

# Minutes of the National Consultations on IDP Protection Gaps and Integration

June 23, 2009

Hotel “Vere Palace”

## ▪ Opening remarks

*Minister of Refugees and Accommodation, Mr. Koba Subeliani*

Mr. Subeliani opened the National Consultations by reiterating that forums of this type lead to better understanding of IDP related issues. He reaffirmed that the major concerns of IDPs were reflected in the Action Plan on the Implementation of State Strategy on Internally Displaced Persons – Persecuted after the productive cooperation with the international and non-governmental organizations, as well as donor organizations, civil society and other partners. The Minister commented that, the approval of the IDP Action Plan was one of the most important steps and considered as the beginning of the new stage. Nevertheless, according to the Minister’s words, the AP was not flawless and had to be constantly improved, so as in course of implementation the document would be fine tuned and perfected. Mr. Subeliani highlighted the need to discuss the ways of addressing those issues, as pending problems had to be addressed in most efficient way.

*The Head of the European Delegation to Georgia Mr. Per Eklund*

Mr. Eklund welcomed all the participants and expressed his pleasure to see all the people around the table coming together, representatives of the Government of Georgia, NGO, civil society and international organizations. Mr. Eklund stated that, all were well aware of the situation and the fate the IDPs and this would contribute to fruitful discussions during the National Consultations. He underscored that “discussions on protection and integration of IDPs quite often lead to physical security and human rights guarantees, and the effects of armed conflicts; however protection goes much further with deep insight at the basic needs and essential services; community participation and self management towards a durable impact”. EC was very much engaged in the IDP related issues, especially since August 2009, through financing winterization and food assistance projects in some of the new settlements. Mr. Eklund informed the NC participants that provision of temporary employment and vocational training was still on-going, and that recently the EC has signed 50 million Euro contributions to the state budget for the renovation of the CC to be privatized.

Mr. Eklund congratulated everyone on the adoption of the IDP AP and was pleased to note that the document enclosed not only shelter issues but livelihoods and social economic measures as well, and suggested to look further how to assist socio-economic integration of IDPs. In doing so, Mr. Eklund shared his expectation that all stakeholders, the community representatives and local authorities, would be involved and these NC would be instrumental for the EC Delegation.

Mr. Eklund was pleased to see that UNHCR had produced the Gap Analysis on IDP protection and with the EC support had organized this event. He also marked the importance of reflecting on how and what was done and how to improve cooperation in order to reach out to those in need. The Head of the EC delegation underlined that the Gap Analysis was an important document for the discussions at the National Consultations.

Mr. Eklund expressed his hopes that the event would be extremely fruitful and would produce realistic recommendations to provide the best possible assistance to IDPs.

*The Representative of UNHCR Tbilisi, Dr. Peter Nicolaus*

Dr. Nicolaus briefly informed the NC participants that Strengthening Protection Capacity Project had been applied worldwide and it consisted of the following stages: drafting the protection gaps analyses, conducting national consultations to develop a common strategy and prioritise activities to remedy those gaps, and the final stage – agreed priorities transposed into projects and fund raising. Dr. Nicolaus thanked the EC for funding the regional Strengthening Protection Capacity Project – Southern Caucasus.

Dr. Nicolaus stated that although the process was lengthy and interrupted by the war in August 2008, Georgia was an exception since the State Strategy on IDPs was in place, and the IDP AP was worked out on its basis. He noted that, while the IDP AP could address the major and most visible gaps currently being addressed by the Government with the support of the international community, these consultations would focus on other gaps, while not as visible, nevertheless important. Dr. Nicolaus expressed his expectations that the recommendations by the NC would be embedded into the IDP AP when revised.

He informed the participants that similar consultative processes had been implemented throughout other countries by UNHCR, and that in Georgia the NC was much more than an advocacy instrument. Dr. Nicolaus drew attention to the remarkable results of the NC on refugee protection, when the naturalization process, income generation and integration projects were started –all based on the recommendations from the NC and an Action Plan developed there. He also expressed his hope that the NC on IDP protection would render very tangible results.

