student satisfaction, post-program employment, and continued academic success. These measures would allow for evidence-based improvements and accountability.

Taken together, these actions are essential for transforming the 1+4 program from a pioneering affirmative measure into a fully effective tool for educational inclusion and civic integration. As Georgia deepens its EU integration, smart approximation offers the opportunity to not merely align with EU standards but exceed them where possible, particularly in areas of minority inclusion. However, a preference for higher national standards must be accompanied by carefully designed, well-implemented, and sustainable reforms that ensure long-term impact and social equity.

In short, Georgia's broader challenge lies in integrating minorities into national life while preserving their distinct cultural and linguistic identities. This tension between civic unity and diversity is especially visible in states navigating post-conflict dynamics or nationalist rhetoric. Educational policy must therefore serve as a tool for social cohesion without diluting cultural rights. In this context, the EU's inclusive education goals, which emphasise access, equity, and quality, constitute a valuable reference point.

Smart approximation, as encouraged under the EU-Georgia Association Agreement, will allow the country to develop context-specific policies that achieve EU-level objectives without literal transposition. Domestic measures, such as the 1+4 programme, should be prioritised where they offer higher standards than EU benchmarks. However to be effective, such policies must be inclusive, adaptable, and grounded in long-term goals. Strengthening Georgia's minority education system through this lens will not only enhance civic integration but also advance its strategic alignment with EU values and standards.

6. Water Governance and Public Safety

6.1. Legal and Policy Framework of the Right to Water in Georgia

The Constitution of Georgia does not explicitly recognise the right to water, nor does the relevant case law of the Constitutional Court provide interpretive clarity on this issue.¹¹⁰ However, the principle of the social state, enshrined in the Constitution, implies that the state is responsible for ensuring public health, social protection, and

¹¹⁰ Nutsubidze, 2022, p. 195.

access to adequate living conditions.¹¹¹ Moreover, the right to a healthy environment is constitutionally guaranteed.¹¹²

Under the Constitution, environmental protection encompasses the right of every person to live in an environment that is harmless to their health, and to enjoy their natural environment. Individuals also have the right to receive full and timely information regarding the condition of the environment.¹¹³ The law ensures the protection of the environment and the rational use of natural resources with due regard to the interests of present and future generations.¹¹⁴

According to the Law of Georgia on Environmental Protection, water is considered one of the core elements of the environment.¹¹⁵ Environmental quality standards also include thresholds for the concentration of harmful substances and microorganisms in water, intended to safeguard both human health and the natural ecosystem.¹¹⁶

Pursuant to the EU–Georgia Association Agreement, Georgia is obliged to adopt European standards and harmonise its legislative and institutional frameworks. These obligations include commitments to preserve, protect, and improve environmental quality, the protection of human health, and an assurance of the sustainable use of natural resources. Water quality and water resource management have been designated among the sectors to have been prioritised.¹¹⁷ In line with the Drinking Water Directive, Georgia is required to establish drinking water standards, develop monitoring mechanisms, and create systems that inform consumers.¹¹⁸

Georgia is also committed to the implementation of the United Nations Sustainable Development Goals (SDGs), including the goal of universal access to water and sanitation.¹¹⁹

Addressing water-related challenges has been defined as a strategic objective of the Georgian government. According to the national development strategy ‘Vision 2030’, the state aims to ensure uninterrupted access to standard-compliant water for 100% of the urban and national population by 2025–2030.¹²⁰

Georgia’s National Human Rights Strategy for 2022–2030 also identifies the progressive realisation of access to quality drinking water as a central objective. This is positioned as a necessary component of a broader effort to strengthen the system for protecting the right to a healthy environment.¹²¹

111 Constitution of Georgia, 1995 (amended on 29 June 2020), Art. 5.4.

112 Constitution of Georgia, 1995, Art. 29.

113 Constitution of Georgia, 1995, Art. 29.1.

114 Constitution of Georgia, 1995, Art. 29.2.

115 Law of Georgia on Environmental Protection, 1996 (amended on 28 June 2023), Art. 4(d2-a)).

116 *Ibid.*, Art. 29.1(a).

117 European Union, Association Agreement with Georgia, 2014, Art. 302(1)(c).

118 *Ibid.*, Arts. 355–356, Ann. XXVI.

119 United Nations Sustainable Development Goals 6.

120 Government of Georgia, 2022, pp. 47, 151–152.

121 Parliament of Georgia, 2023, Resolution on the Approval of the National Human Rights Strategy of Georgia for 2022–2030.

