



UNHCR in Georgia

October 2009

People of Concern to UNHCR's mandate

UNHCR addresses the protection and assistance needs of nearly 340,000 persons of concern in Georgia.

As of September 2009, this number includes around 220,000 internally displaced people (IDPs) living in areas of Georgia effectively controlled by the Government and some 10,000 displaced within South Ossetia, and over 106,000 people who are continuing to live in IDP-like situations in Abkhazia, South Ossetia and areas adjacent to South Ossetia.

Also of concern to UNHCR are around 1,000 refugees; over 1,600 stateless people; and a small number of asylum-seekers.

Refugees	988
Asylum Seekers	21
Stateless	1,679
IDPs	230,006
<i>IDPs from 1990s</i>	<i>212,113</i>
<i>IDPs from 2008</i>	<i>7,893</i>
<i>IDPs in South Ossetia</i>	<i>10,000</i>
People in IDP-like situation	106,134
<i>Returned IDPs to Abkhazia</i>	<i>50,000</i>
<i>Returned IDPs to South Ossetia</i>	<i>4,186</i>
<i>Returned IDPs to area adjacent to South Ossetia</i>	<i>30,640</i>
<i>Relocated IDPs</i>	<i>21,308</i>
Total	338,828

As at September 2009

Background



In May 1993, UNHCR started providing emergency humanitarian assistance to IDPs who had fled armed conflict in Abkhazia during 1992-93. The following year the Office was formally designated as lead agency for IDP return. In 1997, UNHCR extended its programme to IDPs displaced from 1991-92 secessionist conflict in South Ossetia. However, interventions by UNHCR and partners were substantially scaled down due to further hostilities in May 1998 and donor fatigue which affected funding.

UNHCR's humanitarian work with refugees from Chechnya, Russian Federation dates back to 1999 when some 9,000 Chechens fled secessionist conflict between Chechnya and the Russian Federation, and arrived in Pankisi Valley, east Georgia. Around 1,000 refugees are still living in Georgia and, each year, about 20-30 asylum seekers from different countries arrive in Georgia seeking assistance.

UNHCR's operation in Georgia is complex and addresses a variety of situations including asylum building, refugee local integration including naturalization as well as IDP integration and IDP return to villages of origin in war-affected areas adjacent to South Ossetia and Gali region in Abkhazia. In addition the Office is engaged in the prevention and reduction of statelessness. The operation has projects that focus on prevention and response to gender based violence (GBV) and a gender component is mainstreamed into all UNHCR projects in Georgia.

In August 2008, the operation was further complicated when a five-day war with Russia over South Ossetia temporarily displaced over 138,000 individuals and blocked humanitarian access to IDPs within South Ossetia. Two months later, 75% of these newly displaced people returned home when Russian troops withdrew to the administrative line between Georgia and South Ossetia. Left behind were around 30,000 IDPs in need of adequate shelter and humanitarian assistance and a further 30,000 who had returned to live in their villages in the areas adjacent to South Ossetia. The latter continue to live in an IDP-like situation because of the volatile security situation and are therefore still in need of humanitarian support such as housing assistance, income-generating support, and community mobilization. Around 50,000 IDPs, who have returned to Abkhazia, are also living in this IDP-like situation. Meanwhile, UNHCR Georgia has no humanitarian access to some 14,000 IDPs and returned IDPs in South Ossetia.

Political Environment

Georgia is still undergoing multiple transitions processes and suffers from the economic and humanitarian consequences of various armed conflicts over the years with the break away regions of Abkhazia and South Ossetia.

The Moscow Agreement, legal basis for the deployment of CIS¹ peacekeeping forces (mainly Russian troops) in the Abkhaz - Georgian conflict zone, was unilaterally terminated by Georgia after the 2008 conflict. Georgia now considers all Russian troops present in Abkhazia and South Ossetia as occupational forces, and has regulated access to and economic activities in these regions through a strict Law on Occupied Territories (October 2008). This legislation has been criticized by the Venice Commission and other members of the international community as it may have a negative impact on the economic and humanitarian situation of the local population in these regions and it restricts humanitarian access and space. A draft amendment to this law is presently under preparation but there are doubts whether shortcomings of the existing legislation will be effectively addressed.

Party to the 1951 Refugee Convention and the 1967 Protocol, nevertheless, Georgia made a reservation to article 40(1) of the Convention, stating that pending "*...the full restoration of the territorial integrity of Georgia, this Convention is applicable only to the territory where the jurisdiction of Georgia is exercised.*" It is not a party to the 1954 Stateless Persons Convention (although possible accession is under review) nor to the 1961 Reduction of Statelessness Convention.

Until June 2009, three international missions were observing developments on the ground: the Organization for Security and Cooperation in Europe Mission (OSCE) to Georgia established in 1992 to support conflict reduction between Georgia and South Ossetia; the UN Mission in Georgia (UNOMIG) originally created to monitor and implement 1993 and 1994 ceasefire agreements between Georgia and Abkhazia and undertake peacekeeping activities; and an EU Monitoring Mission (EUMM) deployed after the 2008 conflict to observe compliance of human rights and the fulfillment of a Georgia-Russia peace agreement.

