COUNTRY OPERATIONS PLAN

Executive Committee Summary

Country: Georgia

Planning Year: 2005

Georgia 2005 Country Operations Plan

Part I: Executive Committee Summary

(a) Context and Beneficiary Populations

UNHCR Georgia will place emphasis in 2005 on meeting protection and assistance needs of refugees in Georgia with enhanced focus on seeking and implementing durable solutions for them. Simultaneously, efforts will be made to contribute to strengthening the institutional capacity of authorities and civil society structures to protect refugees, asylum seekers, IDPs, returnees and stateless persons in accordance with international standards.

In 2005, UNHCR will therefore mainly focus on seeking durable solutions for Chechen refugees, Osset returnees and IDPs. The goal will be to protect the rights of all refugees and persons of concern in Georgia and to meet their needs in order to prevent further displacement in the region – upholding the principles of the 1951 Convention and related 1967 Protocol acceded to by Georgia in 1999 and subsequent EXCOM conclusions. The protection of persons of concern to UNHCR will also be guided by the Agenda for Protection. UNHCR will also take into account and apply when feasible and necessary recommendations arising out of the 1996 Geneva Conference process, and in particular the inter-agency thematic work plan.

Refugees from Chechnya residing in the Pankisi Valley

Seeking durable solutions for this population of Chechen refugees from the Russian Federation requires an evolving approach. In recent years, the security situation inside the Pankisi Valley has challenged both UNHCR and the refugees themselves. In 2004, however, the situation has improved to the extent of permitting UNHCR unlimited access to the refugees in the Valley, allowing to exercise its protection mandate on the spot. In addition, it has to be acknowledged that, after five years of displacement, the refugees are increasingly tired of their harsh living conditions and the lack of possibilities for self-sustainability in the Valley. The planning figure for this refugee group in 2005 is 3,540 persons. It is imperative to note that the current refugee population is comprised of 79.2 % women and children. Expediting the further implementation of durable solutions (in particular, resettlement and local integration) is therefore of paramount importance. In July 2003, UNHCR initiated a profiling exercise in which all interested heads of refugee families were interviewed in order for UNHCR to assess their individual protection needs and options for durable solutions. Over 85% of all refugee families were interviewed. The refugees have clearly indicated that they are not interested in return under the current circumstances. UNHCR continued to support the Government of Georgia in upholding the 1951 Convention to prevent the refoulement of refugees. Pressure from the Russian authorities on the Georgian authorities to expedite the voluntary return of refugees to Chechnya, has not developed into any concrete action thus far. In view of present conditions in the country of origin, UNHCR has not promoted a return of refugees to Chechnya in the Russian Federation.

The composition of the Chechen refugee group is complex, made up of two main groups, which for the purpose of this document will be referred to as “Kist-Chechens”

and "Chechen-Chechens." It has been 177 years since Chechen people migrated to Georgia, becoming known in Georgia as "Kists." Since that time, these Georgian "Kists" have comprised the majority of the local population of the Pankisi Valley (estimated at about 6,000 persons). During the latter half of the 20th century, some of this Georgian "Kist" population returned to Chechnya mainly for economic reasons. Their reintegration into Chechnya as "Kist-Chechens" was relatively easy because of the ethnic ties of a common language and the Muslim religion. Nevertheless, they are easily identified by their "Georgianised" surnames. The Chechen caseload who began arriving on Georgian territory in late 1999 is composed of two elements- some 46% "Chechen-Chechen" and some 51% "Kist-Chechen." Both "Chechen-Chechen" refugees and "Kist-Chechen" refugees are living in Pankisi Valley together with the local Georgian "Kist" population. For UNHCR, the main distinction between the "Kist-Chechen" and "Chechen-Chechen" refugees relates to the difference in applying and implementing the appropriate durable solution(s) as compared to the care and maintenance assistance given to the entire caseload since 2000.