*UNHCR Senior Protection Officer, Mr. Christoph Bierwirth*

Mr. Bierwirth flagged the UNHCR key observations on progress made and remaining gaps in the Georgian legislative and administrative framework related to IDP protection in Georgia. He also noted that the Gap Analysis would not be a comprehensive summary of the existing gaps, and as it was the draft and some of the issues might have been overlooked. Therefore, Mr. Bierwirth invited the NC participants to participate in finalization of the draft GA.

Mr. Bierwirth noted that the dimension of the IDP displacement challenges in Georgia, the legal status of IDPs among them, as well as other specific protection issues had to be considered before drawing conclusions with longer term considerations. He underlined the following issues:

- IDPs constitute approximately six percent of the population in Georgia. As of April 2008 there were some 212,000 IDPs including 45,000 returnees in Gali region. In 2008 the August crisis forced some 138,000 persons to flee their homes. While more than 100,000 returned, some 30,000 remained in longer displacement.
- The considerable number of people who have returned to the former buffer zone are still in need of significant support. The key concern is that in villages very close to the South Ossetian administrative border hardly any reconstruction has taken place; persons are uncertain of their future and the need for more differentiated analysis is vivid.
- In Georgia it was never disputed that the displaced population was falling under the international definition of the term IDP as enshrined in the Guiding Principles and by the aim to protect them. The State Strategy has been developed with two equal goals; creation of conditions suitable for return and for the integration of the IDPs. Not all segments of the government stood behind the integration goal stipulated in the Strategy, however the August events led to common understating the government that return would not take place that soon, thereby encouraging the integration activities.

- Although the International Law does neither require particular national legislation on IDPs nor to grant a specific status. The possibility to grant a national IDP status is however not ruled out by International Law and has often proven helpful to address IDP challenges. In this regards it was noted that Georgia has a national Law on IDPs.
- In the past some discriminatory measures, like non participation in local elections, were identified. Nevertheless, currently no discriminatory issues are present, other then with regards to the participation in privatization of arable land.
- Education and healthcare services should be mainstreamed and should not be used in providing segregated services to IDPs. To this end the State Strategy has to be used as a key tool.
- Acute challenges are related to the integration of the newly displaced into the national legislative framework. UNHCR acknowledges that the government has not yet granted status to all displaced. It was declared that those who were in displacement would be granted status as soon as the situation stabilized. Later on the GoG started granting IDP status to the people displaced as the result of hostilities in August 2008. Currently through, the on going exercise of granting IDP stratus has resulted in 1/3<sup>rd</sup> of the new IDP population receiving the status.
- IDPs are more or less in safe conditions like other citizens of Georgia. However security issues still persist and need to be considered for instance, the number of SGBV cases increased during the August conflict and due to the effects of displacement. The SGBV is underscored in the UNICEF research and the issue should not be underestimated. Another important security issue including sniper attacks and mine incidents in the villages of the former buffer zone.
- One of the key long-term challenges is income generation activities, as IDP reliance on state and external aid for a prolonged period is not a solution. However, IDPs face the problems of the loss of vocational skills as well as other typical side-effects of protracted displacement.
- IDP participation in the political life of the country has many facets and its effectiveness would require more through analysis. Among the facets noted were: the number of IDP NGOs, the participation of IDPs in local elections, the role of the old administration in places prior to displacements, the Government of Abkhazia in exile, the remaining role of Sanakoyev administration, including in the acclamation of housing in the new settlements. All these actors provide an entry point for participation of some IDPs.
- IDP community also faces the challenge of condominium management. IDPs will have to take care of their property jointly as to this end the existing IDP committees need to gain new knowledge and assume new tasks.
- The crisis management was positive; however, not matter how successful it was, there are still needs to be met. The response of the government and international community was prompt, and Georgian hospitality was there to play a key role. At the same time the lesson from the history was learned. The government did not keep the new IDPs in a hostage-like situation in order to use them as a political tool. On the contrary, the GOG immediately started considering shelter and other solutions. Renewed crisis had opened the door for funds and fostered donors' attention to the IDPs in a protracted situation as well. As this window of opportunity might not stay open for long, it is important to swiftly react and implement projects.
- IDP AP was a key step forwards, bringing clarity vis-à-vis IDPs. Most of the comments provided by the international community and civil society were taken up. Moreover the goal of the document was extended into other areas beyond merely shelter.