¹ Georgia's membership of the Commonwealth of Independent States (CIS) ended on 18 August 2009 although it wishes to remain a party to some 70 treaties signed when it was a CIS member.

Status quo was changed after the August 2008 conflict when the Russian Federation, Nicaragua and subsequently Venezuela (in September 2009) recognized South Ossetia and Abkhazia as independent entities. On 15 June 2009, Russia vetoed a technical extension of the mission's mandate and UNOMIG ceased to exist. On 30 June 2009, the OSCE mandate was allowed to expire and the mission was also closed. With the departure of OSCE and UNOMIG, only the EU team is left, but without access to either Abkhazia or South Ossetia.



Newly displaced people receiving emergency non-food items, August 2008

Following the August 2008 conflict, high-level international talks were launched (15 October 2008) in Geneva as a forum for discussion between Russia and Georgia, mediated by European Union, OSCE and United Nations. These discussions, which are pursuant to the six-point cease fire agreement of 12 August 2008, are aimed at advancing regional peace and stability and the return of displaced people. There are also two Working Group meetings, one on Security and Stability Issues, and the other on IDPs and Refugees; the latter is co-chaired by UNHCR. To advance the Geneva talks, the two international co-Chairpersons (EU and OSCE) have

frequently visited the conflict areas and submitted various proposals to the sides. One year later, a comprehensive settlement of the conflict addressing the needs of refugees and internally displaced persons, regardless of where they are currently displaced, has proved elusive and UNHCR, together with the humanitarian community, continues to support the needs of these populations of concern. Incident Prevention and Response Mechanism (IPRM) meetings are gradually formalizing between Georgia and, separately with Abkhazia and South Ossetia. It is hoped these meetings will help maintain a peaceful co-existence by providing a timely and adequate response to security incidents and /or criminal activities, ensuring the security of vital installations and infrastructure, as well as ensuring the effective delivery of humanitarian aid. These meetings, mediated by the same international organizations, are regularly held between Georgia and South Ossetia (in Gori area), and Georgia and Abkhazia (in Gali). With UNOMIG's departure, UNHCR Gali now provides logistical support for the IPRM meetings in connection with Abkhazia.

UN Secretary General issued his report on "Status of internally displaced persons and refugees from Abkhazia, Georgia", August 2009, covering the period 16 May 2008 to 15 July 2009, which focuses on (a) the right of return of all refugees, IDPs and their descendants, regardless of ethnicity; (b) the importance of preserving their property rights; and (c) the development of a timetable to ensure the prompt voluntary return of all refugees and IDPs to their homes. Meanwhile a resolution presented to the General Assembly by the Government Georgia entitled "Status of internally displaced persons and refugees from Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia" was formally adopted (September 2009). The resolution recognizes the right of return of all IDPs and refugees and stresses the need to respect their property rights.

The European Union set up an international independent investigation to look into the August 2008 conflict, including its origins and its course, with a sufficiently broad scope (geographical and time-span) to determine all possible causes of the conflict. This fact-finding commission, composed of lawyers, historians, military staff, and human rights experts was headed by Heidi Tagliavini. On 30 September 2008, the commission published its report online (www.ceiig.ch) in which it indicated that Georgia was instrumental in starting the war but that the situation have been provoked by Russia who's response was disproportionate to Georgia's attack. The report also commented on violations of international law committed by Russia.

Economic Environment

Georgia, a fledging democracy with a population of 4.6 million, declared its independence in 1991 following decades under Soviet rule. The country is still undergoing multiple transition processes related to strengthening its rule of law and democratic institutions, the consequences of two secessionist conflicts in Abkhazia and South Ossetia, and economic reform focusing on privatization and neo-liberal approaches (its reform efforts during the last decade, in particular following the Rose Revolution, have shown significant results).

Economic diversification is a major development challenge in this small country where a significant portion of the population still lives in poverty. Comprehensive post-conflict support, in particular from the World Bank, USA and EU has prevented the banking system from collapsing and provided the Government of Georgia with significant budgetary support.

Geographically, Georgia is an important link in the oil / gas transit system from the Caspian Seas to international markets and, with its abundant natural resources (forests, water sources, mineral deposits) and educated labour force, it has strong economic potential.

Its national anti-corruption strategies started in 2004 have been effective and Georgia leads all transition countries in terms of reduction in corruption.

The legal environment governing activities of NGOs is liberal and supportive, allowing NGOs to operate freely.

Security Environment

Overall, the security situation has improved and, in some sectors the country has managed to recover from last year's armed conflict (United Nations Security Phase I prevails in most parts and there has been no serious security incidents involving UN staff over the last 12 months). Only Svaneti (east of Abkhazia and north of Kutaisi) and parts of the adjacent areas to South Ossetia and Abkhazia are still UN Security Phase III.