Based on the outcome of detailed profiling interviews with Heads of Families in 2003, UNHCR will simultaneously pursue durable solutions and a continued care and maintenance option to ensure the most appropriate group-tailored solutions to this complex group of refugees in Georgia. UNHCR is aiming for the local integration of a part of the caseload who meet criteria for obtaining Georgian citizenship (mainly "Kist-Chechens") and who would avail themselves of this opportunity, and for resettlement of a certain number of refugees who meet resettlement criteria and for whom repatriation would never be possible.

Since 2000, UNHCR has worked well with NGOs and will continue to do so in 2005. Efforts will also continue to strengthen national capacity to protect refugees and find appropriate solutions for them in Georgia. Through regular meetings with the refugees, their concerns will continue to be registered and taken into account in all planning and operational decisions.

Returnee refugees and IDPs to the Georgian-Osset conflict zone

The reintegration programme for returning refugees to their original homes in the Georgian-Osset conflict zone and beyond, will remain a core protection programme in the year 2005. The political and economic situation in South Ossetia is difficult. Though internationally recognized as Georgian territory, the region is currently governed by *de facto* Osset authorities based in Tskhinvali who have neither the physical infrastructure nor the resources to meet the needs of the war-affected population or returnees. In terms of addressing some of those needs, UNHCR's goals are modest.

The number of returns (both refugee and IDP) with UNHCR assistance gradually declined in 2000 - 2002. As of 2003, however, a slight increase was observed in the number of returnee families - 145 families returned compared to 206 families in the three previous years combined. In 2004, a further increased interest has been reported and nearly 250 families, mostly IDPs, submitted their voluntary return applications and are expected to return by the end of this year. Although this is a marked improvement, numbers remain low. The reasons for non-return are complex – the main factor being the state of the economy. As the South Ossetian economy is

depressed, many refugees decide to remain in North Ossetia. Other factors for non-return include: eleven years of displacement resulting in integration in the host communities in North Ossetia, existing family, cultural and ethnic ties with North Ossetia, expansion of (and resulting split of) the families, further deterioration of the original houses, and, in some instances, occupation of the original houses. The primary factor for lack of return remains economic, citing poor employment opportunities in the region, however some displaced also express a fear of victimisation upon return to their original homes. Admittedly, the increase in interest shown in 2004 is largely among the IDP community and not refugees.

UNHCR advocates for the right of return to the original places of residence through the Organization for Security and Co-operation in Europe (OSCE) led mechanism of the Joint Control Commission (JCC). This is the forum through which, "the parties" to the conflict, North Ossetia, the Russian Federation, the Organization for Security and Co-operation in Europe (OSCE), the European Union (EU) and the UNHCR meet. The issue of return as advocated by UNHCR is linked to the economic regeneration of the region and also to issues of property restitution. In December 2000, the Russian Federation and Georgia signed an agreement for economic co-operation and the return of refugees to the Georgian-Osset conflict zone. The parties agreed to elaborate inter-state programmes to improve the economy and to promote returns/reintegration of refugees. At the beginning of 2004, the European Union, through OSCE, allocated substantial funding to UNHCR for its repatriation programme of refugees/IDPs to South Ossetia. It is understood by all parties that should economic investment in the Georgian-Osset zone of conflict increase - more refugees and IDPs would return to their original homes, as there would be increased economic means for returnees to rebuild their lives.

IDPs from the Georgian-Abkhaz conflict

More than ten years after the cease fire agreement in the Georgian-Abkhaz conflict, there is a limited, spontaneous return to Gali district only. The security zone in this location continues to be monitored by CIS peacekeepers from the Russian Federation, in turn observed by UNOMIG- the United Nations Observer Mission in Georgia. For many IDPs, returning to their place of origin is a desirable but elusive prospect, and the reality is such that any hopes of return are caught in the stalled political process. Despite some progress made by the Office of the Special Representative to the Secretary General (SRSG) leading the UN-sponsored peace process, IDPs are unlikely to return to areas beyond the security zone of the Gali district without a significant political breakthrough guaranteeing their protection. It is thus unlikely that a full-scale return (boosting UNHCR's involvement in the process) could take place without the political status of Abkhazia being resolved first and appropriate subsequent decisions taken in the framework of the Coordinating Council (CC) and its Working Group II (WGII) on Refugees and IDPs.