- Proposals for mainstreaming IDPs into the general social system of Georgia meet pros and cons. On the one hand the dualistic system is rather costly and it may lead to confusion among beneficiaries and donors. On the other hand their social consciences of the MRA vis-à-vis the IDPs under the present Minister is of crucial importance in maintaining socially sensitive approach. The forthcoming profiling exercise that analyzes vulnerabilities among the IDPs will provide a helpful inside look into the matter and assist in making an informed long-term decision.

Mr. Bierwirth noted that the Steering Committee and the State Commission on IDPs were created, and there was a need to see how the Steering Committee, its Temporary Working/expert Groups and State Commission would work and collaborate with each other. UNHCR recalls and reiterates its commitment to participate in these bodies. He also assured the NC participants that UNHCR was not a competitor to the government by explaining that the UN refugee agency operates on the subsidiary concept, i.e. whenever the government is able to implement, UNHCR pulls back, however when the government can not take the lead, due to the lack of resources, immense workload and /or any other issues, UNHCR steps in.

Mr. Bierwirth also advised the participants that UNHCR had funded a number of posts in the GoG, including the administration of Collective Centers and new settlements, with a view to improve the management of displacement and information flow to IDPs.

With regard to the long term challenges, Mr. Bierwirth, rather rhetorically, raised the question of “When does the displacement end?”. He noted that also in Georgia the question has been raised by parts of the government whether the national IDP status should be preserved for those who had been provided with the cottage in the new settlements. In this context Mr. Bierwirth flagged that the issue is intensively discussed by international experts, complicated by the fact that International Law does not foresee an IDP status. He further stressed that maintaining IDP status under International Law would not prevent the authorities to take a more differentiated, vulnerability based approach on the provision of assistance to IDPs, “rather than granting assistance solely according to the status”.

Mr. Bierwirth noted that more precise data and profile information on the returnees and IDPs were needed and expressed his pleasure that IDP AP was designed to consider the corresponding exercise and to make it well planned and prepared.

At the end of his speech, Mr. Bierwirth called upon the active participation in the work of the Thematic Groups to look into the new and creative approaches.

*Mr. Valeri Kopaleishvili, Adviser on IDP issues, Ministry of Refugees and Accommodation*

Mr. Kopaleishvili reiterated that IDPs would maintain their status until return but yet there were special needs to meet in a duly manner. He presented a brief overview of the Action Plan noting that, the AP would designate government as well as other partners to carry out their respective tasks related to IDP housing, livelihood, social integration etc for the ongoing year. In his speech Mr. Kopaleishvili touched upon the issues listed below:

- The demand and the need to develop a strategy were met and nowadays there is the State Strategy covering almost all the needs of the IDP population and elaborated in two directions: 1. Return in safety and dignity 2. Reintegration through satisfying the special needs of IDPs.
- In addition to those living in need in CCs there is more than 50 percent of IDPs who live in private accommodation. The comprehensive studies should be undertaken to fill the gap in the lack of understanding of the needs of IDPs living in private accommodation.

