

Decree of the Georgian Government
№575 11 May, 2010 Tbilisi

Regarding the amendment to the Government Decree №403 of 28 May, 2009 about
“Adoption of the Action Plan for the Implementation of the State Strategy on IDPs
during 2009-2012”

In accordance to the Article 63 of the General Administrative Code of Georgia the amendments to be made to the Government Decree №403 of 28 May, 2009 about “Adoption of the Action Plan for the Implementation of the State Strategy on IDPs during 2009-2012” and the Annexes N1 and N2 approved by the Section I to be ammended according to the enclosed wording.

Prime Minister

Nika Gilauri

Annex N1

Action Plan for the Implementation of the State Strategy on IDPs
during 2009-2012

I Overall Goal

1. Introduction

1.1. With the aim to provide long-term and sustainable solution to the needs of IDPs from the conflicts in the 90s, on 2 February 2007 by its Decree #47 the Government of Georgia endorsed the State Strategy on IDPs persecuted (in further text “the State Strategy”). The Annex to the State Strategy, adopted on December 2008 by the Governmental Decree #854, integrated the population displaced as a result of the August 2008 conflict into the overall State Strategy. The Action Plan for the implementation of the State Strategy on IDPs during 2009-2012–persecuted (in further text “the Action Plan”) further builds on the findings and priority needs identified in the United Nations / World Bank - Joint Needs Assessment (JNA) and benefits from a broad consultation process. The Action Plan was adopted by governmental decree #403 28 May 2009. The Action Plan as a living document is undergoing update based on findings and lessons learned and good practices identified in implementation of the State Strategy.

1.2. Following the official adoption of the Action Plan, the latter shall be subject to revisions on quarterly basis on the basis of an independent interim evaluation. Both mechanisms will be initiated by the MRA in consultation with all the partners. Revisions of the Action Plan, if necessary, will be adopted by the MRA led Steering Committee overseeing its implementation and subsequently approved by the government of Georgia.

1.3. The main goal of the State Strategy is to promote IDPs' socio-economic integration and improve their living conditions. To reach this goal, the Action Plan strives to provide long term solutions to the accommodation needs of the IDPs, the reduction of their dependency on the State and the integration of the vulnerable IDPs into the state social assistance programs based on clear and transparent criteria until their return becomes possible.

1.4. To meet the above objective, the State Strategy foresees a number of activities focused on provision of adequate durable accommodation and integration measures. The concept is based on the Annex to the State Strategy and will be implemented in three stages.

1.5. All the main principles of the implementation of the State Strategy (Chapter VI) will be fully adhered to in the implementation process of the Action Plan, with particular focus on those related to: voluntary/informed decision making and free choice of IDPs, dialogue with IDPs and their participation in decision-making, gender equality, protection of the rights of the child and respect for other recognized human rights. This will be ensured through the provision of legal counseling and info campaign. The Action Plan will be implemented in accordance with fair and transparent criteria, and will ensure participation of internally displaced women and men in the planning process and a well-informed choice in all the decisions that affect them.

1.6. The MRA will update and implement a comprehensive information campaign endorsed by the Steering Committee that will in systematic and comprehensive manner raise awareness of IDP's on all the elements of the AP, thus enabling them to make an informed decision.

1.7. MRA will further work and update a detailed yearly work plan for that was endorsed by the Steering Committee.

II Objectives

2. Durable housing solutions

2.1. Stage I

2.1.1. The rehabilitation of Collectives Centers (CCs) and the transfer of living units (privatization) into the ownership of IDPs currently living in them are the two interlinked activities that will be coordinated by the Ministry of Refugees and Accommodation (MRA). In cases where a particular CC will be benefiting from both rehabilitation and privatization, the latter will await completion of rehabilitation works.

The **first stage** foresees the rehabilitation of the Collective Centers (CCs) where feasible and their transfer to the ownership of the IDP families for a symbolic price of 1 (one) Lari.

There are two categories of the CCs to be offered to the IDPs for the privatization in the first stage:

- 1) CCs under the State possession;
- 2) CCs to be bought by the State from the private owners and offered to the IDPs.

IDPs in CCs who are eligible and in need to receive durable housing will be able to make a well-informed decision and accept or reject the offer. Resident rights of eligible IDPs in CCs remain untouched irrespective of the CC privatization / rehabilitation until an IDP has opted for one housing alternative identified

2.1.2. With the aim to achieve transparency of the overall process of rehabilitation and privatization of CCs, the MRA commits itself to routinely update the data base of all CCs with clear indication of their future in terms of privatization and rehabilitation and make them publicly available to IDPs.