The security situation in Abkhazia remains unstable with frequent criminal activities and the inability of the de facto Abkhaz authorities to restore law and order. Despite the security situation IDPs continue to commute on a seasonal basis to the Gali district to attend to their annual cash crops. Some 40,000 to 50,000 IDPs are estimated to have returned to the Gali district since 2000. They commute back and forth to the

Zugdidi area for household goods and medical treatment, as communal infrastructure is limited in the Gali district.

Set against this context, since the late 1990's, UNHCR has supported the self-reliance of IDPs, enabling vulnerable IDPs to access their rights while in displacement in Georgia, without relinquishing the right to return to Abkhazia. This is in line with the Guiding Principles for IDPs, wherein IDPs are citizens of Georgia and legally entitled to the same civil rights and opportunities as other citizens. UNHCR has been able to successfully build up the capacity of several national NGOs to implement self-reliance programmes that have become operationally and financially sustainable. At the end of 2003 UNDP, with the participation of UNICEF and UNHCR (as observer) conducted a Feasibility Mission to Abkhazia. UNDP is to begin a development program in Abkhazia in the autumn of 2004 and UNHCR will facilitate and support their activities.

UNHCR's efforts in supporting self-reliance activities for IDPs in Georgia proper over the course of the past number of years represents its approach to gradually phasing away from humanitarian assistance. This has become particularly important, as the situation of IDPs from Abkhazia acquired a protracted trend and prospects for a speedy breakthrough in the peace process in the foreseeable future, which is needed for a large-scale return of IDPs to their original homes, is bleak.

In 2005, UNHCR will continue its work on policy issues and ensure effective legislation is in place and implemented accordingly to protect the rights of IDPs as citizens of Georgia. This is fully concurrent with the IDPs' right to return to their place of origin in safety and dignity, which UNHCR shall continue to advocate for as per the 1994 Quadripartite Agreement. UNHCR will continue to participate in the Steering Committee of Georgian Self Reliance Fund. Sustainable national NGOs will promote the self-reliance of IDPs without further financing from UNHCR. UNHCR will maintain its two Field Offices in Gali and Zugdidi.

Statelessness

Georgia has not acceded to the 1954 Convention relating to the Status of Stateless Persons neither to the 1961 Convention on the Reduction of Statelessness. The issue of Georgian citizenship is closely related to the problem of the repatriation and re-integration of Meskhetians, which is a very sensitive political consideration in Georgia. In 1999, when acceding to the Council of Europe, Georgia did commit itself to adopt within two years a legal framework permitting repatriation and integration for the Meskhetians but with no concrete results thus far. The draft law has been under review since 2002. UNHCR supports the regularisation of the situation of the Meskhetians in their current locations. If some prefer to return to Georgia, UNHCR stresses that their decision to return should be voluntary and well informed.

In 2005, UNHCR will continue to support other international partners in lobbying for regularisation of the status of individual Meskhetians and adoption of the legal framework. However, it remains to be seen if with the new government, the international community can succeed in giving this issue a more prominent place on the political agenda.