Georgia is party to numerous international human rights treaties. When interpreted collectively, these instruments, alongside international guiding documents, provide substantive content and state obligations regarding the right to water, as well as principles for its implementation.

In 2023, the Parliament of Georgia adopted the Law on Water Resources Management, which will mostly enter into force gradually between 2026 and 2030.¹²² The adoption of this law marked an important step in aligning Georgia's water governance framework with relevant EU directives. It also formally repeals the Law on Water,¹²³ which had previously governed the sector. However, as the old law remains in force until the full implementation of the new legal framework, existing legislative gaps continue to hinder the realisation of the right to water.

6.2. Policy Background: Drowning as a Public Issue

Safety on the Water. Drowning remains a severe and persistent public safety issue in Georgia, underscored by both legislative gaps and uneven institutional response. According to the Emergency Management Service, 61 people drowned in 2023, including 12 minors, while 177 individuals were rescued. In 2022, there were 45 fatalities, six of them minors, with 139 rescues recorded. In the first half of 2024 alone, 26 people drowned (including four minors), while 40 others were saved. Despite this steady and tragic toll, Georgia lacks a coordinated national drowning prevention strategy, and the enforcement of preventive measures remains fragmented.¹²⁴

Earlier data illustrates the long-standing nature of this problem. Between 2015 and 2017, 352 individuals lost their lives to drowning, primarily children and young adults. In just two months between May and June 2018, 21 people drowned across the country. Although media outlets regularly report such incidents, there is no centralised state mechanism for systematically tracking drowning fatalities.

To investigate the legal treatment of such cases, this study submitted formal requests to Georgia's Appellate and Supreme Courts seeking rulings on water-related deaths from the previous three years. The responses confirmed that the courts do not maintain any statistical records on drowning incidents, and relevant decisions are not searchable through official court databases.

A single landmark ruling, however, provides a precedent for future legal clarity. In its July 24th 2019 decision, the Administrative Affairs Collegium of the Tbilisi City Court explicitly assessed a drowning case in the context of the state's positive obligation to protect life. The case involved the deaths of two minors in a hazardous, unmarked zone of the Tbilisi Sea. The court found that the area was clearly dangerous, inadequately fenced, and lacked any effective warning signs. It concluded

¹²² Law of Georgia on Water Resources Management, 2023 (amended on 13 May 2025), Art. 42.

¹²³ Law of Georgia on Water, 1997 (amended on 30 June 2023).

¹²⁴ Frangishvili, 2024.

that the state's duty under Art. 10 of the Georgian Constitution¹²⁵ had been violated, asserting that 'the state's positive obligation to protect the right to life primarily implies restricting access to dangerous areas and adequately informing the population', measures that had not been taken.

This decision not only affirmed the municipality's responsibility under international and national standards but also established a judicial foundation for accountability in cases where public safety is compromised due to regulatory or institutional inaction. It remains the only known case in which a Georgian court has addressed drowning through a rights-based, administrative legal framework, highlighting the urgent need for reforms in this area and systematic data collection to prevent further avoidable tragedies.

The 2019 drowning case of two minors, Nodar Shamatava and Tsotne Tskitishvili, near the so-called 'waterfall' of the Tbilisi Sea stands as a landmark in Georgian administrative law. It is the only known instance in which a Georgian court directly addressed the state's positive obligation to protect life in a water-related fatality. In this case, the plaintiffs, Aleksandre Tskitishvili and Maka Tsiklauri, filed a suit against the Tbilisi Municipality and Georgian Water and Power LLC, with the Emergency Management Service included as a third party. Their claim focused on the lack of basic preventive infrastructure, signage, fencing, and unrestricted public access to a hazardous area of the reservoir.

The Tbilisi City Court's Administrative Affairs Collegium, in its July 24th 2019 decision, partially upheld the plaintiffs' demands. The court ordered the Tbilisi Municipality to install clear warning signs and physically restrict access to the dangerous site. However, it declined to award compensation, arguing that while there had been institutional failure, no direct unlawful conduct had been proven under criminal law standards.

The court's reasoning is highly significant. Sec. 7.4 of the decision emphasises the need to assess 'the effectiveness of the preventive measures taken by the state to eliminate life-threatening risks'. Following a site inspection, the court confirmed that no proper fencing or signage had been in place. Temporary signs had been installed only after the incident, and these were deemed ineffective. The court concluded that 'from an administrative perspective, effective measures to prevent life-threatening risks have not been implemented'.

