

Regulation of the Government of Georgia

N Tbilisi October 2010

On Approval of Modalities for Engagement of Organizations Conducting Activities in the Occupied Territories of Georgia

Article 1

Under the law of Georgia “On Occupied Territories,” “Modalities for Engagement of Organizations Conducting Activities in the Occupied Territories of Georgia” shall be approved.

Article 2

This regulation enters into force upon its promulgation, except for Point 3 of Article 7 (concerning Neutral Travel Documents) of the Modalities for Engagement of Organizations Conducting Activities in the Occupied Territories of Georgia. Point 3 of Article 7 (concerning Neutral Travel Documents) of the Modalities for Engagement of Organizations Conducting Activities in the Occupied Territories approved by this regulation shall be in force after appropriate legal amendments are made.

Prime Minister

Nika Gilauri

Approved by
Regulation N ...
of October 2010 of
the Government of Georgia

Modalities for Engagement of Organizations Conducting Activities in the Occupied Territories of Georgia

Article 1

The Government of Georgia welcomes and fully acknowledges the importance of engagement of international and domestic organizations and the international community in Abkhazia and the Tskhinvali region/South Ossetia, in conflict resolution and transformation, as articulated in the Action Plan for Engagement.

The Government of Georgia, considering people residing in the occupied territories as its citizens, constitutionally commits itself to provide them with access to all benefits guaranteed to any citizen of Georgia.

To this end, the Government of Georgia has developed the “State Strategy on Occupied Territories – Engagement through Cooperation” (Order N107 of 27 January 2010), and “Action Plan for Engagement” (Order N885 of 3 July 2010), which are directed towards improving the welfare of the populations residing in Abkhazia and the Tskhinvali region/South Ossetia, ensuring enjoyment of the rights as are guaranteed for the rest of Georgia’s population, and restoring relationships between members of divided communities.

The law of Georgia “On Occupied Territories,” adopted on 23 October 2008, with amendments responding to recommendations of the Venice Commission in February 2010 empowers the Government of Georgia to agree on implementation of those programs and projects in the occupied territories that meet humanitarian needs and promote confidence building.

By normative act of the Georgian Government (Regulation N219 of 12 November 2008 of the Government of Georgia, changes added by Regulation N180 of 3 July 2010 of the Government of Georgia) the Government of Georgia may, by its order, allow for implementation of activities in the occupied territories otherwise prohibited by the law of Georgia “On Occupied Territories,” whereas the State Minister of Georgia for Reintegration shall agree on activities falling within the scope of the “Action Plan for Engagement,” which shall be formed by his/her order.

Article 2 – Objective of “Modalities”

The objective of the present “Modalities” is to ensure the creation of a transparent, effective mechanism for coordinating activities in the occupied territories within the scope of the Action Plan for Engagement. To this end, the Government of Georgia supports and endeavors to create favorable conditions for organizations operating there. Any activities carried out in the occupied territories shall be based on constructive dialogue between the Government of Georgia and the parties involved.

Article 3 – Definition of Terms

1. “Occupied territories” – territories as defined by Article 2 and point 2 of Article 10 of the law of Georgia “On Occupied Territories.”
2. “Emergency humanitarian assistance” – any activity securing the right to life of the population, in particular providing food, potable water, medicines, and items of prime necessity.
3. “Non-exempt activities” – any activity within the scope of the Action Plan for Engagement that falls under paragraph 1 of Article 6 of the law of Georgia “On Occupied Territories.”
4. “Proposer” – any party submitting a notification or project description under Article 4.1.b.ii of this regulation; when a project description is submitted jointly, all parties to the project description share responsibility as the “proposer,” as applicable.

Article 4 – Modalities on Implementation of Activities in the Occupied Territories

1. In order to facilitate the conduct of activities in the occupied territories within the scope of Georgian legislation and to avoid misunderstanding, the following modalities have been established:

1.a. Modalities of engagement for international organizations and implementing partners to render emergency humanitarian assistance in the occupied territories of Georgia:

1.a.i. International organizations*, for rendering emergency humanitarian assistance in the occupied territories of Georgia, shall notify the Office of the State Minister of Georgia for Reintegration (SMR) by completing a notification form as defined by the First Annex of the Regulation.

* Considering the mandate of the International Committee of the Red Cross (ICRC) and its principles of action, activities carried out by ICRC are not regulated by the present Modalities.