(b) Selected Programme Goals and Objectives

Name of Beneficiary Population: **Chechen Refugees** (and refugees of other nationalities)	
Main Goals: • Protect and assist Chechen refugees and support the Government in implementing the 1951 Convention and the 1967 Protocol while actively seeking durable solutions for individuals as a result of the profiling exercise. • Enhance refugees' protection by ensuring that refugees (Chechen and refugees of other nationalities) in Georgia enjoy all the rights granted under the 1951 Convention.	
Principal Objectives	**Related Outputs**
• Integrate Chechen refugees meeting citizenship criteria in Georgia, who would accept the integration package.	• Integration packages to ensure self-reliance and self-sufficiency of Chechen refugees are provided to those who would opt for this solution.
• Resettle a certain number of eligible refugees to third countries.	• Resettlement countries are clearly identified and confirmed their willingness to receive refugees. RSD for this group is processed and selected cases are submitted accordingly.
• Continue to provide care and maintenance assistance to the Chechen refugee caseload remaining in Georgia pending repatriation when conditions in the country of origin permit.	• Agreements reached with the Government on the parameters of care and maintenance for those refugees, currently in the Pankisi Valley.
• Inform and counsel refugees individually and in groups on protection issues, implementation of durable solution and issues related to care and maintenance in a transparent manner	• Good relations with the refugee community, refugees having a clear understanding of a) their rights, b) protection and assistance services available to them, and c) mechanisms to voice their concerns
• Improve national refugee legislation and practice, particularly regarding the access to the territory of Georgia and to the RSD procedure.	• Increasing access by asylum seekers/refugees to Georgia and protection therein by approaching the competent authorities for individual asylum seekers and groups whenever necessary.
• Improve the understanding of the international refugee legislation by the concerned authorities and NGOs and to enhance their capacity for solving refugee problems.	• Training of authorities, implementing partners, NGOs, law students on selected issues related RSD procedures, the "1951 Convention Relating to the Status of Refugees" and other legal standards.
Name of Beneficiary Population: **Returnees (Georgian-Osset Conflict)**	
Main Goal: Support the conflict-resolution process led by the OSCE in Georgia/South Ossetia and facilitate the voluntary return and reintegration of refugees and displaced persons from South Ossetia and Georgia proper.	

Principal Objectives	Related Outputs
• Facilitate the voluntary repatriation of refugees and IDPs to their place of origin, particularly to the mixed villages/enclaves, and ensure that returnees are protected.	• UNHCR participation in the OSCE-led conflict resolution process results in an enhanced commitment from the four sides to protect the right of refugees and IDPs to return to their place of origin and ensure their return in safety and dignity.
• Returnees receive one-time assistance to support a lasting return and recover property through an expedient and fair mechanism of property restitution.	• Shelter solutions and re-integration packages are provided to returnees on a needs basis as well as restitution of property to original owners and solutions for secondary occupants as appropriate.

Name of Beneficiary Population: **IDPs (Georgian- Abkhaz Conflict)**	
Main Goal: Support the conflict-resolution process sponsored by the United Nations in Georgia/Abkhazia; continue to participate in the Georgian Self-Reliance Fund (GSRF); monitor the process of spontaneous return to Gali District and provide limited assistance to IDPs in Georgia.	
Principal Objectives	**Related Outputs**
• Support the UN-led Georgian-Abkhaz peace process and the work of the SRSG, advocating for return of the displaced population to their original homes in safety and dignity on the basis of the 1994 Quadripartite Agreement between the two sides, the Russian Federation and UNHCR.	• Chair Working Group II on Refugees and IDPs of the Coordinating Council and participate if and when invited in other Working Groups.
• The rights of IDPs in Georgia proper and spontaneously returned IDPs to the Gali district are protected and respected.	• Use working relationships with the Georgian and *de facto* Abkhaz authorities, SRSG, UNOMIG, NGOs and other members of the international community to actively advocate for an improved security situation for the returnees. • Advocate for and support the return of IDPs to the Gali district only when the necessary conditions are met.
• Improve legislation and practice to support IDPs in fully exercising their rights as citizens of Georgia.	• UNHCR advocates with the Georgian Government for IDPs to be able, in practice, to vote, hold property and have access to the same civil rights as other citizens of Georgia.