Importantly, the decision outlines two foundational legal findings: (1) Clarification of the State's Positive Obligation Under the Right to Life. Drawing on Art. 10 of the Georgian Constitution (as well as implicit ECHR parallels), the court affirmed that the state's duty to protect life includes proactive measures to restrict access to hazardous areas and provide timely warnings. It determined that the specific site near the reservoir's filling channel posed an 'undeniable threat to life' and that state inaction violated the positive obligation to prevent such risk. (2) Determination of Local Government Responsibility: The Tbilisi Municipality attempted to deflect responsibility,

125 Constitution of Georgia, 1995 (amended on 29 June 2020), Art. 10.

citing legislative ambiguity regarding which authority was responsible for safety. The court rejected this defence. Referring to Art. 4.3 of the European Charter of Local Self-Government, it asserted that local authorities are best positioned to implement urgent preventive measures. Crucially, the court held that a ‘failure to exercise granted powers may lead to violations of the right to life’, and that municipalities must act without waiting for central regulation, especially where legislative reform is delayed. It established that the competence of a local body implies a responsibility to address imminent threats to life within its jurisdiction.

In summary, while the decision did not lead to financial liability, it created an important administrative law precedent. It defines both the legal contours of state obligations under the right to life and the functional accountability of local government in environments where legal ambiguity persists. As such, the ruling provides both a normative foundation and a policy signal for reforming Georgia’s water safety governance.

6.3. Legal and Institutional Analysis

The right to life constitutes one of the most fundamental and absolute human rights, protected both under Art. 2 of the European Convention on Human Rights (ECHR) and Art. 10 of the Constitution of Georgia.¹²⁶ This right affirms that every individual possesses an inherent entitlement to life, which must be safeguarded by law. In addition to its negative obligation, prohibiting the arbitrary deprivation of life, the state also bears a positive obligation to ensure the effective protection of life. This includes not only refraining from unlawful acts but also taking proactive measures to protect individuals from harm by third parties, including both natural and legal persons.

Fulfilling these positive obligations requires more than the mere existence of relevant legislation; it necessitates the effective implementation and enforcement of such laws. The state is thus obligated to maintain a law enforcement system capable of preventing violations, investigating incidents impartially and thoroughly, and prosecuting and punishing offenders in a manner consistent with international standards.¹²⁷ This responsibility extends to ensuring the professional competence of those employed in law enforcement institutions.

The jurisprudence of the European Court of Human Rights (ECtHR) underscores the necessity of independent and comprehensive investigations into potential violations of the right to life, extending this obligation beyond the investigative stage to

126 Constitution of Georgia, 1995 (amended on 29 June 2020), Art. 10: ‘The Right to Life and Physical Integrity. 1. Human life is protected. The death penalty is prohibited. 2. The physical integrity of a person is protected’.

127 *Angelova and Iliev v. Bulgaria* (ECtHR, App no 55523/00, 2007), § 92; *Rantsev v. Cyprus and Russia* (ECtHR, App no 25965/04, 2010), § 232.

encompass judicial proceedings.¹²⁸ In *Enukidze and Girgvliani v. Georgia*, for example, the ECtHR found a procedural violation of Art. 2, highlighting the state's failure to conduct a transparent and effective investigation, ensure victim participation, impose adequate sentences, and uphold accountability, exacerbated by the president's unjustified pardoning of the perpetrators.¹²⁹

While states are not expected to eliminate all risks to life, they must adopt reasonable and adequate measures to protect individuals from foreseeable threats,¹³⁰ including terrorism, environmental hazards, and deficiencies in public infrastructure. In *Cruz da Silva Coelho v. Portugal*,¹³¹ the ECtHR reiterated that Art. 2 entails a duty to take appropriate precautions, such as erecting warning signs in known danger zones, even in the context of natural environments. The Court rejected the Portuguese government's claim that such threats were unforeseeable, reaffirming the state's duty to safeguard life even in evolving natural conditions. The case ultimately concluded with a settlement involving compensation to the victims' family.

In a broader environmental context, the Aarhus Convention imposes obligations on public authorities to disseminate timely and accessible information to populations at risk from environmental or public health threats.¹³² Similarly, in *L.C.B. v. United Kingdom*,¹³³ The ECtHR held that a failure to warn individuals about known health risks may constitute a violation of Art. 2, thus recognising the informational dimension of the right to life.

Georgia's domestic legal framework also enshrines these principles. Art. 29 of the Georgian Constitution¹³⁴ guarantees the right to a healthy environment and access to environmental information, while the Law on Environmental Protection¹³⁵ obliges both the state and citizens to act in the event of ecological threats.¹³⁶ However, significant regulatory gaps remain, particularly in the Law on Water, which inadequately addresses the governance of groundwater and coastal resources, and fails to define ownership, usage, and disposal mechanisms for water bodies.