- After the Russian aggression in August the special needs of the newly displaced persons came on an agenda. Towards the end of satisfying the needs of all the displaced MRA took a leading role in developing the IDP AP, which was adopted in May 2009 and presented it to a broad audience. In accordance with the State Strategy, the AP identified the following dimensions: 1. housing solution, 2. livelihood and integration, where IDPs could enjoy proper employment opportunities.
- There are 1,600 CCs, and the majority of these buildings lack adequate maintenance. Since they were not designed for dwelling purposes, there is a sharp need to restructure and rehabilitate the buildings, ensure proper living condition and transfer them to the IDPs in private property. IDPs will be able to use their property at their discretion, sell it or rent it at their own accord. With all this going on, all expenses related to obtaining property rights are covered by the government yet the costs are equivalent to token amount of 1 GEL. The expected number of IDP families to be covered is 20,000.
- In certain cases some CCs are not convertible into living space. For example, in Rustavi, one CC may offer eight square meter per family which does not fit into any standards. Correspondingly these families should be offered another solution. The National Public Registry Agency and the MRA, who are usually the one to approach IDPs regarding the issue, offer the following choice: either to privatize the place they are currently occupying or to receive alternative dwelling in another building.
- IDP AP also considers the construction of new living spaces. Those IDPs who are not satisfied with the living space and would like to move out are offered space in the newly constructed buildings. These buildings will be constructed outside of Tbilisi in different regions of Georgia with the capacity to accommodate 30,000 displaced families. The plan is quite challenging as it is costly and it is difficult to identify which IDPs will move to which part of Georgia and what type of housing will she/he get.
- Steering Committee led by the MRA meets regularly and discusses the standards to be applied when allocating space for IDPs. The construction of the new buildings will be covered by the Municipal Development Fund (MDF). It is still under discussion when the construction of the buildings will commence as standards should be developed before the process starts. The needs of IDPs in private accommodation are to be taken into consideration during this process.
- On the final stage, monetary support is also available although it is limited and thus everyone will not be covered by this solution. If a family cannot move out of Tbilisi and would rather instead take money to stay and afford living space on their own, a monetary solution will be offered.
- IDP AP also defines complementary housing solutions, i.e. assigning land plots to families once settled. However, this process should be elaborated later. As for now we are on the first stage of the identification of CCs, while the next step is to identify additional needs of the IDPs living in these CCs.

Mr. Kopaleishvili noted the significance of the IDP Gaps Analysis as an additional information on IDP needs should be obtained primarily with the support of international organizations, so as the priority areas for actions could be observed and incorporated in the working plan of the AP.

At the end of his speech, Mr. Kopaleishvili addressed the local NGOs presented at the NC and those sitting in the Steering Committee to take active part in the working of the thematic groups at the NC in order to support transparency and accountability. He also urged the representatives of the local NGOs

presented at the NC to pass the information accumulated at the NC as well as at the MRA-led Steering Committee meetings to other NGOs so that all were aware of the way the process proceeded, to make the solutions offered to IDPs and the process itself more comprehensive.

Mr. Kopaleishvili stated that the main task of the Steering Committee was to provide information on IDP needs to the Government of Georgia. According to Mr. Kopaleishvili the Steering Committee is tasked to make general recommendations to the GoG and especially to the Prime Minister who chairs the SC. The Steering Committee brings together the representatives from the international and non-governmental organization, government structures and civil society to cooperate in providing general recommendations. The SC also established Temporary Expert Groups and tasked them to elaborate the issues to be further discussed

*Mr. Dragan Markovic, Emergency Officer UNICEF*

Mr. Markovic thanked Mr. Kopaleishvili for detailed and interesting presentation, congratulated him with the successful initiative and assured that UNICEF would continue to participate in the Steering Committee.

Mr. Markovic reminded the NC participants that during the emergency situation, while coming up with flash appeal, the organizations had been divided in several clusters where representatives from the GoG, NGOs, International organizations and other local partners were presented. Cluster activities were directed to the IDPs displaced as the result of the hostilities in August 2008. Mr. Markovic suggested transiting the cluster system to the Government of Georgia if deemed possible, hence ensuring that opinions of all the participants and partners, including donor and non-governmental organizations, are well represented and transposed to the GoG.

*Ms. Liana Beria, IDP Women Association "Consent"*

Ms. Beria took opportunity to express her appreciation of creating the Gaps Analysis and identifying the IDP protection gaps. She also expressed her hesitation whether to believe that all the gaps would be covered but rested her hopes that the working groups at the NC would elaborate recommendations.