2.1.3 Those IDPs living in CCs that will not be subject of rehabilitation and/or privatization alternative durable housing will be offered. The MRA in close cooperation with the municipalities will further develop and implement in practice key principles and criteria for allocation of alternative durable housing that provides *inter alia* vulnerability based the criteria governing the selection of beneficiaries and subsequent allocation of housing units.

2.1.4. Information campaign should empower the IDPs to make an informed decision whether to await the completion of rehabilitation works in their CCs and then privatize the space, or privatize it immediately as their CC will not be a subject of rehabilitation. IDPs living in CCs that will be subject of rehabilitation have the right to know what is the scope of rehabilitation works and to whom to approach should rehabilitation works prove to be of poor quality and completely inadequate.

2.1.5. Process of transfer of ownership (property) to IDPs includes the following activities:

- a) Identifying CCs under the state ownership (property) that following completion of rehabilitation works will provide adequate living conditions to IDPs.
- b) Identifying IDPs actually residing in the above CCs as established by the CRA during the registration of IDPs in CCs. (CRA was given this task in accordance with the State action plan on IDPs approved by the Governmental Decree No 4 of 12 January 2009 on “Respective measures to be undertaken for the implementation of the State Strategy”).
- c) Conducting internal technical measurement needed for property registration into the cadastre real-estate books;
- d) Making concrete offers to privatize living spaces to IDPs (where applicable to both husband and wife);
- e) The signature of the IDP family representative of the “Purchase Agreement” ensures the legal side of the privatization process;
- f) Finally, on the basis of an agreement signed by both parties the National Agency on Public Registry will register the living spaces as IDPs’ property and issue the ownership certificates according to the legislation.

2.1.6. Costs associated with the transfer to ownership (property) will be fully covered from the state budget.

2.1.7. The rehabilitation process will be financed from the State Budget, implemented by the Municipal Development Fund (MDF) and coordinated by the MRA. The rehabilitation will include the following activities: roofing the buildings, improving the sanitary conditions, ensuring water supply and gas supply wherever technically possible.

2.1.8. The rehabilitation standards approved by the Steering Committee on 17 September, 2009 and acknowledged by the Government on 30 October, 2009 is the guideline of the durable housing solution, as for rehabilitation of CCs and idle buildings as well for construction of apartment blocks.

2.1.9. The decisions regarding the rehabilitation process will be made in the best interest of IDPs, and wherever possible, with participation of concerned IDPs, ensuring gender equality.

2.1.10. The Municipal Development Fund (MDF) will accommodate funds; announce tenders, contract implementing companies and organizations.

2.1.11. Additional, tailor-made shelter alternatives will be identified and implemented during all the stages. Housing needs of all the IDPs will be met by their acceptance of one of the housing options offered to them.

2.1.11.1. Such alternatives will, *inter alia*, include privatization of CCs by private owners who will offer IDPs alternative living spaces or cash compensation for purchasing the property. In this case the process will take place with full respect of the Law on IDPs and with full engagement of the MRA to protect IDPs from arbitrary eviction in order to ensure they receive fair compensation for the living space from the future private owner.

2.1.11.2. The Governmental decree N4 of 12 January 2009 on 'approving program of activities for the implementation of the State IDP Strategy' facilitates the identification of IDPs with particular vulnerabilities and needs. Tailor-made social housing solutions with the social care component will be developed and offered to them.

2.1.12. Subject to the owner's agreement, CCs under the private ownership and suitable for living, will be bought by the State for a reasonable price (the price shall not be higher than the cost of an alternative housing solution) and will be transferred to the IDPs.

2.1.13. Once property owners, IDPs will have an opportunity to establish condominiums with gender balanced condominium committees which, in accordance to existing Law on Condominiums, can benefit from the municipal programs to solve the issues such as: fixing roofs, ensuring adequate cleaning and maintenance of the common spaces (e.g. elevators, entrance, etc.), ensuring waste disposal, uninterrupted water supply provision, etc.