As stipulated by the EU–Georgia Association Agreement, meaningful reform of the water sector is imperative. Progress in this area necessitates a systemic approach grounded in integrated water resources management, aligned with international standards and best practices. A holistic reform strategy must address the

128 *Moisieiev v. Poland* (ECtHR, App no 11818/02, 2009), § 53; *Esat Bayram v. Turkey* (ECtHR, App no 75535/01, 2009), § 47.

129 *Enukidze and Girgvliani v. Georgia* (ECtHR, App no 25091/07, 2011).

130 *W v. The United Kingdom* (ECtHR, App no 9348/81, 1983).

131 *Cruz da Silva Coelho v. Portugal* (dec.) (ECtHR, App no 9388/02, 2005).

132 United Nations Economic Commission for Europe, Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters (Aarhus Convention), 1998, Art. 5, para. 1.

133 *L.C.B. v. the United Kingdom*, 1998.

134 Constitution of Georgia, 1995 (amended on 29 June 2020), Art. 29.

135 Law of Georgia on Environmental Protection, 1996 (amended on 28 June 2023), Art. 6.

136 *Ibid.*, Art. 7.

legal, institutional, administrative, and financial dimensions to ensure sustainable and equitable management of Georgia's vital water resources.

6.4. EU Water Law Alignment and Gaps

Alignment with EU Water and Environmental Standards. The principles of Integrated Water Resources Management (IWRM) are most comprehensively reflected in EU water legislation.¹³⁷ Georgia's Association Agreement with the EU obliges alignment with key directives, including the Water Framework Directive (2000/60/EC), the Directive on the Quality of Bathing Water (2006/7/EC), the Urban Wastewater Treatment Directive (91/271/EEC), the Flood Risk Management Directive (2007/60/EC), the Nitrates Directive (91/676/EEC), and the Drinking Water Directive (98/83/EC).

The Agreement mandates that Georgian water regulation must cover surface, transitional, coastal, and groundwater resources as well as water protection zones.¹³⁸ Environmental governance obligations¹³⁹ extend to strategic planning, environmental and strategic impact assessments, environmental education and monitoring systems, enforcement, transboundary cooperation, and access to environmental information. Public participation in decision-making and access to justice are central tenets.¹⁴⁰ Georgia must adopt national legislation aligned with these directives and designate competent authorities.¹⁴¹ Within three years of the Agreement's entry into force, the state must have established procedures to identify plans requiring strategic environmental assessment (SEA), to define mandatory SEA requirements, and to set consultation procedures with the public and authorities.¹⁴²

Although Georgian law lacks a specific definition of 'environmental information', the Aarhus Convention, ratified by Georgia, provides one. It defines such information to include any data enabling the public to prevent or mitigate harm from environmental threats, and mandates the immediate dissemination of such information by public authorities.

In domestic law, the General Administrative Code of Georgia (GACG) broadly defines 'public information'¹⁴³ and guarantees public access, except in cases involving protected secrets.¹⁴⁴ Art. 36 of the GACG requires institutions to appoint a responsible

137 Makarova, 2018, cited in Nutsubidze, 2023, p. 18.

138 Ibid.

139 Directive 2001/42/EC.

140 Nutsubidze, 2018.

141 Makarova, 2018, cited in Nutsubidze, 2023, p. 18.

142 Art. 3 of the Strategic Environmental Assessment Directive.

143 Art. 2(1)(m).

144 Art. 28.

officer to ensure access and proactive disclosure. Importantly, Art. 42¹⁴⁵ stipulates that environmental risk information may not be classified as confidential.

A critical issue is the absence of unified standards for environmental information dissemination, leading to inconsistencies across public institutions. The responsibilities for collecting and sharing environmental data are fragmented and unclear.

Strategic environmental assessment, required under EU law, ensures the public and stakeholders participate in policy, planning, and programming decisions affecting the environment and public health. It is considered a democratic tool enhancing transparency and accountability.¹⁴⁶

In *Guerra and Others v. Italy*,¹⁴⁷ The European Court of Human Rights found a violation related to the authorities' failure to provide information about environmental risks. The Court ruled that the Italian authorities had failed in their positive obligation to inform residents living near a chemical plant about the health risks and safety measures, constituting a breach of Art. 8 of the Convention.¹⁴⁸ The case affirms that the timely public disclosure of environmental hazards is fundamental to safeguarding human rights.

6.5. Review of Georgia's Legislative and Institutional Framework

Georgia's territory is geographically considered a water-rich country. A review of Georgia's legislation reveals that even the minimum standards have not been met within the scope of the positive obligations arising from the right to life, as outlined by the aforementioned international human rights and environmental commitments.

