

damouki debel i eqspertis daskvna
saqarTvel os kanonis proeqtze
“I tol vil Ta Sesaxeb”
saqarTvel os kanonSi cvl il ebebisa da damatebebis
Setanis Sesaxeb

zurab burdul i

I. Sesaval i

kanonproeqti ramdenime novacias gvTavazobs, romel Tagan wamyvania “I tol vil is statusis maZiebl is” cneba, I tol vil is statusis Sewyvetisa da social ur-ekonomikuri garantiabis SeCerebis damatebiTi safuZvl ebi da ramdenime redaquiul i xasiaTis cvl il eba.

dasawyisSive unda aRiniSnos, rom SemoTavazebul i kanonproeqtis sul iskveTeba, *grosso modo*, ar aris mimarTul i I tol vil Ta dacvis reJimis arsebiTad gaumj obesebisaken. kanonproeqtis mizans, rogorc Cans, am etapze warmoadgens I tol vil Ta Sesaxeb kanonmdebl obaSi im teqnukur-formal uri xasiaTis xarvezebis daZl eva, rac praqtikaSi warmocinda. es Tavistavad araa cudi, Tumca zogierT, erTi SexedviT teqnukur cvl il ebas I tol vil Ta samarTI ebrivi mdgomareobis gauareseba SeiZl eba mohyves.

II. muxl obrivi anal izi

preambul a - kanonproeqtiT SemoTavazebul i preambul a gacil ebiT srul yofilia moqmed kanonSi arsebul preambul aze, miuTitebs ra saqarTvel os konstituciasa da saerTaSoriso samarTI is sayovel Taod aRiarebul principebze, rogorc kanonis safuZvel ze. sasurvel ia preambul aSi miTitebul iqnes -

a) “saqarTvel os saerTaSoriso xel Sekrul ebebi” imdenad, ramdenadac “saerTaSoriso samarTI is sayovel Taod aRiarebul i principebi” sakmaod specifiuri cnebaa da yovel Tvis ar moicavs im konkretul debul ebebs, rac saqarTvel osTvis saval debul o saerTaSoriso xel Sekrul ebebSi SeiZl eba gvxxvdebodes.

b) konkretul ad mieTitos “I tol vil Ta statusis Sesaxeb” 1951 wl is konvencia da 1967 wl is oqmi,

*rogorc am sferoSi arsebul i ZiriTadi
saerTaSoriso-samarTI ebrivi dokumentebi¹.*

*muxl i 1, punqti 2 - kanonproeqti gvTavazobs moqmedi kanonis
pirveli muxl is me-2 punqtis cvl il ebas,
roml is mixedviTac I tol vil is statusis
miniWebaze uaris safuZvl ebis CamonaTval i
icvl eba “I tol vil Ta statusis Sesaxeb” 1951
wl is konvenciasa da 1967 wl is oqmSi arsebul
Sesabamis safuZvl ebze miTiTebiT.*

*- vfiqrobT es sakiTxi erT-erTi central uria
Tavisi mniSvnel obiT da garda imisa rom
msgavsi Canaweri sakanonmdebl o teqniki
Tval sazrisiTac arasworia, am SemTxvevaSi
saqarTvel os kanonmdebl oba bl anketuri
(miTiTebiTi) xasiaTis normiT ar unda
ifargl ebodes. Tu saxel mwifos politika am
sakiTxSi identuria zemoaRniSnul i
konvenciisa da oqmis debul ebebTan, umj obesi
iqneba kanonSi gaiweros es debul ebebi².*

*muxl i 1, puqti 3 - kanonproeqtiT Semotanilia “I tol vil is
statusis maZiebl is” cneba, aseTad
registrirebis 3 dRiani vada³, Sesabamisi
cnobis gacema da sainformacio anketa.*

*- a) umj obesi iqneba Canaweri “3 dReSi”
Seicval os CanawerIT “ara ugvianes 3 dRis
vadaSi”;*

*- b) piri I tol vil is statusis maZiebl ad
registraciis vadaSi naTI ad iqnes
moazrebul i cnobis gacemis vadac, Semdegi
saxis CanawerIT: “da amave vadaSi gascems
Sesabamis cnobas”*

*- rac Seexeba sainformacio anketas da mis
formas, gonivrul i iqneba am formis
damtkiceba kanonis Zal aSi Sesvl is
momentisTvis, raTa Tavidan iqnes acil ebul i
saministrosadmi mimarTvis da anketis formis
(droebi T) ararsebobis gamo kanonis darRvevis
Tundac erTi SemTxveva.*

muxl i 1, puqti 4

*qvepunqtebi a) da b) - mxol od redaqciul i xasiaTis cvl il ebebia.
SeniSvna ar gvaqvs.*

¹ miT ufro, Tu mogvianebiT pirveli muxl is meore punqtis cvl il ebaSi msgavs
mimarTvas konvenciasa da oqmze kanonproeqti mainc (Tumca amj erad
aragonivrul ad) gvTavazobs.

