

2017-2018 Action Plan for implementation of the IDP State Strategy

I. Introduction

1.1 In order to bring durable and sustainable solution for internally displaced persons – IDP problems, which were caused by conflicts in 90-ies, Government of Georgia adopted resolution #47 on “Approval of the State Strategy for Internally Displaced Persons – IDPs” on February 2, 2007, and “The State Strategy for Internally Displaced Persons – IDPs” (hereinafter - the State Strategy) entered into force. The amendment to the State Strategy, adopted on December 4, 2008, by the Decree #854 on “Amending Resolution #47, adopted on February 2, 2007, on Approval of the State Strategy for Internally Displaced Persons – IDPs;” made the State Strategy cover the IDPs who were displaced as a result of aggression of the Russian Federation in August, 2008.

1.2. One of the basic goals of the State Strategy is providing proper living conditions for internally displaced persons – IDPs and their involvement in public life (2nd goal of the State Strategy).

1.3. In order to achieve these goals of the State Strategy, Government of Georgia adopted, updated and implemented the IDP Action Plan for implementation of the State Strategy.¹

1.4. Since Parliament elections, conducted in October, 2012, to present, Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and IDPs (hereinafter – the Ministry), has carried out IDPs’ re-registration all along the country in parallel to other projects; as a result of which, it determined the IDPs’ basic necessities that became a basis for the Action Plan.

¹ 30 July, 2008, resolution #489 of the Government of Georgia on the “Action Plan for implementation of the State Strategy for Internally Displaced Persons – IDPs”, which is based on analysis of IDPs’ priority necessities identified under UN and World Bank necessities analysis, as well as under the necessities identified as a result of large-scale consultations;

When the military aggression was perpetrated by the Russian Federation in August 2008, the Action Plan was revised and the Government of Georgia adopted resolution #403 on May 28, 2009, in order to approve 2009-2012 Internally Displaced Persons – IDPs Action Plan for implementation of the State Strategy;

The Action Plan was revised in 2011-2012: resolution #1551 adopted by the Government of Georgia on November 3, 2011; resolution #1162 adopted on June 28, 2012. In 2013 the Action Plan was amended twice by the resolution #240 adopted on March 15, 2013, and resolution #483 adopted on May 23, 2013.

The Government of Georgia made resolution #127 on February 4, 2015, which approved 2015-2016 Action Plan for Internally Displaced Persons – IDPs State Strategy, in which several amendments were made according to the established procedures.

1.5. Within the framework of improvement of the legislative and normative basis, a new Law on Internally Displaced Persons - IDPs from the Occupied Territories, was adopted, which was elaborated by the Representative Commission established by the Ministry. Members of the Representative Commission were international and local non-governmental organizations and UN experts.² Besides that, the Ministry developed and adopted “Procedures Governing the Process of Durable Housing Allocation,” which became a basis for implementing the process.³

1.6. 2017-2018 Action Plan for implementation of the State Strategy (hereinafter – the Action Plan), which aims to achieve the goal of the State Strategy stated above, foresees implementing of three main activities:

- a) Improvement of IDPs’ living conditions through Durable Housing Solution;
- b) Improvement of IDPs’ social and economic conditions;
- c) Improvement of IDPs’ awareness.

1.7. The Action Plan constitutes the updated priority directions and programs, during implementation of which special attention will be given to IDPs’ voluntary and informed decision-making and free choice, dialogue with IDPs and their participation in the decision-making process, gender equality, protection of rights of persons and children with disabilities, and protection of other recognized human rights.⁴

1.8. The State Strategy for IDPs is a document with an indefinite duration, while the Action Plan intended for implementation of the Strategy foresees priority directions and programs to be fulfilled in 2017-2018, which does not imply completion of the goals and objectives provided for by the State Strategy in this period of time.

Amendments to the Communication Strategy and Action Plan was made by the ministerial Decree #1943, adopted on June 14, 2016, and IDPs are one of its main target groups.

1.9. The Action Plan will be implemented on the basis of impartial, transparent criteria and foresees IDPs’ involvement in the planning and implementing process of all decisions, which are related to IDPs.

1.10. The Ministry implements activities⁵ that are approved by the Minister’s relevant act, and foreseen in the Communication Strategy and its Action Plan. According to this document, IDPs will regularly receive information about all aspects of the Action Plan, which will help them to make informed decisions.