Georgia's water governance framework is grounded in the Constitution of Georgia, international treaties and agreements which the state has ratified, and various national laws. Key legislative acts include the Law of Georgia on Environmental Protection, the Law on Subsoil, and the Law of Georgia on Water. These laws regulate the relationships between state authorities and physical and legal persons, regardless of their ownership or legal status, in matters concerning water protection, research, and use.

Under the Law of Georgia on Water, local self-government units are responsible for the rational use and protection of water resources within their territories. They are also empowered to monitor water use and enforce relevant protective measures.¹⁴⁹

Additionally, the Organic Law of Georgia: Local Self-Government Code outlines municipal responsibilities.¹⁵⁰ Art. 16 specifically assigns the following functions to municipalities: (c) The management of local natural resources, including

145 Law of Georgia General Administrative Code of Georgia (GACC), 1999 (amended on 14 June 2023), Art. 42.

146 Law of Georgia Environmental Assessment Code, 2017 (amended on 12 December 2024).

147 *Anna Maria Guerra and Others v. Italy* (ECtHR, App no 116/1996/735/932, 1998).

148 Ibid.

149 Ibid., Art. 12; Law of Georgia on Water, 1997 (amended on 30 June 2023), Art. 40.

150 Ibid., Arts. 12, 40.

water, forest, and land owned by the municipality; (h) The oversight of water supply systems (including technical water supply) and sewerage services, and the development of local melioration infrastructure.¹⁵¹

While the law grants a broad authority to municipalities, it does not explicitly refer to the management or protection of coastal zones and bathing areas. Nevertheless, para. 3 of Art. 16 provides flexibility, stating that: ‘A municipality may, on its own initiative, solve any issue that, under the legislation of Georgia, does not fall within the powers of any other public authority and that is not prohibited by law’.¹⁵²

We believe this particular clause potentially allows municipalities to take proactive steps in regulating water safety and protecting bathing zones.

The Law of Georgia on Public Safety also touches upon water-related risk management. According to Art. 5, the types of services in the field of public safety include:¹⁵³ ‘Conducting water rescue operations, except where otherwise defined by the Law on Maritime Rescue Service’.¹⁵⁴

Furthermore, Art. 10 states that the procedures for protecting human life in water and ensuring safety must be approved by a government ordinance. However, as of now, this ordinance has not been adopted, leaving a crucial gap in implementation.

The country’s main emergency authority, the Emergency Management Service (EMS), is tasked with disaster prevention, emergency response coordination, and civil protection.

According to current law, the EMS is responsible for: (a) Risk identification and assessment; (b) Planning and implementing preventive measures in cooperation with state, municipal, and private actors; (c) Organising early warning systems and managing emergency responses; (d) Organising the management of response forces in the event of an emergency situation, and implementing civil security measures.

On maritime issues, the Law on Maritime Rescue Service¹⁵⁵ governs rescue operations at sea. Art. 14. mandates the Rescue Coordination Centre, operating under the Ministry of Internal Affairs, to coordinate rescue assets, including ships, aircraft, and personnel, from various ministries, agencies, and private actors. A permanent duty schedule for these assets must be maintained, with a readiness to be deployed within 30 minutes. The Centre also has a duty to inform the relevant institutions about ongoing rescue operations.

Despite these frameworks, Georgian legislation lacks clear regulation for safety management on so-called private beaches along the Black Sea coast. Specifically,

151 Organic Law of Georgia Local Self-Government Code, 2014 (amended on 2 April 2025).

152 Ibid.

153 Law of Georgia on Public Safety, 2018 (amended on 13 December 2024), Chapter XI – Types of Service and Provision of Services in the Field of Public Safety, Art. 67 – Types of Service in the Field of Public Safety.

154 Law of Georgia on Maritime Rescue Service, 2000 (amended on 15 July 2020).

155 Ibid.

there is no legal requirement obliging private businesses to hire lifeguards or implement water safety measures.

A step toward improvement was taken in May 2018, when the Parliament amended Art. 177 of the Administrative Offences Code of Georgia.¹⁵⁶ Under para. 13, violations of water safety regulations can result in administrative fines ranging from 1,000 to 3,000 GEL.¹⁵⁷ The amendment came into force on 1st November 2018. While this measure is welcome, it is insufficient when the absence of clearly defined rules and enforcement mechanisms are taken into account.