Abkhazia is UN Security Phase III, with the exception of the Kodori Valley which is UN Security Phase IV. UNHCR operates only in the southern part of Abkhazia (Gali, Ochamchire and Tkvarcheli districts) and has visited Kodori three times during the last 12 months to monitor some 100 returned IDPs and provide non-food items.

South Ossetia including Akhlagori is UN Security Phase IV, but not accessible from Georgia and hence there is no humanitarian access for UNHCR Georgia and its partners.

The real impact of the security situation has to be seen in a well-founded fear and resulting unwillingness of many displaced people – mainly in areas adjacent to South Ossetia and Abkhazia – to return to normal life; and thereby prolonging the need for UNHCR's continued presence and humanitarian intervention.

Strengthening Protection Capacity and Global Needs Assessment in Georgia

States have primary responsibility for providing protection to refugees, stateless persons, and other displaced population under their jurisdiction, but too often their presence can burden local infrastructure, environment and resources, and severely test limits of capacity and hospitality. This can lead to refugees and asylum-seekers being portrayed as a burden, a cause for social and economic instability, or even a threat to national security. Over the past decade, UNHCR has been involved in activities designed to strengthening national authorities and their laws / policies to facilitate the correct handling of refugee and asylum issues, reception and care of refugees, promotion of self-reliance of refugees and a realization of durable solutions.

The activities are designed to complement host country initiatives, bringing in regional and international partners in a spirit of solidarity and participatory burden-sharing. Technical assistance programmes are important in this context, and can take many forms such as aid

in registering refugees and asylum-seekers. The focus is on skills development and system-building initiatives, so that protection structures are sustainable and eventually become financially and operationally independent.

Following on from an EU-funded Strengthening Protection Capacity Programme in Georgia implemented by UNHCR in 2007-2008, a Global Needs Assessment (GNA) was undertaken in 2008 (pilot projects were also carried out simultaneously in seven other countries). The findings in Georgia mirrored results world-wide, i.e. a clear need to improve and ensure access to asylum systems with better reception facilities and RSD procedures, registration, documentation and border monitoring; training and technical support to increase the capacity of the Government to adequately respond to people of concern; better protection for women and children with improved prevention against and response measures for sexual abuse and violence, and strengthened child protection programmes.

The conclusions of the SPCP also fed into the Georgia Joint Needs Assessment which UNHCR conducted (September-October 2008) in partnership with other sister agencies in the UN Country Team, World Bank, European Commission experts and the Government, developing a document detailing a three-year strategy for integrating all IDPs.

Populations of Concern (as of September 2009)

Refugees and asylum seekers: There are 397 refugee households, with an average size of 2.5 persons per household and almost half (45%) under the age of 18. They are Chechens from the Russian Federation and mainly live in Pankisi Valley, east Georgia, at the foothills of the Southern Caucasus mountains. There are also 26 refugees from countries such as Afghanistan, Tajikistan and Azerbaijan who, together with a handful of asylum-seekers, live elsewhere. Around 300-400 of the Chechen refugees are also stateless.

Internally displaced people (IDPs) and people living in IDP-like situations:



Many IDP collective centres desperately need rehabilitation work to improve living conditions

230,006 IDPs (some 62,000 households) with an average household size of 3.7 persons of which: 212,113 have been in protracted displacement since 1990s (95% of whom are from Abkhazia); nearly 8,000 are still in displacement since August 2008 pending a durable solution from the government; and around 10,000 are in protracted displacement within South Ossetia. There are more women than men (59% - South Ossetia and 62% - Abkhazia) with children under the age of 18 representing

around 30% of the total IDP population. Some 85,000 people (38%) live in Tbilisi and nearly half of them live in collective centres.

106,134 people continue to live in **IDP-like situations** needing protection and humanitarian assistance, of which: 21,308 people displaced in the August 2008 conflict have been resettled in 38 newly built settlements in Shida Kartli, Kvemo Kartli and Mtskheta-Mtianeti regions²; 30,640 returned to their homes in areas adjacent to South Ossetia; some 50,000

² According to national law, this category of people has IDP status and is included as such in Government statistics. UNHCR, following international practice and frameworks for assistance, categorises these persons of concern to its Office as people in IDP-like situations (PILS), i.e. people who are on the verge of realising a durable solution but who continue to need, for a period of time, humanitarian support. UNHCR's categorisation in no way impacts on their right to return.

IDPs spontaneously returned to Gali, Ochamchire and Tkvarcheli areas within Abkhazia; and 4,186 IDPs spontaneously returned to South Ossetia.

Stateless: There are 1,679 stateless persons³ in Georgia who are mainly between 18-59 years of age and live in Tbilisi, including Meskhetians, former Muslim inhabitants from Meskheti deported to Central Asia in 1944 by Stalin.

Brief Overview of UNHCR Operation

Together with its partners, UNHCR Georgia runs three multi-sectoral programmes (for a total of 30m USD) to address the needs of refugees and asylum seekers, stateless people, IDPs, and people living in IDP-like situations. UNHCR's overarching objective focuses on protection with local integration being the most viable durable solution for everyone except for returned and returning IDPs (Abkhazia, South Ossetia and the areas adjacent to South Ossetia) where a reintegration strategy is being followed.