1.11. Main priorities of the Action Plan:

- a) In comparison to previous years, rehabilitation of fewer apartments is planned, which is mainly explained by the fact that number of idle buildings which are in state property is

² Law of Georgia on Internally Displaced Persons - IDPs from the Occupied Territories (came in force on March 1, 2014)

³ Decree #320 on “Procedures Governing the Process of Durable Housing Allocation” adopted by the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia.

⁴ For example, resolution 1325 of UN Security Council, basic principles of which are taken in consideration by the Action Plan.

⁵ Within the framework of the Communication Strategy and Action Plan, amended on June 14, 2016, by the ministerial Decree #1943.

limited. Rehabilitation expenses and life cycle of rehabilitated buildings are also taken into consideration. In 2017-2018 Action Plan emphases is made on constructions and other programs of Durable Housing Solution.

b) Funding for Rural Housing program is increased in the Action Plan, and assistance to 1700 families is planned. Advantage of the program is that IDPs will have access to livelihoods in addition to housing.

c) The Action Plan also foresees closing of at least 18 collapsing or unfit for living buildings, resettlement of 300 IDP families from such buildings, and evaluation of 50 collective centers if they are suitable for living. Targets of 2018 will be defined in the second part of 2017.

1.12. The main expected results of the Action Plan are:

a) Updating data in the IDP database, including on social-economic condition of IDPs, also informing on IDP Durable Housing Solution;

b) Accommodating of IDPs under various Durable Housing Solutions:

b.a) Under Rural Housing program, accommodating of 1700 IDP families is planned in 2017-2018;

b.b) In the newly built apartment buildings, 2096 IDP families will be accommodated;

b.c) Rehabilitation of a building with 29 apartments will be carried out in 2017;

b.d) About 100 apartments in private property will be bought in 2017-2018;

b.e) 200 IDPs who have mortgages will be assisted in 2017-2018.

c) In 2017-2018 privatization of living spaces for 4000 families is planned. Those families will be accommodated under the following Durable Housing Solution programs:

c.a) Newly built apartment buildings;

c.b) Living spaces, where IDPs live already;

c.c) Rural Housing program;

c.d) Buying apartments from private property.

II. Explanation of the Action Plan activities and justification

2.1. Main categories of IDP accommodation under Durable Housing Solution

2.1.1. According to section 2.1.2.1 of the Action Plan, full or partial rehabilitation of the buildings owned by the State will be carried out, in order to transform them in housing and transfer into IDP ownership.

2.1.2. According to sections 2.1.2.2., 2.1.2.5. and 2.1.2.6. of the Action Plan, IDPs who do not have housing and reside in extremely bad living conditions, the Action Plan provides for accommodation in the empty apartment buildings owned by the State, or in newly built

apartment buildings or houses, also in apartment buildings and houses bought by the state (including those under co-funding) as well as in newly built rural cottages.

2.1.3. According to sections 2.1.2.3. and 2.1.2.4. of the Action Plan, the IDPs, who live in the housings that are in their lawful possession, and need to be accommodated under Durable Housing Solution, will receive the ownership title of housings where they live, in accordance with their factual place of residence;

IDPs living in residential housings that are in their lawful possession, will be given two alternatives according to the Action Plan:

a) The housings transferred into IDPs' possession may be used for their Durable Housing Solution;

b) The housings transferred to IDPs' possession, which due to various reasons may not be used for IDPs' Durable Housing Solution (are not subject to rehabilitation, may not be transformed in housings, their modification in proper housings is much more expensive than other accommodation alternatives, are in private property, are of important public significance, are in a non-reparable condition or are of strategic importance);

There are two categories of the housings that are in IDPs' lawful possession, to be transferred in IDP property:

b.a) The buildings owned by the State (section 2.1.2.3. of the Action Plan);

b.b) The buildings which the State buys from private owners for a reasonable price (price should not be higher than costs of the alternative accommodation provided for by the Action Plan), and will offer to transfer in IDPs property (2.1.2.6.).

Resettlement of IDPs' accommodated in the buildings, which cannot be used as a Durable Housing Solution, will be carried out according to the Procedures Governing the Process of Durable Housing Allocation adopted by a legal act of the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia (hereinafter – the Minister).