In terms of criminal liability, the Criminal Code of Georgia includes provisions for negligence,¹⁵⁸ concealment or falsification of information concerning the circumstances hazardous for human life or health,¹⁵⁹ killing by negligence,¹⁶⁰ and endangering life,¹⁶¹ providing the possibility for criminal liability are to be imposed on state and/or private institutions that are obligated to take initial measures, install barriers, and warning signs. However, because the legislative regulation does not clearly delineate competencies and responsibilities, law enforcement agencies are unable to identify the responsible body/person and initiate criminal prosecution against them.

In short, although Georgia's legislative framework grants substantial powers to municipalities and emergency services, the absence of specific, enforceable provisions on bathing zone safety, coastal monitoring, and mandatory lifeguard presence leaves critical legal and institutional gaps. These shortcomings undermine the state's ability to fully meet its positive obligations to protect life under domestic and international law, highlighting the need for targeted reforms, which will be discussed in the following section.

6.6. *International and Comparative Experience*

In EU countries, most drowning incidents occur not in open waters, but in private and public swimming pools.¹⁶² Consequently, the EU regulates pool safety by requiring measures such as four-sided fencing, signalling systems, and warning signs.

156 Administrative Offences Code of Georgia, 1984 (amended on 4 April 2025).

157 The explanatory note of the project emphasizes that each year, during the swimming season, incidents of death due to non-compliance with safety rules are recorded. Additionally, obstruction of the authorized representative of the Emergency Management Service in carrying out their duties will result in a fine of 1,000 GEL. 'In practice, there are cases where the service staff is obstructed when attempting to inspect facilities under supervision. Specifically, employees of the facility refuse to allow them access. Therefore, to address this issue, the project includes a corresponding amendment, the violation of which results in a fine of 1,000 GEL', as stated in the explanatory note of the project.

158 Criminal Code of Georgia, 1999 (amended on 2 April 2025), Art. 220.

159 Ibid., Art. 247.

160 Ibid., Art. 116.

161 Ibid., Art. 127.

162 World Health Organization, 2014.

Owners of private pools, as well as teachers and supervisors in public pools, bear civil and criminal liability for safety lapses.

In June 2023, the tragic drowning of a three-year-old child in a hotel pool in Chakvi, Ajara Autonomous Republic, Georgia, highlighted the absence of legal requirements obliging hotel management to employ lifeguards or implement preventive safety measures. Furthermore, in April 2025, the drowning of a six-year-old child in an unattended water reservoir at a hotel site in Telavi municipality, Kakheti region, demonstrated that this problem persists. While additional regulations may be perceived as imposing burdens on Georgian businesses, the continuing lack of such safeguards presents a significant public safety concern.

Among EU member states, responsibility for water safety is clearly divided. Local self-government bodies hold exclusive authority over the study, inventory, and monitoring of water resources, and the fencing and warning of hazardous areas within their territories.¹⁶³ Since 2011, EU countries have developed strategic drowning prevention plans to coordinate the monitoring of hydrological changes due to climate change and natural disasters, enabling the timely installation of barriers and signage.¹⁶⁴

The Netherlands exemplifies this approach with its National Water Centre, which monitors daily water flow to maintain safe levels. In crises, the National Coordination Centre advises authorities and municipalities to place additional warnings. The Dutch Delta Programme, while focused on water resource management, provides a model for preventing water-related accidents.

In Western Europe, countries like Denmark, Finland, Norway, Iceland, and Sweden integrate swimming and water safety policies into school curricula.¹⁶⁵

Scandinavian nations adopt a dual prevention approach: primary measures include barriers around pools and water access control, along with mandatory swimming lessons and water safety education for children; secondary measures involve lifesaving equipment placement and public training in swimming and rescue skills. At the governmental level, coordinated legislation supports national water safety plans tailored to geography and incident data.¹⁶⁶ Scandinavian curricula notably incorporate swimming lessons as a daily routine for secondary school students. Their policies also emphasise rapid emergency response.

World Health Organisation (WHO) data confirms the critical role of prompt, qualified medical assistance. Specialised training and mobile emergency units positioned near high-risk areas are standard.¹⁶⁷

Under EU law, member states must enforce safety standards for both private and public pools, whether indoors or outdoors. For example, since 2004, French law

163 World Health Organization, 2017.

164 Ibid.

165 Ibid., p. 14.

166 Ibid., p. 37.

167 Ibid., pp. 93–94.

requires pool owners to install protective fencing, signalling systems, lifebuoys, and depth indicators.¹⁶⁸ The French Civil Code holds pool owners liable for drownings and imposes fines of up to €45,000 for non-compliance, with the possibility of criminal charges being made in fatal cases. In 2016, a PE teacher was criminally prosecuted for a student's drowning during a lesson. The French Penal Code also mandates assistance to persons in distress and punishes negligent killing.¹⁶⁹