2.1.14. For the design and implementation of alternative housing projects including the social housing, targeted, region bound surveys will be undertaken with the aim to provide baseline data for project design, which will facilitate the implementation of tailor-made accommodation projects. In that respect particular measures will be undertaken to ensure that accurate / current addresses of the IDPs residing in private accommodation are integrated in the IDP data base.

2.2. Stage II

2.2.1. This stage foresees activities that will be implemented from 2010 onwards. To better plan the relevant projects, accumulation of additional financial resources as well as the creation of information database based on the special survey results will be necessary.

2.2.2. The **second stage** will involve the following activities:

- a. Improving the living conditions of those IDPs who refused to privatize living spaces in the CCs.
- b. Targeting IDPs living in the private accommodations.
- c. Identifying and rehabilitating the State owned and unused buildings
- d. Constructing the new houses in various regions of Georgia, with priority to be given to the regions where IDPs are already reside and are integrated. New buildings will not be constructed in Tbilisi.

2.2.3 There following measures to be taken by State for the listed below categories of IDPs living in private accommodation:

a) IDPs who own real estate/private accommodation:

In collaboration with NAPR, IDPs who live in private accommodation and who own real estate will be identified. A thorough assessment of this category will be conducted and those IDPs whose

accommodations were identified as in need of rehabilitation will receive assistance in rehabilitation in accordance with Standards for Rehabilitation, Conversion or Construction Works for Durable Housing for IDPs according to available financial resources; or alternatively will be provided with construction materials in case an IDP family has a capacity to rehabilitate the dwelling by own means. The government will ensure that women-headed IDP households are fully engaged and benefit from these processes

b) IDPs who are hosted by relatives/non-relatives or renting their accommodation, who do not own house but have a plot of land under their ownership:

This category of IDPs will receive assistance in construction of an individual house/cottage on this plot of land in accordance with Standards for Rehabilitation, Conversion or Construction Works for Durable Housing for IDPs or alternatively will be provided with construction materials in case an IDP family has a capacity to construct the dwelling by own means. The government will ensure that women-headed IDP households are fully engaged and benefit from these processes.

c) IDPs who are hosted by relatives/non-relatives or renting accommodation and who do not own real estate:

Where feasible, State in coordination with relevant regional authorities will either: identify a block of flats to be rehabilitated and transferred under ownership of this category of IDPs; or allocate a plot of land where an individual house/cottage will be constructed in accordance with Standards for Rehabilitation, Conversion or Construction Works for Durable Housing for IDPs again based on the principles of gender equality and non-discrimination.

d) IDPs who received monetary compensation before the State Strategy was adopted but who did not use the amount of monetary compensation for purchase of real estate:

Those IDPs who believe that monetary compensation process was not conducted in voluntary manner and/or amount of compensation was not fair, may lodge an individual complain that will be thoroughly investigated by MRA and appropriate measures will be taken in case a complaint is well-founded.

2.2.4. IDP families not wishing to accept living space because they have adequate income and desire to acquire property on their own will be identified. In certain cases provision of the financial assistance instead of living spaces will be possible. In those cases the amount provided will not be higher than the amount needed for an alternative housing solution. The amount offered will be less than the sum necessary for the construction of a house. In case of a positive decision, disbursing of cash amounts will start during the Stage III.

2.3. Stage III

2.3.1. The **third stage** will take place in 2011-2012. During this stage assistance will be provided to IDP families who do not need accommodation.

2.3.2. IDP families with no need of the durable housing solution will be provided with one time monetary assistance according to available financial resources. The amount of the assistance will be determined at later stage.

2.3.3. After carrying out the activities aimed at improving the IDP integration, IDP social assistance system will be transformed from the status based to the needs based system, based on rational, clear and transparent criteria for the determination of IDPs' eligibility. This will be achieved in close cooperation with relevant Ministries and other Government counterparts. Assistance not having social nature, but based on the IDP status will be provided on an exceptional basis, with particular attention to vulnerable persons.

3. Socio - Economic measures

3.1. Government Decree #854 of December 4, 2008 about Amendments to the Decree N47 of Georgian Government, 2 February, 2007 about the State Strategy on IDPs envisages social integration; reduction of IDP dependency on the State support orienting the state assistance to needs based one, integration of vulnerable IDPs into targeted social assistance schemes. As indicated in the Joint Needs Assessment and Global Needs Assessment, the social integration measures and livelihood opportunities are strongly interlinked, and only multi sectoral strategic response to this problem will provide salient long term solutions.