If the housings, which IDPs have in their lawful possession (former compact settlement buildings), cannot be used as a Durable Housing Solution; with the request of the proprietor, IDPs can be moved from these housings in accordance to Section 14, subsection 2-6 of the Law on Internally Displaced Persons – IDPs from the Occupied Territories, and resettled pursuant to the Procedures Governing the Process of Durable Housing Allocation adopted by the Minister.

The IDPs who need a Durable Housing Solution will be able to make informed decision, give their consent or reject acquisition of the ownership title for housing.

The IDPs who reject acquisition of the ownership title of housing intended for IDPs Durable Housing Solution, will continue to reside in the same premises until IDP do not give consent for one of the offered alternatives. At the same time, the process of providing Durable Housing Solution will not be hindered on this building.

2.1.4. For the purpose of Durable Housing Solution, one-off financial assistance from the state will be given to IDP families who bought before January 1, 2017, their only apartment/house through mortgage. The threshold of one-off financial assistance is defined by the ministerial legal act. Selecting of IDPs will be carried out according to the Procedures Governing the Process of Durable Housing Allocation, adopted by the Ministerial legal act.

2.1.5. In Tbilisi, IDP families will be allocated in newly built apartment buildings, apartments bought by the state or in rehabilitated buildings, if they registered in Tbilisi before June 1, 2013.

2.1.6. Housing standards which take into consideration the number of IDP family members, and which is approved by the Ministerial legal act, constitute the key document to be followed when implementing the Action Plan activities, except the ones indicated in the sections 2.1.2.3. and 2.1.2.4.

2.1.7. Housing activities indicated in the section 2.1.2 are the main ones; however, the Ministry may offer IDPs various alternatives (including for instance, social housing, temporary rent, one-off monetary assistance given by the State or a private investor, instead of Durable Housing Solution).

2.1.8. IDPs will be given ownership title for housings free of charge, according to Georgian legislation.

2.1.9. When IDPs acquire ownership title for housing, they can establish condominium cooperatives, which will be beneficiaries of municipal programs and receive assistance in solving various problems. In addition, the Ministry will support implementing of this activity by co-funding and transferring of common spaces into property of condominium cooperatives (according to paragraphs 2.1.3.1 and 2.1.3.2 of the Action Plan).

2.1.10. IDP families having received housings and/or monetary compensation instead of housing from the State or a private investor, as a result to their IDP status; are considered as accommodated under Durable Housing Solution. Their accommodation will not be considered again by the State.

2.1.11. Assistance of IDPs, who are not in need of a Durable Housing Solution, including IDPs who bought housings with their own funds, will be considered at the last stage.

2.1.12. The Ministry, within the framework of its competence, will make all necessary measures in order to ensure proper quality of rehabilitation and construction works within the framework of Durable Housing Solution. It will also protect rights of IDP.

2.1.13. IDP families will not be considered for activities under Durable Housing Solution if they move in unlawfully and without authorization in the housings that were previously in IDP lawful possession, and from where the Ministry resettled IDPs.

2.2. Improvement of IDPs' Social and Economic Conditions

2.2.1. Achieving the above mentioned task requires implementing of two specific sub-tasks:

- a) IDPs allowance system shall be needs-based;

b) Accessibility to livelihood opportunities and social-economic integration should be taken in consideration.

2.2.2. In order to achieve IDPs' socio-economic integration, implementing of activities provided for by the IDP Livelihood Strategy and Action Plan will be continued.

2.2.3. In addition to providing IDPs with Durable Housing Solution and implementing their integration support activities, IDPs' social assistance system will become needs-based. IDPs' eligibility for such social assistance will be based on rational, clear and transparent criteria. It will be carried out in cooperation with other governmental institutions as well as through drafting/amending of relevant legal acts and involving IDPs in social assistance programs.

2.2.4. In case of urgent necessity, the State provides IDPs with one-off monetary assistance according to the elaborated criteria.

2.2.5. The main goal of the Action Plan is to bring sustainable solution to IDPs' problems. Durable Housing Solution constitutes a basic necessity, which is closely connected with IDPs access to livelihoods. To achieve this goal, the Ministry developed Internally Displaced Persons – IDPs Livelihood Strategy approved by resolution #257 on “Approval of Internally Displaced Persons – IDPs Livelihood Strategy” adopted on February 13, 2014. Internally Displaced Persons – IDPs Livelihood Strategy provides for implementation of livelihood programs for target groups of IDPs.