EU member state legislation categorises swimming areas into hazardous zones (swimming prohibited), equipped zones (regulated swimming), and free zones (unrestricted, unsupervised swimming). Local municipalities designate hazardous zones, issue prohibitions, place signs, and install barriers depending on risk severity. Temporary and permanent prohibition signs are used accordingly.¹⁷⁰

Montenegro's Environmental Protection Law imposes obligations on private businesses to safeguard human life. Coastal monitoring is continuous, with environmental inspectors recording hazardous zones.¹⁷¹ In Budva, the municipality has constructed a coastal safety wall with a gate that closes during dangerous periods.

Licensed lifeguards at sea must pass rigorous physical and first aid exams, which are valid for one year.¹⁷² Tourist boats and cutters must meet safety standards, including limits on passenger numbers.¹⁷³ Since September 2018, water entry pathways have been regulated to use non-slip materials like railings, concrete, and wood; plastic is prohibited to prevent falls and drownings.

6.7. Water Sector Summary: EU Alignment and National Challenges

In the context of Georgia's obligations under the EU–Georgia Association Agreement, the full harmonisation of domestic legislation with EU water governance standards is a precondition for effective public safety policies, including the prevention of drowning incidents. Despite recent progress, critical gaps remain in the normative and institutional frameworks governing water safety in Georgia.

Notably, EU law does not explicitly impose obligations on Member States or associated countries to adopt targeted measures for drowning prevention. However, two legal and policy instruments are particularly relevant. Firstly, Directive 2003/4/EC on public access to environmental information and Directive 2003/35/EC on public participation require transparency and inclusiveness in environmental decision-making, principles essential for community-based water safety strategies. Secondly, the EU Bathing Water Directive (2006/7/EC) mandates the monitoring, classification, and public disclosure of bathing water quality, contributing indirectly to human safety in aquatic environments.

168 Law No. 2003-9, the Housing Environment Code, Art. L 128-1.

169 Ministère de l'Intérieur, Legal Guide on Swimming Safety in France.

170 Ibid., p. 3.

171 Law on the Environment of Montenegro, 2016.

172 Ibid.

173 Ibid.

EU directives further emphasise the importance of systematic water governance through territorial inventory, integrated river basin management,¹⁷⁴ and the allocation of competencies among responsible authorities.¹⁷⁵ Under the Association Agreement, Georgia was obligated to approximate national legislation to the EU Water Framework Directive and related instruments by September 2018.¹⁷⁶ The adoption of the Law on Water Resources Management in 2023 marked a significant step toward fulfilling this commitment, yet the law will only gradually enter into force between 2026 and 2030.¹⁷⁷ Until then, outdated legal norms, including the Law on Water (1997), will remain operative, limiting policy effectiveness.

An additional critical gap concerns the absence of a subordinate legal act on water safety. This bylaw, originally scheduled for adoption by Government Decree in 2017, was intended to regulate procedures for protecting human life in water environments. Its implementation has now been postponed until April 1st 2026, under Art. 42 of the new Water Resources Management Law. Pursuant to the Law of Georgia on Public Safety, the Ministry of Internal Affairs is mandated to develop and approve this regulation without further delay, as it constitutes a foundational element of Georgia's legislative alignment with EU standards.

The government must urgently adopt and implement a national drowning prevention strategy based on accurate data, and aligned with the country's geographic and legal context. This includes creating a centralised drowning database, establishing a National Water Safety Plan with clear tasks and resources, and defining responsibilities between central and local authorities. Immediate interim measures, such as marking dangerous water zones, posting warning signs, and amending laws to penalise violations, are essential. Investigations into water-related deaths must meet human rights standards, and seasonal patrols, rescue services, and public awareness campaigns, especially for the youth, should support long-term water safety. This is essential not only for protecting lives but also for being aligned with European standards and advancing the Europeanisation of the water safety and management sector.

In summing up, Georgia's partial legislative progress in the water governance domain must now be matched by institutional accountability, cross-sectoral coordination, and timely adoption of secondary legislation. Without these elements, the country will remain unable to meet its international obligations or prevent the further loss of life in water-related incidents.