Ms. Beria made an inquiry as how far the wishes of the IDPs, like housing preferences and employment opportunities, would be taken into consideration. She also shared her opinion that the programs directed at the settlements should have specific emphasis with regard to the youth for its further development and employment.

*Mr. Valeri Kopaleishvili, Adviser on IDP issues, Ministry of Refugees and Accommodation*

Mr. Kopaleishvili reaffirmed the significance of the active NGO sector to flag IDP concerns, that would help to concentrate on a concrete issue and lead the process positively. He added also, that, for instance, during his meetings with IDPs he constantly discovered new problems, when some families to be resettled were not ensured with the housing and certain persons to be accommodated in a separate dwelling were still living in a common space, etc...

*Ms. Julia Kharashvili, Senior Adviser on IDP issues, MRA*

Ms. Kharashvili emphasized the importance of IDP participation in decision making and rested her hopes that an appropriate mechanism would be well set up in future. She also drew attention to the returned IDP population needs and that their integration prospects which should not be forgotten.

▪ *Closing session*

*Mr. Christoph Bierwirth, UNHCR Senior Protection Officer*

Mr. Bierwirth stated that he was impressed by the intensity of the discussions that were taking place within the Thematic Groups, noting that the debates were not artificial but a real exercise in brainstorming, managing to come to joint decisions and in issuing recommendations.

Mr. Bierwirth stressed the importance that gaps will be identified and agreed on jointly, that the National Consultations will find consensus on key needs and on the way of approaching them. “It is important to pass the same message”. He noted that the scope of the recommendations was very wide and different - some were general recommendations (like compliance of the national legislation with international law and standards), while others were very concrete and practical (like amending legislation to allow IDPs to obtain arable land).

Mr. Bierwirth noted that some recommendations were not fully reflected in the draft Gaps Analysis, yet other issues were not completely unknown but did not receive sufficient attention before. As village-specific recommendations could not be developed at the NC, the need to establish mechanisms to look into gaps at village/settlement level was emphasized, the reference made to the NRC protection monitoring and response project. Mr. Bierwirth drew attention on some very operational proposals like, for example introduction of country wide SGBV referral mechanisms and underscored that specific proposals made under the Global Needs Assessment were providing a piece of puzzle.

Mr. Bierwirth identified an overarching issue of information sharing with the view to allow IDPs to be involved in informed decision making on all the issues flagged during the NC. He shared his impression that in spite of all the efforts to improve the situation, the gaps still persisted from the policy decision making level down to the IDPs.

Towards the end of the consultations, Mr. Bierwirth flagged the need for income generation projects indicating that some ways for deep insight were needed. He noted that the nature and format of the NC did not and was not expected to give exact answers. It requires further steps to follow up. Mr. Bierwirth highlighted that co-ordination and information exchange mechanisms developed under the cluster approach served as a basis, which in addition developed number of specific task forces, like the Privatization WG – to be demonstrated as a model of a good practice.

At the end of the National Consultations Mr. Bierwirth thanked all participants and colleagues for their engagement and for so actively taking part in the consultations.