1.a.ii. Under exigent circumstances, international organizations shall have the right to render emergency humanitarian assistance in the occupied territories without completing a notification form as indicated in Article 1.a.i of this regulation. The obligation to notify shall remain, and it shall be completed within the shortest possible time after implementation of emergency humanitarian assistance.

1.b. Modalities for international organizations and implementing partners to agree with the Government of Georgia on carrying out non-exempt activities in the occupied territories of Georgia:

1.b.i. International organizations conducting activities in Georgia based on agreements with the Government of Georgia shall notify the SMR about the project by completing a notification form as defined by the Second Annex of this Regulation.

1.b.ii. Implementing partners shall complete a notification form as defined by the Third Annex of this Regulation and shall submit to the SMR a project description and proof of registration.

1.c. Implementing partners may submit a project description jointly with their donor(s). If the implementing partner is a local organization in the occupied territories that is unable to register according to Georgian legislation, its donor(s) shall act on its behalf in notification and project-description submission.

2. The SMR shall have 21 working days to issue an objection to a project at issue. If it does not object, it will issue notification by an Order of the State Minister of Georgia for Reintegration.

3. If the proposer does not receive a written objection within a period of time as provided for by point 2 of this article, then the proposer may proceed with project implementation.

4. If a project notification is incomplete, the SMR shall set a time-limit not exceeding ten working days to the proposer to remedy the shortcomings. The proceeding is considered to be suspended within the mentioned period.

5. If a project's complexity requires additional information, the time-limit as established by point 4 of this article may be extended by ten working days. The SMR shall notify the proposer in writing of the extension.

6. Any proposer may in advance hold preliminary consultations on activities to be implemented with the SMR.
7. If the SMR issues an objection to a project, it will confer with the project proposer's donor organization(s) to resolve the matter. In case donor organization(s) refuses to participate in discussion process, project proposer shall be given an opportunity to meet with the representatives of the SMR itself to resolve the issue.
8. A proposer may appeal a sustained objection in court according to current legislation.
9. If a proposer requires a license, registration, or other permit under Georgian law the SMR shall facilitate the obtaining of the required license, registration, or permit by offering appropriate consultations.
10. An organization carrying out activities in the occupied territories of Georgia shall provide a progress report to the SMR every six months, from the launching of the project. If the donor is an international organization or an international-development agency, then the donor may report jointly with the implementing partner or may take sole responsibility for reporting. If the project has multiple donors and they are to be engaged in reporting, then they shall designate one of the donors as the responsible counterpart for this purpose.
11. The State Minister of Georgia for Reintegration shall inform the Government of Georgia regarding activities to be implemented in the occupied territories.

Article 5 – Advisory Board

1. For effective coordination, the Office of the State Minister of Georgia for Reintegration will consult with donors annually regarding general policy and priorities of projects in the occupied territories.
2. For effective information sharing, the SMR will meet every six months with representatives of project-implementing organizations for exchanges of information and consultations.
3. Any party can demand an ad hoc meeting with the SMR and other parties.

Article 6 – Criteria for Assessment of Activities To Be Implemented in the Occupied Territories

A project will be assessed against several criteria. Projects should satisfy those criteria that are appropriate to their scope and purpose.

- a). Project is in line with Georgian legislation, the State Strategy on Occupied Territories, the Action Plan for Engagement, and international law.
- b). Organization has a goal to promote conflict settlement and conflict transformation.
- c). Project objective is to assist in peaceful conflict resolution, to restore confidence between members of communities divided as a result of the war, to protect human rights, to promote repatriation of internally displaced people, or to improve livelihoods of war-affected populations.
- d). Project promotes restoring relationships between people and, to this end, engages the population currently residing in the occupied territories and the population expelled from those territories.

e). Project is implemented in the occupied territories in cooperation with local voluntary associations. Project should illustrate why it is more valuable and advantageous as compared to other similar projects. It should also show expected results.

Article 7 – Special Regulations

1. While implementing projects, all representatives of any organization (except as provided for by the law of Georgia “On Occupied Territories”) shall enter the occupied territories from the directions established by the law of Georgia “On Occupied Territories.”

2. Terms used in project documents should employ conventional Georgian usage and transliteration into foreign language.

3. If a project entails taking people residing in the occupied territories outside the borders of Georgia, travel for these people should be exercised either by a foreign passport of Georgia or by a Neutral Travel Document.

4. Any financial operation/transaction shall be exercised in accordance with the legislation in force.