
GEPLAC ACTIVITIES

Master's Programme in European Law of the Ivane Javakhishvili Tbilisi State University and the GEPLAC University Programme

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1. Introduction

An unusual type of social values has developed in Georgia: for a number of people higher education is an end in itself and the institutions of higher learning are perceived as means for attaining this goal; Formal university education or even founding one's own university is considered to be one of the best ways of making profit.

A multitude of educational institutions (about 26 state and 200 private) have been established in recent years. Their particular "attraction" for legal educational programmes is not surprising as the legal profession is one of the most popular in Georgia.

The level of legal education is an indicator of the advancement of the society. As probably no other country has such a number of lawyers per capita, one may even feel proud for the "educational level of Georgian society". However, quantity does not always reflect quality. Consequently, we should be concerned and take an active part in the further development of legal education. Unfortunately, no common standards have been established yet, which should be dealt with the law on legal education.

Georgians are traditionally receptive to ideas from abroad. Indeed anything foreign is much respected and foreign is often seen as being synonymous with better. We listen carefully to specialists from abroad, who conscientiously advise us what to do, what values to consider, what to fight for and what Georgia needs for. The advice of foreign specialists who are interested in improving our country's future is, of course, appreciated, but we should always critically evaluate such advice in terms of its relevance for Georgia.

Thus when developing a system of legal education or setting up educational programmes we should consider the extent of foreign experience useful to us. We also need to find out to what extent we should communicate the vision of our legislator to the young generation. Question remains regarding whereabouts of desired border. The answers to these questions must be considered as the preconditions for the progress of legal science in Georgia. There is no doubt that the unqualified imitation of foreign educational systems is of little value. It is important to rely on the assistance of those friends from abroad, who are dedicated to train Georgian specialists.

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In this respect the Ivane Javakhishvili Tbilisi State University (TSU) has a special function. The direction of legal education's development will be largely steered by this institution.

2. TSU Master's Programme in European Law

The Master's Programme in European Law was established in 2001 at the TSU Law Faculty and Faculty of International Law and International Relations. It offers lawyers an opportunity to acquire additional education in European law. The language of study is German. After full educational courses in the Master's Programme and successful completion of the Master's examination the TSU confers the academic degree of a Master in European Law (LL.M.Eur (Tbilisi)).

With the establishment of this programme the University has stressed one of its important functions being a centre of ongoing legal processes in the country. As such it serves as a link between Georgian and foreign scientists, aiming at the training of specialists, who will make considerable contribution to the future development of the country.

The Master's Programme is run jointly by Georgian and Western European specialists within the confines of the University. Since very inception of the programme until now there was no case of thrusting weight by one party over the other or for an issue to remain unresolved. Such an approach provides with a suitable way of scientifically justified introduction of European know-how into Georgian reality.

When developing the educational programme the main focus was on individual legal concepts (institutes); Priority was given to comparative analysis as the most desirable method of teaching.

For the time being the understanding of Georgian legislation and its further development requires knowledge of the law of the countries of Continental Europe. This is not simply blind knowledge, but comprehension and analysis of new legal concepts in the light of a rapidly developing economy. Comparative analysis is necessary to understand from where a certain provision was transposed into Georgian legislation, the purpose it serves in the country it was elaborated in and the function it may have in Georgian reality.

The Master's Programme pursues European teaching methods. These methods differ from the approach generally accepted in Georgia given its practice of written examination and intensive scientific-research relations between a student and a lecturer both inside and outside the classroom. A necessary precondition for the success of a lecture is the co-operation between a student and a lecturer based essentially on the principles of equality.

The course, including the master's examination, consists of at least two semesters. The minimum duration of the course is pre-established, while there are no maximum limits. However practice has demonstrated that two years are quite sufficient for the students to get through the programme.

A student is allowed to specialise in private or public law. Credits are granted in each subject, in accordance with lecture hours and the scope of the subject.

The closing stage of the Programme is the master's examination. It consists of the completion of a thesis and final oral examination. Students are expected to demonstrate their knowledge of European law and an ability to conduct research studies in selected field.

The academic degree of a Master in European Law is conferred if the student is able to conduct independent research and analytically communicate the results thereof. The final oral examination concerns the thesis and the subjects the student has acquired relevant credits in. At the oral examination a student must demonstrate that he/she is proficient in the principles of European law and is able to apply the knowledge acquired in the chosen speciality.

Starting from October 2003 the Master's Programme offers the opportunity to acquire additional education in the field of European law and an LL.M.Eur degree in English as well. The English study courses have specific features. In addition to German lectures, based on the general-abstract concept system, the students will have the chance to study the peculiarities of judicial language. The teaching methodology will be the same, as well as the elements of comparative law – the core shall again comprise legal concepts of Continental Europe. However, due account will also be taken of Anglo-American law.

3. Assistance of foreign organisations and the GEPLAC University Programme

Intensive participation of foreign organisations in the Master's Programme is of vital importance. It should be said that without the kind support of the Robert Bosch Foundation, the Master's Programme would not have its current status. The assistance rendered by the experts of the Academic Exchange Programme of Germany (DAAD) and of the German Society for Technical Cooperation (GTZ) should as well be stressed. The GEPLAC University Programme is conducted in close co-operation with the TSU Master's Programme in European Law. The University Programme has two main directions:

Firstly, GEPLAC experts offer students of the Master's Programme in European Law and other interested persons various courses of lectures and seminars on pressing topics of European law. This serves as an instrument for the fulfilment of one of the main goals of the Centre – to raise the public awareness about the Partnership and Co-operation Agreement made between Georgia and the European Union. In this respect support for the students of the Master's Programme is of particular importance, since along with the establishment of European standards it becomes feasible to train the specialists in European law in Georgia. This will assist in the better understanding and comprehension of how the laws adopted in Georgia comply with European law;

The second basic direction is the practical training of students in GEPLAC that enables them to participate directly in the elaboration of legislation compatible with European law. Close co-operation with GEPLAC experts makes it possible for the students to deepen their theoretical knowledge during the review of particular cases and to become involved in the introduction of European standards in Georgia. This is achieved through the study of the principles of European law and by making comparative analysis of their transposition into Georgian legislation, as well as through the elaboration of certain normative acts, based on EU directives. Consequently, during the process of elaboration of the National Programme for the Harmonisation of Georgian Legislation with that of the European Union the participants of the University Programme contributed to the development of a comparative analysis in various fields of legal harmonisation.

Additionally one section of the Georgian Law Review – the Students Forum – gives students an opportunity to exchange information about issues of mutual interest and to share knowledge acquired with respect to European law.

Thus the GEPLAC University Programme not only supports the students of Master's Programme in their endeavour to learn European law but also to secure an opportunity to put acquired knowledge to practical use.

4. Conclusion

The establishment of principles of European law in Georgia introduces European standards to the current system of legal education. A step forward in this direction is the creation of the TSU Master's Programme in European Law, successful operation of which makes possible the existence of a group of experts proficient in European law. The main purpose of the GEPLAC University Programme is to introduce principles of European law in Georgia and to make available those principles to Georgian society at large. In this respect particular attention is given to joint programmes with the Master's Programme in European Law in order to enable not only an adoption of European compatible legislation but also its successful implementation.