3.2 Elements of socio-economic integration include but are not limited to: Infrastructure rehabilitation; access to health and social services as well as psychological support and counseling; targeted social assistance; access to education, livelihoods, economic opportunities and employment with the equal participation of man and women. Access to Health Care Services will be ensured for all IDPs through State Healthcare Programs.

IDPs will be eligible for Medical Insurance Program for Population Living Below Poverty Line according to the certain criteria, including free access to a number of essential drugs.

The MoLHSA and WHO have developed a continuous coordination mechanism to exchange information, identify the gaps in the health care provision for IDPs and to avoid duplication of activities among partners, including local and international NGOs, UN agencies, donor organizations and other stakeholders.

3.3. Reduction of IDPs' dependence on the State includes a number of measures that will result in the increase of employment rate among both male and female IDPs through a number of economic activities in both urban and rural settings. These measures will aim to achieve sustainable livelihoods of IDPs.

3.4. The MRA developed livelihood coordination mechanism in close collaboration with MRA partner international donor organizations. The aim of coordination mechanism is information-collection about the ongoing/planned livelihoods work being funded by donors and implemented by Government, IOs and NGOs. This information mechanism needs to be further developed, so the MRA can provide coordination and more easily identify gaps in IDP socio-economic condition and integration support.

4. Financial Resources Necessary for the Implementation of the Action Plan

4.1 The Decree Annex about the estimation of the recourses needed for the implementation of the IDP State Strategy Action Plan includes overall assessment of the financial resources necessary for its implementation.

4.2 Participation in various accommodation programs will be the decision of IDPs which makes the preliminary assessment of the financial implications of the Action Plan impossible. The objective of the Annex is to form the basis for the preliminary accumulation of financial resources necessary for the

implementation of the activities foreseen. The detailed breakdown will be provided during the phase of the actual implementation of the Action Plan.

4.3 The Action Plan envisages active cooperation of the Government of Georgia with donor organizations. Mobilization of respective financial and administrative resources should take place in each phase.

5. Management and Coordination

5.1 Overall coordination will be the responsibility of the Steering Committee. The Steering Committee is an MRA-led decision making body to coordinate joint efforts by the Government of Georgia and international organizations in operationalizing and implementing the State Strategy for IDPs and its Action Plan. Membership of the Steering Committee consists of: the MRA, Ministry of Labor, Health, and Social Affairs, Ministry of Justice, Ministry of Finance, Ministry for Regional Development and Infrastructure, Ministry of Agriculture, Municipal Development Fund, EU, SDC, UNHCR, UNCT Resident Coordinator, USAID, World Bank, and two representatives from the NGO community (1 Georgian and 1 international). Representatives of other organizations can be invited by the Steering Committee to its meetings in order to provide input on a specific issue. The members of the Steering Committee are nominated by the above mentioned governmental and international organizations and approved by the ministerial decree of the Ministry of Refugees and Accommodation of Georgia. Each organization has one vote to approve the decision of the Steering Committee. Minutes are written about the meeting and approved decisions and all members of the Steering Committee that attended the meeting sign them.

The aim of the Steering Committee activity is to support the socio-economic integration of the IDPs, provision of proper living conditions and durable housing solutions for IDPs, eliminate their dependence on state and include the most vulnerable IDPs in the unified State Social Programme.

The Steering Committee has the right to formulate decisions on different issues related to the implementation of the Action Plan, such as formulation of guiding principles, criteria and procedures governing the process of durable housing allocation, rehabilitation standards and approval, etc. At the same time the committee has the right to present all approved documents to the Government of Georgia.

The Steering Committee discusses plans and formulates priority directions. Decisions will be specific and time-bound. The Steering Committee's discussions and decision making are informed and supported by technical expertise, data and advice. Recommendations and decisions of the Steering Committee will be reported to the Prime Minister's office, other senior Government officials and representatives of the diplomatic community. Expert Groups will be commissioned by the Steering Committee to provide technical assistance and address specific time-bound tasks required for the implementation of the Action Plan (e.g. elaboration of standards, legal issues, etc.). The Steering Committee operates within a framework of adopted Terms of Reference and meets at least once a month.

5.2 Steering Committee will ensure transparency of activities. MRA will conduct the monitoring of the projects' implementation. Various governmental, international and non-governmental organizations will be widely involved in the financial and technical support and direct implementation of these programs.