Following UNHCR's policy to operate as much as possible at points of delivery, i.e. close to the populations of concern, UNHCR Georgia comprises a Country Office in Tbilisi with five Field Offices and two Field Units (one in Tskhinvali, South Ossetia temporarily closed due to lack of humanitarian access). This strong field presence guarantees close monitoring of the protection situation and operations: FO Akhmeta deals with Chechen refugees in Pankisi Valley and a small number of IDPs resettled to eastern Georgia; FO Gori was established following August 2008 crisis to handle IDP protection issues and programme management in Shida Kartli region. FO Kutaisi, also established following August 2008 crisis, addresses local integration of IDPs in the area who have been in a protracted situation since early '90s; FO Zugdidi and FO Gali (one team located in two places because local staff of ethnic Georgian origin cannot enter Abkhazia), covers around half the population of concern to UNHCR and deals with local integration of IDPs in western Georgia and reintegration of IDP returnees in Abkhazia; and FU Sukhumi liaises with authorities in Abkhazia. The operation is run by some 80 staff of which 19 are international and 60 are national (a ratio of 1:3).

Partnership

The key line ministry with which UNHCR works is the Ministry of Refugees and Accommodation (MRA) which is in charge of Refugee Status Determination (RSD) and the provision of assistance to IDPs and refugees. In the context of efforts to prevent and reduce statelessness, cooperation has been established with the Civil Registration Agency (CRA) within the Ministry of Justice. However, following last year's crisis and particularly in connection with significant donor engagement in finding and funding durable solutions, other state actors have started to play an increasing role in protecting and assisting IDPs, e.g. Ministry for Economic Development, Civil Registration Agency, National Agency for Public Registry, Ministry of Justice, Ministry of Interior, Prime Minister's Office and Ministry for Reintegration. At the local level, UNHCR Field Offices have established and maintain close cooperation with local government authorities ensuring sustainability of different projects under implementation.

MRA, UNHCR's key partner in policy-making decisions and strategy for IDPs and refugees, operates in a rather centralized manner and has suffered in the past from a high turnover of staff (managerial and technical) which has disrupted continuity and investment in capacity building. Moreover, for years its budget was insufficient to cover all the needs and therefore it has often resorted to *ad hoc* provisional approaches and measures. Various projects funded by USAID, DRC, EU and UNHCR are helping build up MRA's administrative capacity and encouraging more delegation to MRA branch offices in the region. Since January 2009, CRA (in addition to citizen registration and documents processing) has also been assigned to deal with citizenship / naturalization issues. With UNHCR's support, it is developing into a well functioning, well equipped agency at both national and local levels and is reaching out to minorities in the regions offering them identical level of services as in the capital.

³ This figure does not include some 300-400 stateless refugees, who are assisted under the main group of refugees

UNHCR works in close collaboration with the United Nations Country Team which includes *inter alia* UNDP, UNICEF, ILO, FAO, WFP, UNFPA, and UNIFEM. UNHCR's international NGO partners are primarily Danish Refugee Council and Norwegian Refugee Council with its Individual Counseling and Legal Advocacy (ICLA) component for both protection and shelter projects. Swiss Agency for Development and Cooperation (SDC) is both a donor and a partner. DRC, NRC, SDC and UNHCR, together with Action contre le faim (ACF), Première Urgence (PU) and WorldVision International (WVI), form the Strategic Partnership for Abkhazia. This Partnership was updated in 2009, following the nature and scale of international and governmental humanitarian response to IDPs in reaction to the August 2008 conflict, to avoid major discrimination in the level of assistance being given to the IDP returnee population in Abkhazia. Its overall goal is "*Seeking to achieve durable solutions for returnees through integrated protection and assistance activities, and promoting the enjoyment of their rights as returnees with a view to preventing renewed displacement of the population in Gali, Ochamchire, and Tkvarcheli*".

Other NGOs with which UNHCR is working in Georgia include: International Relief and Development (IRD), CARE International, and local NGOs such as United Nations Association of Georgia (UNAG), Kakheti Regional Development Foundation (KRDF), Technical Assistance in Georgia (TAG), Georgian Centre for the Rehabilitation of Victims of Torture (GCRT), Chechen Refugee Coordination Council (CRCC), Legal Development and Consultation's Group (LDCG), Sakhli, Avangard, Atinati, Gaenati, Georgian Institute of Public Affairs (GIPA), etc. As of September 2009, UNHCR Georgia has 32 implementing partners represented by different Government agencies, and local and international NGOs.

