

FOREWORD FROM THE EDITOR IN CHIEF

The second edition of the Georgian Journal for European Studies coincided with the implementation of the innovative teaching and learning methods at the levels of MA and PhD programs of the TSU Institute for European Studies as undertaken within the frames of the EU Tempus project aiming at curricular reform and modernization of the higher education (INOTLES)¹. The top-down (i.e. from administration to teacher) approach of developing innovative pedagogical strategies is a dynamic process that cannot be accomplished overnight. Still, the progress we have achieved so far envisages that using the methods of simulations, e-learning, problem based learning and blended learning by the academic staff of the TSU European Studies Institute facilitated the overall upgrade and improvement of the student learning process. This very development became better visible and more tangible for us once we observed the increased level of the students' in-class engagement, as well as subsequent after-class evolutions, as visualized in terms of their outputs on mid-terms and final exams. In the first part of the journal titled as "*About European Studies*" Dr. Prof. Natia Lapiashvili and I decided to outline some of the first insights on this matter as well as on TSU model of European Studies in general terms in two separate articles of this edition.

Three articles go together in the second chapter of the journal under the title of "*National Identity and Europe*." Three doctoral candidates of our interdisciplinary institute drive us towards rethinking some aspects of the causes of the identity crises in Europe on three levels: the EU level, the member states' and some of the Eastern Partnership initiative states' level. It is always an interesting discourse to get an idea on the reasons of the lack of power of the main stakeholders to prevent the occasional fragmentation of the 'European family'. However, all in all, the inability to speak in one voice within the EU is considered to be the key challenge that simultaneously forms its main lure, i.e. makes this post-World War II creature that much attractive not only for member states, but also for the outsiders.

After investigating the constitutional natures, as well as the legal differences or conceptual distinctions between the Constitutional and Lisbon Treaties, Tamar Kochoradze, in her article named as "*EU Constitution Reconsidered – Challenges of the EU Perception*," came up with the conclusion that the issue of the European identity in conjunction with the 'existing perceptual challenges' among the EU citizens, turned into almost the key hindrance against the advanced realization of the idea of the 'ever closer union' in the exposure of the former (i.e. EU Constitution) *vis-à-vis* the latter (i.e. the Lisbon Treaty).

The next part of the article is by Levan Makhashvili, who by taking the periods before and after Velvet Revolution, proposes the analyses of the process of construction of 'politically needed' national identities in Czechoslovakia, the Czech Republic and Slovakia. He states that by using the tools of history re/interpretations, history rewriting, or other political manipulations, like recreation of system of values, changing of official symbols or traditions or building the 'artifacts of memory', the elites of Czechoslovakia, Czech Republic and Slovakia had a sole intention in mind which was the creation of distinct community consciousness for the purposes of political legitimization of their own behavior and past mistakes, defending regime or belatedly going back to Europe. This research gives one more additional explanation, why it is that difficult for the EU to speak in one voice.

In his article "*South Caucasian identity - a political myth*", Irakli Megrelishvili analyses the reasons of making different historical choices in identical political contexts by Georgia, Azerbaijan and Armenia, the countries commonly considered from 'one-size-fits-all' prism due to their adjacent geographical location. By making comparisons and taking into account various factors, including the genesis of three countries, their ethnic and religious identities or the 'collective memory' formation process by the political and religious leaders, the author comes to the conclusion that diametrically unlike reactions by these three countries towards the common scenarios not to say towards to the common historical enemy of Russian Federation is almost a natural outcome of the overall course of events. This approach partially explains the rational of the distinct path choices of these three countries within the frames of EU Eastern Partnership initiative.

The third section of this edition of journal is dedicated to the issue of relationship between the international

¹ See information on the project available at <http://inotles.eu/>;

and EU law. On the one hand, it is obvious that due to its international legal personality, those international agreements that are concluded by the EU are forming part of the EU law, while on the other hand, we cannot state the same regarding other rules of international law or those international agreements, to which not the EU itself, but its member states are parties. This is quite a complex issue, where the court decisions play significant importance. Within the frames of intra-university cooperation of the TSU Institute for European Studies and the TSU Institute of General International Law, the EU case law on these issues often comes on our discussions agenda as well. During one of such 'round table' events, while heavily criticizing the Court of First Instance (currently named as General Court) for its very controversial reference to the concept of *Jus Cogens* in *Kadi I* judgment (Case T-315/01, *Kadi v Council and Commission* (2005), ECR II-3649), suddenly I recalled that Georgian society was never ever given an opportunity to read in native language the seminal work on the concept of *Jus Cogens* written by Academician (full member of the Georgian National Academy of Sciences), the founder of the school of international law in Georgia, outstanding public figure, successful diplomat, Professor Levan Alexidze. His famous article named as "*The Legal Nature of Jus Cogens in Contemporary International Law*" was first published in 1982 as *Recueil des Cours* by the Hague Academy of International Law². Originally written in English and belatedly translated in Russian and German languages, this work is never outdated and still actively cited by the authors of the leading international law textbooks including authored by Malcolm N. Shaw³, James Crawford *et al.*,⁴ Oliver Dorr *et al.*⁵ and others.

Using the unique chance that the author of this influential article is the editor of our journal, I secured his permission for giving me an opportunity to translate the work into his native language. After Academician Alexidze was convinced that my translation is ready for publication, he suggested making this new exposure together with the specially proposed brief foreword, which I also translated in Georgian language and assembled in one peace.

In the end, I would like to mention that specially for this occasion, I considered it appropriate to provide the Georgian reader with a possibility to comprehend the above mentioned decision in a linear perspective; Thus I will also offer a very short synopses of *Kadi I*⁶ and *Kadi II*⁷ judgments solely in Georgian language.

Sincerely,

Nino Lapiashvili

Director of the Institute for European Studies

² Vol.172, III;

³ Malcolm N. Shaw, *International Law*, Sixth edition, Cambridge University Press, 2008, page 944, fn 192;

⁴ James Crawford, Allain Pellet and Simon Olleson (Eds.) *The Law of International Responsibility*, Oxford Commentaries on International Law, Oxford University Press, 2010, p. 453;

⁵ Oliver Dorr, Kirsten Schmalenbach (Eds.) *Vienna Convention on the Law of Treaties, A Commentary*, Springer, 2012, p. 901, fn 24;

⁶ Case T-85/09 *Kadi v Commission and Council*, 2010;

⁷ Cases C-402 and 415/05 P *Yassin Abdullah Kadi and Al Barakaat International Foundation v Council and Commission*, 2008, ECR I-6351.