² moqmed kanonSi arsebul i Canaweri amis karg safuZvel s iZl eva. SeiZl eba misi
srul yofa.

³ 3 dRiani vadaa dadgenil i moqmedi kanoniTac.

muxl i 1, punqti 5 - SemoTavazebul damateba me-4 muxl is 1¹ punqtiT adgens statusis maZiebel Tan gasaubreas da amis Taobaze 3 dRiT adre gafrTxil ebas.

- vfiqrobT, praqtikaSi gaugebrobebisa an/da pasuxismgebel i pirebis daudevrobis Tavidan asacil ebl ad ukeTesi iqneba Tu kanoni gafrTxil ebis weril obiT val debul ebas daadgenda; amasTan, amave weril iT l tol vil is statusis maZiebel s mis ufl eba-moval eobebsac ganumartavda.

muxl i 1, punqti 6 - yovel wl iuri (xel axal i) registraciis val debul eba moqmedi kanonis me-4 muxl is me-3 punqtSi ukve aris. kanonproeqtiT SemoTavazebul ia igive Canaweri, mxol od kanonis me-6 muxl Si, sadac l tol vil is moval eobebzea saubari. SemoTavazebul i varianti l ogikuria, magram dubl irebis Tavidan asacil ebl ad amoRebul unda iqnes moqmedi kanonis me-4 muxl is me-3 punqti.

muxl i 1, punqti 7 - l tol vil is statusis Sewyvetis safuZvl ebSi Cndeba sami axal i SemTxveva: ugzo-ukvl od dakargul ad aRiareba, gardacvl il ad gamocxadeba da gardacval eba.

- samwuxaroa, rom kanonproeqti mxol od am axal SemTxvevebTan mimarTebaSi iTval iswinebs⁴ sasamarTI o gadawyvetil ebis gziT statusis aRdgenis saSual ebas da ar adgens moqmed kanonSi ukve arsebul safuZvl ebTan mimarTebaSi sasamarTI osadmi mimarTvis proceduras⁵. kargi iqneboda Tu statusis Sewyvetis Sesaxeb gadawyvetil ebis gasaCivrebis ufl ebaze saerTo miTiTeba gakeTdeba am muxl Si. amgvარი Canaweri gacil ebiT ukeTes SesabamisobaSi iqneba “l tol vil Ta statusis Sesaxeb” 1951 wl is konvenciis me-16 da 32-e muxl ebTan.

- amave muxl is d) qvepunqtiT statusis (moxsnis) CamorTmevis arsebul wesSi SemoTavazebul i damateba “...an am kanonis moTxovnaTa darRveviT” aSkarad auaresebs l tol vil Ta dacvis arsebul meqanizms, gzas uxsnis ra kanonis moTxovnaTa darRvevis simZime-simsubuqis subieqtur Sefasebebs, amis gamo statusis CamorTmevis gadawyvetil ebis

⁴ ix. pirvel i muxl is me-7 puqtis g) qvepunqti

⁵ iseve, rogorc es moqmedi kanonis mesame muxl is me-6 punqtSi, meoTxe muxl is me-5 punqtSi da merve muxl is me-3 punqtSia dadgenil i

miRebisas TviTnebobis maRal al baTobasa da korufciis Sesazl ebl obas. Tu amas davumatebT sasamarTI oSi gasaCivrebis saSual ebis ararsebobas, naTel i xdeba, rom aseTi Canaweri marTI ac saxifaToa. vfiqrobT, statusis Camortmevis safuZvl ebi mkacrad gansazRvrul i da amomwuravi unda iyos.

III. zogadi Seni Svnebi :

1. moqmedi kanonis erT-erT probl ematur sakiTxad rCeboda da isev rCeba mis pirvel muxl Si arsebul I tol vil is definiciaSi Canaweri "...radganac idevneboda...". am CanawerIT devnis faqti *a priori* dadgenil ad cxaddeba maSin, rodesac 1951 wl is konvencia da 1967 wl is oqmi gacil ebiT gonivrul definicias gvTavazoben, miuTiteben ra "devnis dasabuTebul SiSze". vfiqrobT, am kanonproeqtiT zemoaRniSnul is gamosworebac SeiZl eboda.

2. teqnikuri Tval sazrisiT "prima" muxl ebis Semotanas aj obebs gaizardos konkretul i muxl ebis punqtebis odenoba, xol o numeracia Tanmimdevrul i iyos.