Security from Violence and Exploitation

Using funds from EC Thematic Funding to prevent and respond to gender based violence among populations of concern, UNHCR and partners incorporated five main components into their GBV projects: assessment, hot line service, free psycho-social legal and medical consultations and awareness raising. A Safe House was established in Tbilisi for life threatening situations, and in partnership with UNIFEM a Gender Resource Centre was opened in Gori in the autumn of 2008. UNHCR and partners continue to systematically lobby for an improvement of the Law and an implementation of its Action Plan, while running workshops *inter alia* for local administration, police and judges dealing with such cases. A UNICEF Study (2009) on Violence Against Children in Georgia indicated a high incidence of such cases.

Programmes

IDPs and returned IDPs

- **Background:** For the past 16 years, UNHCR has been involved in people displaced by armed secessionist conflict in 1992-93 in the regions of Abkhazia and South Ossetia. The conflicts initially displaced around 360,000 people (of which 300,000 were from Abkhazia), with smaller-scale displacement occurring in May 1998 (Abkhazia) and July-August 2004 (South Ossetia). In 1996, the Government started registering this population and continues to re-register them each year. Humanitarian actors use these statistics as a basis for their activities. Almost half of this population of concern having been living in collective centres (former hospitals, factories, schools etc.) which were originally intended as temporary shelter but have turned into permanent shelter that does not necessarily meet minimum international standards. Little is known about IDPs living in the private sector and it is possible that their socio-economic situation is just as precarious as those in collective centres. UNHCR started a sample profiling exercise in western Georgia of 1,000 IDP households living in the private sector and will use the analysis from this work to help focus its programme strategy in 2010.

- Since 2001, around 50,000 IDPs⁴ have spontaneously returned to Gali, Ochamchire and Tkvarcheli areas in Abkhazia and UNHCR began community-based projects to assist them. Due to ongoing legal and physical insecurity, these returned IDPs have not yet concluded the return process and still enjoy IDP status under Georgian national legislation. Up until summer 2008, people living in this area were able to cross the Enguri river (ceasefire line) into the Zugdidi area for various purposes, including commercial, employment, family, medical care / social needs, education, etc. This has now changed and new restrictions on movement across the administrative border has isolated the Gali population even more (and reportedly led to cases of bribery at crossing points).
- Before the 2008 conflict UNHCR was the only UN agency with an office and IDP operation running in South Ossetia and it was involved in facilitating the return of people (whether refugees from North Ossetia, or IDPs in Georgia), unfortunately now only ICRC has free access to this area.
- Until last year, humanitarian assistance for IDPs (who were receiving only token state assistance due to the Government's limited resources) suffered from severe under-funding and was able to undertake only low scale, limited impact projects. International attention – and consequent funding – was attracted by the wave of displacement generated by armed conflict between Russia and Georgia over South Ossetia in August 2008. United Nations decided to provide protection and assistance to these newly displaced people under the cluster approach, with OCHA establishing a coordination presence (October 2008 to April 2009). UNHCR became lead agency for protection and emergency shelter / NFIs.
- **Strategy:** For both IDP and returned IDPs, programmes are designed to help improve their living conditions through the provision of adequate shelter and the provision of information on durable housing alternatives offered by the Government, and including tailor-made assistance; improving the capacity of the Government to provide humanitarian assistance and protection; and facilitating the (re)integration of IDPs / returned IDPs into society by strengthening their capacity to become self-reliant through vocational training and income generating activities and, where necessary, with psychological rehabilitation. Shelter and the socio-economic integration of internally displaced people remains the greatest challenge, as it has done for the last 16 years. UNHCR's strategy is to develop model projects demonstrating to the Government (which is almost exclusively focused on shelter) and the international community that only a "Shelter plus" approach can lead to the successful (re)integration of destitute IDPs and returned IDPs, i.e. providing durable housing (through the rehabilitation of collective centres / houses or building new accommodation) and introducing income generating projects aimed at promoting sustainable self-sufficiency among IDPs living in this durable housing. It is anticipated that this approach and UNHCR's advocacy for full implementation of the IDP National Strategy and Action Plan will lead to a change in the Government's policy towards IDPs.
- A similar "Shelter plus" strategy is being implemented for returned and returning IDPs to Abkhazia (and South Ossetia if humanitarian access is reestablished).
- **Favourable Protection Environment:** Following years of hidden and open policy debate, dissent among key government actors and strategies of delay, the Government has realized that large scale IDP return is unlikely in the foreseeable future and this, together with renewed donor interest, offers a window of opportunity to more systematically engage in a search for a durable solution for all IDPs. Over the years, UNHCR has been strongly advocating for a National Strategy for IDPs (adopted in February 2007) and an Action Plan that will focus on providing durable

⁴ A profiling exercise (envisaged in the Strategic Directions and initially agreed upon by all parties) is important for obtaining a clearer picture of the legal, social, economic and security conditions in areas of return as well as of the number, profile, particular vulnerabilities and needs of returned IDPs and the receiving communities; nevertheless the figure of 50,000 is derived from ongoing monitoring and liaising with local authorities, implementing partners and other reliable stakeholders.

housing solutions for people displaced in the early 1990s as well as including options such as rehabilitation and privatization of collective centres, resettlement, or lump-sum financial assistance. The latest Action Plan (adopted in May 2009) now includes these solutions; highlights integration and improvement of the socio-economic conditions of IDPs; prioritizes protection activities for those identified with specific needs (groups / individuals) including provision of information and legal advice to give IDPs a better basis for decision-making; and, it is anticipated, will soon include minimum standards of housing which were recommended by a jointly led UNHCR / MRA advisory group and approved (in October 2009) by an MRA-led Steering Committee tasked to guide the implementation of the National Strategy for IDPs.