2.2.6. The goal of the IDPs Livelihood Strategy is to create proper opportunities for IDPs and their host communities. Also, to realize IDPs potential by making them financially independent from the State and therefore, strengthen their economic, social and psychological development, in a manner that, they can fully participate in further development of Georgia.

2.2.7. To achieve those goals of the IDP Livelihood Strategy, IDP Livelihood Agency LEPL was established. The IDP Livelihood Action Plan⁶ was elaborated through cooperation process of governmental institutions and international and local non-governmental organizations. The main goal of the IDP Livelihood Action Plan is to improve IDPs access to employment market, and it covers activities focused on improvement of socio-economic conditions of IDPs, which are in conformity with the State Strategy for Internally Displaced Persons – IDPs, approved on February 2, 2007, with resolution #47.

2.3. Raising IDPs' awareness

2.3.1. Fulfillment of this objective implies informing and raising IDPs' awareness about available programs, IDPs' accessibility to legal consultations and facilitating their involvement in implementing of the Action Plan within the framework of the Communication Strategy and Action Plan. Activities of raising IDP awareness are foreseen in the Communication Strategy and Action Plan, one of the main goals of which is informing IDPs on programs available for them, in order to increase IDP involvement in elaborating of

⁶ The Government of Georgia made resolution #128 on February 4, 2015, which approved 2015-2016 Internally Displaced Persons – IDPs Action Plan for implementation of Livelihood Strategy, which was amended on December 18, 2015, with resolution #2721 on adoption of 2016-2017 Internally Displaced Persons – IDPs Livelihood Action Plan.

these programs, and also, in order to enable IDPs so they could make informed decision about services offered by the State.

2.3.2. Informing and raising awareness of IDPs imply their regular provision with information on such issues as progress of implementation of the State Strategy and its Action Plan, and other relevant information, which may be delivered through the hotline and reception of the Ministry as well as directly to IDPs in places of their residence.

2.3.3. Providing IDPs with necessary information and legal consultations is carried out with involvement of media (including the information campaign) as well as through facilitating IDP mobilization by non-governmental organizations.

2.3.4. The Ministry facilitates the process of IDPs involvement in elaborating, implementing and reviewing the Action Plan, including through information meetings with active IDPs groups, and consultations with IDPs conducted in IDP settlements.

III. Financial Calculation of the Action Plan

The Assessment of Resources Necessary for Implementation of the State Strategy for Internally Displaced Persons – IDPs is enclosed to the Decree, and it presents concrete directions to be implemented, activities, timelines and necessary resources. In order to implement activities foreseen in 2017, 53,610,350 GEL is foreseen, and in 2018, at least 31,641,350 GEL. These amounts will probably be adjusted, especially for the Durable Housing Solution programs. The maximum threshold to implement the Action Plan activities is 75 million GEL (funds provided for under 3402 and 3403 budget codes).

IV. Coordination Mechanism

4.1. General coordination is carried out by the Steering Committee headed by the Ministry. The Steering Committee makes decisions in order to coordinate joint activities of the Government of Georgia and international organizations in order to implement the State Strategy and Action Plan.

Members of the Steering Committee are: Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia; Ministry of Labour, Health and Social Affairs of Georgia; Ministry of Justice of Georgia; Ministry of Finance of Georgia; Ministry of Economy and Sustainable Development of Georgia; Ministry of Regional Development and Infrastructure of Georgia; Ministry of Agriculture of Georgia; Office of the State Minister of Georgia on European and Euro-Atlantic Integration; Georgian Ombudsman's Office; Government of Abkhazian Autonomous Republic; EU Delegation to Georgia (EU); European Union Monitoring Mission (EUMM); Swiss Agency for Development and Cooperation (SDC); United Nations High Commissioner for Refugees (UNHCR); United Nations Permanent Coordinator in Georgia (UNCT); World Bank (WB); German Reconstruction Credit Bank (KFW); representative of USAID funded project "Zrda". Members of the Steering Committee with the advisory vote are two representatives of non-governmental sector (one local and one international). Representatives of other organizations may be invited ad hoc by the Steering Committee for examination of specific issues.