174 Directive 2000/60/EC (Water Framework Directive).

175 Ibid.

176 European Union, Association Agreement with Georgia, 2014, Ann. XXVI.

177 Law of Georgia on Water Resources Management, 2023 (amended on 13 May 2025), Art. 42.

7. Final Reflections: Smart Alignment Between EU Integration and Domestic Realities

This study has examined Georgia's specificities, analysed EU experiences, and sought to identify the 'golden ratio' between formal legal approximation and context-sensitive policy application. Within this framework, smart alignment emerges as a coherent, context-sensitive mechanism capable of reconciling European integration imperatives with Georgia's domestic constraints. Achieving this objective depends on implementing the differentiated recommendations outlined above, which are essential for ensuring effective functioning, fostering genuine progress, securing long-term sustainability, and advancing Georgia's overall European integration.

The Georgian case supports the guiding hypothesis: accelerated EU approximation, when driven by blanket conditionality misaligned with the country's geographical, socio-cultural, and institutional context, outpaces societal adaptation and heightens exposure to disinformation, widening the gap between formal legislative change and societal capacity to internalise it. This disconnect leaves segments of society, particularly minorities, vulnerable to external influence; their position at the intersection of integration pressures and identity insecurities makes them doubly susceptible to disinformation campaigns. Conversely, a context-sensitive approach attuned to domestic complexities, adapting conditionality to local realities, and investing in societal awareness and resilience fosters stronger alignment with European values and promotes approximation rooted in shared principles rather than formal compliance alone, enhancing the long-term effectiveness of Georgia's EU integration.

Georgia offers a compelling empirical testbed for refining theories of Europeanisation, EU conditionality, legal transplants, and Eastern European integration. It demonstrates that Europeanisation extends beyond EU borders, seeking transformative engagement through the law. The country's partial democratic transformation, driven by reforms aligning institutional and normative structures with EU standards, illustrates how conditionality can incentivise domestic change even before formal candidate status is reached.¹⁷⁸ In Georgia, the 1+4 programme exemplifies an effort to meet such minority rights benchmarks through context-sensitive policy design.

At the same time, Georgia underscores the limits and challenges of Europeanisation in post-Soviet contexts. Decades of Soviet-era manipulation of ethnic identities, compounded by unresolved 'frozen conflicts', have securitised minority issues, framing them as threats to national stability. These legacies, further exploited by

¹⁷⁸ Prior to Georgia's EU candidate status in 2023, the visa liberalization process – including the 2011 visa facilitation and readmission agreements and the 2013 Visa Liberalisation Action Plan – set strict benchmarks, particularly on minority rights, ultimately enabling Georgian citizens visa-free access to the Schengen area in 2017.

Russian hybrid warfare, amplify vulnerability to disinformation and anti-EU narratives, demonstrating that legal and policy convergence alone cannot guarantee societal alignment with European norms.

The Soviet educational system's neglect of inclusivity and multiculturalism continues to shape Georgia's education sector, while in water governance, human life was historically undervalued, and safety measures or systematic understanding of positive state obligations were largely absent. These structural deficits constrain the capacity to internalise European norms. Furthermore, the persistence of Soviet-era mentality, intertwined with Georgia's distinct psychological anthropology, renders legal transplants inherently problematic. As Hoffman observes, 'to translate a language, or a text, without altering its meaning, one would have to transport its audience as well'.¹⁷⁹ In transitional democracies like Georgia, 'it is not the law itself, but the societal attitude towards it that matters',¹⁸⁰ highlighting the inseparable nexus between law and society.

Minority education and water governance illustrate this dynamic: in water governance, a legal misfit with EU legislation remains evident, whereas in minority education, formal regulatory alignment is less stringent. While unique and potentially replicable policies exist, uneven implementation and the need to adapt measures to local realities constrain their effectiveness. The 1+4 programme, for example, demonstrates a strong contextual understanding, setting standards beyond EU benchmarks in some respects. This mirrors broader trends in post-communist Europe, where countries have faced pressures to adopt Western standards of multiculturalism and minority rights, with candidate states evaluated on their compliance.¹⁸¹ Georgia's approach exemplifies smart alignment, tailoring EU objectives to local institutional, social, and demographic conditions to secure both compliance and practical feasibility.

Ultimately, meaningful Europeanisation in Georgia requires both societal and political readiness alongside flexible, context-sensitive EU strategies. Convergence in policy outcomes, rather than instruments, is key, despite the fact that reforms, inclusivity and safety goals remain unrealised, particularly in minority communities. By applying smart alignment, Georgia can reconcile EU imperatives with domestic constraints, mitigate the risks of manipulation, and strengthen the sustainability of reforms, offering lessons for other transitional democracies seeking durable and context-sensitive integration.

179 Hoffman, 1991, p. 275.

180 Masalkin, 2020, p. 68.

181 Kymlicka, 2002, p. 2.

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