- Authorities in Abkhazia have repeatedly expressed readiness to allow more Migrelian IDPs to return to Gali district in Abkhazia region, but not beyond, and a few Svan people have returned to Upper Kodori Valley following the August 2008 conflict. However, insecurity in Gali district raises concern: the administrative border has been temporarily closed in the past, extortion takes place particularly during citrus and hazelnut harvest seasons, criminal structures operate with impunity, incidents of kidnapping and arbitrary arrest have occurred, and the local police force is insufficiently trained and equipped. Meanwhile, incidents in some Georgian controlled villages close to the administrative border with South Ossetia have resulted in many IDPs delaying their return and, in some cases, resulted in a small number of returned IDPs leaving once again.
- **Fair Protection Processes and Documentation:** UNHCR's lobbying of the Government over a period of years has resulted in progress such as the Law of Georgia on Forcibly Displaced Persons – Persecuted (1996) formally granting IDP status to displaced people who receive an IDP card and a number of privileges and specific protection; and a National IDP Action Plan (May 2009). The latter, which is an updated version of the original Action Plan adopted in July 2008 and the result of considerable lobbying by UNHCR, is a major step forward towards resolving the situation of long-term IDPs. An agreement was reached with MRA and CRA (early 2009) to start comprehensive re-registration and social profiling of all people in protracted displacement (whether in collective centres or the private sector) and enhanced cooperation and computerized links with CRA has permitted a more effective follow up on and assistance to IDPs. It is anticipated that this will ultimately replace the previous need for an annual re-registration exercise. UNHCR will continue to advocate for all IDPs to be included into the social welfare system and given livelihood opportunities.
- **Community Participation and Self-Management:** Key tools to involving IDPs / returned IDPs in the design and implementation of UNHCR programmes have been regular monitoring and meetings with them, formal participatory assessments (based on AGDM methodology⁵), and a protection monitoring and response project implemented by UNHCR with NRC, whilst enhanced community participation remains key to UNHCR's work in Georgia. In Abkhazia, vocational training,



IDP women making bed linen to sell using machines bought with UNHCR grants

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⁵ Age, Gender and Diversity Mainstreaming aims to promote gender equality and rights of all persons of concern of all ages.

teacher training, rehabilitation of schools, farming support, information and consultation services for HIV / AIDS, GBV and reproductive health are all part of community-based work in villages aimed at confidence building at grass roots level. In Shida Kartli district, community integration and empowerment is promoted by UNHCR in cooperation with WVI and IRC through the creation of social community centres, initiative groups and communal washing facilities in the new housing settlements. In Zugdidi and Shida Kartli districts, IDP and local populations are involved in joint community projects aimed at integrating the new residents into the framework of income-generating projects implemented by PU.

- **Basic and Essential Services:** Following the August 2008 conflict, UNHCR's initial overall emergency objective was to ensure newly displaced people received shelter, protection and humanitarian assistance through *inter alia* temporary supply of firewood and NFIs, psycho-social aid, and rehabilitation of buildings / collective centres (either through 'quick fix' repairs or winterization work). A joint cash assistance project by WFP, UNICEF and UNHCR addressed their clothing and supplementary food needs for a short period in early 2009. The Government's response was equally pro-active, result oriented and swift with new settlements constructed during the winter (although not to international standards). Considerable work, however, is needed to turn these new settlements into 'homes', with trees (vital for shade during searing summers), schools, shops and other amenities to avoid these new 'villages' (particularly those in remote areas) becoming places of despair, depression, crime and social unrest.
- Progress has been made in mainstreaming IDP children into state schools with segregated IDP schools gradually closing. IDPs receive from the Government a modest cash assistance (doubled in context of the spring 2008 Presidential campaign), provision of free electricity in collective centres, protection against arbitrary eviction from collective centres, and having periods of displacement included when calculating their pensions. Nevertheless, the living conditions of many pre-2008 conflict IDPs remains deplorable: 45 % of IDPs reside in 1,528 collective centres which are often of substandard conditions and poorly maintained, and some 70% of these collective centres do not meet minimum standards lacking adequate access to clean water, proper insulation and functioning sewage systems. Projects are underway to rehabilitate this accommodation and UNHCR is strongly advocating that this work is finalized before the Government carry out privatization (i.e. granting property ownership to the IDPs).
- UNHCR remains focused on the most vulnerable IDPs (mainly elderly, handicapped people, and, single headed female households) whose special needs are not really acknowledged or addressed by the Government and, UNHCR and SDC are pursuing a social housing scheme providing 'foster family homes' administered and maintained by local town authorities.