Personal composition of the Steering Committee is approved by the Decree of the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia, and it includes representatives of the above mentioned governmental agencies and international organizations. The statute of the Steering Committee is approved by the Decree of the Minister of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees of Georgia.

When the Steering Committee makes decisions, each organization and institution has one vote. Minutes are drafted about the progress of the Steering Committee meeting and the decisions made; minutes are signed by the Chairman and the Secretary of the Steering Committee. If a member of the Steering Committee does not agree on any decision made by the Steering Committee, s/he can express her/his opinion which will be recorded in the minutes.

4.2. The Steering Committee is convened mainly once in a quarter; and to make decisions on urgent issues, extraordinary meeting can be convened. The Steering Committee can make decisions on issues related to implementing the Action Plan.

4.3. The Steering Committee considers plans and determines priority directions. Decisions made by the Steering Committee are concrete and time specific. Decisions and discussions of the Steering Committee are based on concrete technical expertise, data and advices. Recommendations and decisions made by the Steering Committee are submitted to the Prime Minister, members of Government and diplomatic missions accredited in Georgia. Expert groups can be mandated by the Steering Committee to make technical assistance and carry out time specific concrete tasks, which are necessary for implementing the Action Plan (for example, development of standards, legal issues, etc.).

4.4. The Steering Committee is responsible for transparency of implemented activities. The Ministry will monitor programs. Various governmental, non-governmental and international organizations will be widely involved in financial and technical support and implementation of programs.

4.5. Coordination among ministries will be carried out by regular meetings of the Government of Georgia, also by direct communication of staff members of different agencies in charge of specific issues. Contact persons on IDP issues will be available in municipalities. Within the framework of their competence, governmental agencies will be involved in implementation of the programs foreseen in the Action Plan. In particular, the Ministry will be in charge of coordinating implementation of the Action Plan; Ministry of Economy and Sustainable Development of Georgia will be in charge of allocating real estate, land and buildings for IDPs Durable Housing Solution programs; National Agency of Public Registry LEPL – for registration of real estate, and registration of property rights for housings given to IDPs under Durable Housing Solution programs; Ministry of Regional Development and Infrastructure of Georgia – for implementation of construction and rehabilitation projects; Ministry of Labour, Health and Social Affairs of Georgia – for social services; also other state agencies within the framework of their competence. The Ministry will support involvement of various state agencies in the process of solving IDPs problems.

4.6. The Ministry will continue supporting decentralization process in regional representations on the local level in order to improve their functioning.

V. Appeal Mechanism

IDPs can use the valid appeal mechanism according to the General Administrative Code of Georgia, also they can address to court according to the legislation of Georgia.

VI. Visibility

Within the framework of its competence, the Ministry will take into consideration donors' recommendations related to issues of the Action Plan.

VII. Monitoring and Evaluation

7.1. The Ministry will provide to Public Defender's Office, UN High Commissioner for Refugees, and the representatives of other monitoring agencies and donor organizations full access during IDP accommodation process. It covers information exchange, joint monitoring missions and other activities. Decisions on necessity to retain an external evaluator and his/her competency will be decided by the Steering Committee.

7.2. After approval of the Action Plan, it will be updated annually. Also, if necessary, it will be updated based on the independent intermediary assessment. Both mechanisms will be initiated by the Ministry through consultations with all other partners. Amendments in the Action Plan, if necessary, will be elaborated by the Steering Committee under direct governance of the Ministry, which will be approved by the Government of Georgia.

VIII. Possible risks

8.1. Geopolitical tensions, economic crisis or other factors may cause some obstacles in implementing activities foreseen in the Action Plan, as a result of which, reallocation of resources projected by the Action Plan might become necessary. Forced displacement of large part of the population, including for ecological reasons and natural disasters, may also cause appearance of new priorities and challenges in implementing the Action Plan activities. Insufficient involvement of the interested parties into activities, where their participation is foreseen, may also become an issue. Non-implementation of activities of the Action Plan may also be caused by other objective reasons.

8.2. In order to alleviate challenges, including those caused by economic or political changes, appropriate measures will be initiated in the Action Plan, in order to make adaptation to existing reality. The Ministry will amend the Action Plan in cooperation with other state agencies and donor organizations in order to address challenges.