<b>Participant at the National Consultations on IDP protection gaps and integration in Georgia</b>		
<b>WG 1 Favorable Protection Environment/Fair Protection Processes and Documentation</b>		
	<b><i>Participant</i></b>	<b><i>Organization</i></b>
1	Valeri Kopaleishvili	Adviser on IDP issues, MRA
2	Nukri Milorava	CHCA
3	Dima Zviadadze	NRC/ICLA Group Raporteur
4	Peter Riley	Transition Program Coordinator USAID
5	Natia Mosashvili	GYLA
6	Dadvid Kaloev	Public Registry Agency (MoJ)
7	Nazi Beruashvili	IDP from Shida Kartli
8	Marin Din Kajdomcaj	Head of FO Gori UNHCR
9	Keti Kamashidze	Assistant Protection Officer UNHCR Group Facilitator
10	Ana Gabunia	PI Assistant UNHCR Note taker
11	Ilona Kakulia	Protection Clerk/Interpreter Note taker
12	Nato Abashidze	Field Clerk UNHCR
<b>WG 2 Security from Violence and Exploitation</b>		
1	Tamar Salukvadze	Chief specialist of the International Relations Department at the Ministry of Internal Affairs
2	Julia Kharashvili	Senior Adviser on IDP issues, MRA Group Raporteur
3	Rati Shavgulidze	Food Security Specialist FAO
4	Manana Amonashvili	Protection Manager IRC
5	Veronique Miollany	Head of MissionTerre des hommes Foundation
6	Galina Kelekhsaeva	IDP from Shida Kartli
7	Sophie Jambazishvili-Yucer	Protection Assistant UNHCR Group Facilitator
8	Meri Okropiridze	Interpreter/Translator UNHCR Note taker
9	Dali Kharchilava	Protection Clerk UNHCR Note taker
10	Shoira Ruzybaeva	Associate Protection Officer UNHCR
<b>WG 3 Basic Needs and Essential Services</b>		
1	Nino Beshkenadze	Ministry of Education
2	Eter Kipiani	Senior specialist of the department of Emergency situations coordination and regime Ministry of Labor, Health and Social Affairs
3	Ute S. Enderlein	Emergency Health Coordinator WHO
4	Liana Beria	IDP Women Association "Consent"
5	Zurab Chkheidze	Deputy Head of Gori Municipality
6	Tamar Khurtsilava	World Learning USAID
7	Tamaz Tsinaridze	IDP in protracted displacement
8	Elena Ferretti	Associate Protection Officer UNHCR Group Facilitator
9	Aziz Rahjo	Associate Protection Officer UNHCR
10	Dragan Markovic	Emergency Officer UNICEF Group Raporteur



11	Tamar Magradze	Protection Clerk UNHCR	Note taker
12	Ana Diakonidze	NRC	Note taker
<b>WG 4 Community Participation and Self Management/ Durable Solution</b>			
1	Tamar Japaridze	IRD	
2	Natia Kvitsiani	IOM	
3	Michael Possmayer	Deputy Regional Representative - South Caucasus DRC Group Rapporteur	
4	Natia Cherkezishvili,	Program Analyst in the Democratic Governance Team and Human Rights focal point UNDP	
5	Meri Gelashvili	Fund "Sukhumi"	
6	Tsisnami Sabadze	Deputy head of Economic policy department	
7	Beso Tsaava	Chief specialist, Ministry of Economic development	
8	Asia Metreveli	IDP in protracted displacement	
9	Bulent Peker	GNA SPCP Officer UNHCR Group Facilitator	
10	Maka Khazalia	Programme Assistant UNHCR	Note taker
11	Boris Tabidze	Interpreter/Liaison Clerk UNHCR	Note taker
<b>Other Participants</b>			
1	Koba Subeliani	Minister of Refugees and Accommodation	
2	Per Eklund	The head of the EC delegation	
3	Peter Nicolaus	Representative UNHCR	
4	Zurab Lomidze	Administrator, Shida Kartli Governor's office	
5	Zurab Chinchilakashvili	Shida Kartli Deputy Governor	
6	Frederik Coene	Project manager EC Delegation	
7	Christoph Bierwirth	Senior protection officer UNHCR	
8	Edina Slipicevic - Dziho	Associate Protection Officer UNHCR	
9	Rita Richter	Senior Program officer UNHCR	
10	Irma Alasania	Program clerk UNHCR	
11	Armine Karakhanian	Associate Protection Officer UNHCR	
12	Suzanne Murray-Jones	External Relations Officer UNHCR	
13	Tamar Tchitanava	PI Assistant UNHCR	
14	Tea Kvirikashvili	Protection Clerk UNHCR	
15	Eka Kakhadze	National Consultant UNHCR	
16	Tinatin Tsanava	Department of Public International Law Ministry of Justice	
17	Peter Wunsch	GTZ	
18	Benjamin Perks	Deputy Representative UNICEF	
19	Nana Khoshtaria	Project manager "Sakhli"	
20	Mark Hulst	Officer- in-charge IOM	
<b>Total Number of Participants - 65 Persons</b>			