Chechen children are taught traditional dancing

Refugees and Asylum-Seekers

- **Background:** The majority of refugees in Georgia originate from the Chechen Republic of the Russian Federation and they fled to Georgia during the second Chechen war in 1999. They mainly live in Pankisi Valley (around 100 live in Tbilisi) and they are ethnic Chechens (35%) and Kists (63%) - the latter are Chechens indigenous to Pankisi who are closely related culturally, linguistically and ethnically to Chechens from the Russian Federation. They are of Muslim denomination and traditionally follow a rather liberal way of Islam (although

during the last decade a more fundamentalist approach has gained influence in the valley). Most refugees have completed secondary education while those originating from Grozny tend to be more educated, with some having university degrees. Granted refugee status on *prima facie* basis, the number of registered refugees declined primarily due to two voluntary repatriation movements (2006 and 2007) to Chechnya organized by the Russian Federation.

- Strategy:** A comprehensive protection gap analysis for refugees (March 2008) and an in-depth study on refugee livelihoods (April 2008) fed into national consultations between governmental, international and national partners which reached consensus on key protection challenges including gaps in legislation, refugee status determination procedures, health and education as well as refugee self-reliance. These studies also confirmed that local integration is their preferred durable solution, which necessitates efforts to address their legal, economic, social and cultural concerns. The integration strategy for Chechen refugees is twofold: socio-economic integration (facilitated by income generating activities and durable housing) and legal integration (through registration, documentation, provision of secure status and concluded by naturalization). A successful outcome of this strategy should enable UNHCR to phase-out from this programme in 2011. Resettlement is only sought for a small number of refugees with specific protection needs.
- Favourable Protection Environment:** Following ongoing advocacy and lobbying by UNHCR, registered refugees have received two important documents from the Government of Georgia: in 2007, the Temporary Residence Permit (valid for three years) which serves as an identity card for internal use and provides access to certain rights and services and, in 2009 the Convention Travel Document for external (i.e. travel) purposes. Valid for two years, this document indicates that the holder of the document is enjoying protection as a refugee in Georgia and can be re-admitted back into the country following travel abroad for reasons such as educational study, business purposes, visiting relatives, etc. The former requirement of a ten-year uninterrupted stay in Georgia before applying for citizenship has been reduced to five-years following successful lobbying by UNHCR. Legal integration will depend on the success of a pilot project for naturalization started in autumn 2009. If successful, UNHCR will continue, in close cooperation with CRA and MRA, to handle naturalization obstacles for individual cases. UNHCR continues to lobby for refugees to be included in national systems such as health care and insurance.
- Fair Protection Processes and Documentation:** UNHCR supports and strengthens the capacity of MRA to better monitor the situation and provide assistance to refugees, and the quality of government RSD has improved especially now MRA allows UNHCR to 'shadow' their RSD interviews providing on the spot advice and country of origin information (which has enabled UNHCR to discontinue an earlier practice of conducting parallel mandate RSD). UNAG, in collaboration with UNHCR, is increasing public awareness about UNHCR and refugee rights through training sessions and workshops. Legal counseling for refugees and asylum-seekers is necessary to assist them in the national asylum system and it is available through two local lawyers in the NRC community centre in Duisi village (in the centre of Pankisi Valley), as well as other villages in the area (there is also advice about running small business). UNHCR is working on strengthening the national legislative framework for asylum-seekers in line with international standards through revised refugee legislation which is currently being drafted with UNHCR support. Following its adoption, UNHCR will continue providing capacity-building and technical assistance to support full implementation. Reception standards are currently poor, with asylum-seekers accommodated in over-crowded conditions in a temporary reception centre. A more permanent centre is being constructed together with MRA and is due to open early 2010.
- Violence and Exploitation:** The general security situation has improved significantly over the past decade although feuds between families remain a security issue for refugees and locals alike. There is no precise data on Gender Based

Violence, however profiling exercises, participatory assessments and NGO reports all indicate wide-spread incidents. A safe-house has been created in Tbilisi for women and children in life threatening situations.

- **Basic and Essential Services:** Within the Pankisi Valley, adequate accommodation is being supplied; the water system overhauled (to the benefit of refugees and host community alike); primary health care services provided (including maintaining three dispensaries and rehabilitating part of Akhmeta hospital) with emergency medical referrals to Akhmeta and / or Tbilisi; educational support, such as renovation of schools, incentives to improve attendancy, training refugee teachers, mainstreaming refugee schools and kindergartens, and granting university scholarships (DAFI programme); income-generating activities (which now supply between 25-70% household income for over half the refugee population); a monthly cash allowance with vulnerability-based supplements for elderly people, undernourished children, and other refugees identified with specific needs; psycho-social counselling for both children and adults. Assistance is being given to refugees applying for Georgian naturalization *inter alia* through income-generating projects but also with a local integration housing programme.
- **Community Participation and Self-Management:** The Coordination Council of Chechen refugees in Georgia (CRCC), founded with UNHCR assistance and registered in 2007, was a break-through as it was the first Chechen refugee organization that succeeded in obtaining formal registration. It is fully operational and represents refugees in various fora, including regular coordination meetings with implementing partners, briefings for refugees, National Consultations in the framework of the SPCP process, and selection committee for income generation projects. Many refugees are psychologically debilitated, particularly those (20%) who have lived in collective centres for many years. A UNHCR / NRC community centre established in Duisi (2002) is equipped with library, a TV room for viewing major Russian TV channels, newspapers in Russian and Georgian, and a café, and has become a centre where CRCC supports the organizing of sport, cultural and recreational activities. Various training events (computer, English language, sewing, music/dancing, national arts and crafts, cooking) take place all year long in the centre, and the participation of refugee women in community affairs has been particularly enhanced through the creation of independent women clubs in several Pankisi villages.

Statelessness and Stateless People

- **Background:** UNHCR is promoting accession to and implementation of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness to ensure a legal framework which will avoid and reduce cases of statelessness. There is a known link between statelessness and potential refugee flows, though clearly not every stateless person is a refugee, and between 300-400 of the Chechen refugees are also stateless. The full extent of statelessness in Georgia is not yet known, but currently there are three groups of people who are either stateless or at risk of being stateless, and one group of potentially stateless people who may return to Georgia: (a) persons who have never had their birth registered (to give an indication of the possible magnitude of this problem, in 2008 CRA identified 2,538 people just in Kvemo Kartli who did not have birth certificates, and an additional 2,515 in 2009 in Kvemo Kartli and Kakheti⁶); (b) IDPs who lost their identification papers during the August 2008 conflict (2,500 were initially identified by CRA and are now being processed); and (c) *de jure* stateless persons residing in Georgia on the basis of residence permits (around 1,600 persons). Meskhetians, the last group of possible concern, may return to Georgia (following their forced displacement in the 1940s) and be at risk of becoming stateless under the present Georgia law governing their return, whilst some may already be currently stateless at the place of their current residence.

⁶ Mainly ethnic Azeri families living in Kvemo Kartli and Kakheti (Sagarejo district) regions who do not understand the importance of registering their children and, with an average family size of around seven people, this constitutes a substantive problem.

- **Strategy:** UNHCR is pursuing a three-pronged strategy: providing direct support to stateless people and those at risk of statelessness to obtain identity documents; identifying and advocating for changes to be made to national citizenship legislation; and supporting government ministries which hold responsibilities linked to nationality upgrade and helping them streamline their procedures, including the Ministry of Justice Civil Registry Agency (CRA), the Ministry of Foreign Affairs (MFA) and Ministry of Refugees and Accommodation (MRA).
- **Favourable Protection Environment:** In 2007 UNHCR became heavily involved in statelessness issues in Georgia and commissioned three legal studies which raised awareness on existing gaps in the legal framework and led to the first concrete steps towards a coherent government strategy addressing statelessness and citizenship issues. Like many post-Soviet countries in the process of (re-)establishing their identity, the Constitution of Georgia, strictly follows the 'single citizenship' principle, and only recently was the possibility of a waiver introduced allowing dual citizenship. In 2008 a joint UNHCR-UNICEF project was launched with CRA to investigate and analyze the situation in six regions, whilst in two regions action was undertaken to improve the archives for civil acts registration, process applications for registration of undocumented children and adults, and documents for naturalization, provide legal advice free of charge, and raise awareness among the population of concern. In 2009, these activities were extended to cover six regions. UNHCR is also analyzing legislation on citizenship and possible amendments.
- **Fair Protection Processes and Documentation:** A joint UNHCR-UNICEF birth registration project, implemented by Legal Development and Consultations Group, has been running awareness raising campaigns, including a short documentary about birth registration. UNHCR successfully lobbied for simplified procedures to establish 'legal facts' and the Court is no longer involved when issuing birth certificates to children over one year. CRA, UNHCR's key government partner in addressing statelessness issues, is now present in all major cities and regions of the country (under the control of the Georgian Government) and, following significant support from the international community including UNHCR, the CRA is fast becoming one of the most modern and technically best equipped government agencies. UNHCR funded and assisted the Ministry of Foreign Affairs in publishing a brochure on citizenship, naturalization and migration issues to raise awareness on statelessness within the population of concern, and reduce and prevent



IDP household, displaced by August 2008 conflict, outside new government-built house, Shida Kartli region; UNHCR / L. Foster

statelessness both in Georgia and abroad (i.e. for Georgian citizens living outside the country). UNHCR's awareness raising and lobbying efforts have resulted in many high-level governmental stakeholders now being well aware of statelessness issues in their country. Nevertheless, UNHCR remains concerned about the future implementation of legislation on Meskhethian repatriation which risks creating interim statelessness when a repatriate renounces original citizenship prior to acquiring Georgian citizenship.

- **Basic and Essential Services:** Stateless people living in Georgia suffer from the same difficult economic situation and transitional challenges as the rest of the country's population.