Economy

Land expropriation is rampant in Svaneti

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Lands are expropriated and rights of honest owners violated in Georgian highland village Mestia after government decided to make it a tourist haunt.

One cannot make an omelet without breaking eggs. The pet project of Georgian government to develop tourist potential of Georgia goes ahead at the expense of outrageous property right violation of local landowners everywhere government aims to develop tourist zones.

Absence of concrete legal regulations for the protection of citizens' property rights, mechanisms of respective compensation for the injured persons, and a uniform state policy on "resettlement" in general, as well as the non-awareness of citizens of their own rights and obligations enables interested parties to breach property rights through improper application or interpretation of law.

To raise awareness of local population and make the land expropriation cases public Open Society – Georgia Foundation (OSGF) supported four non-governmental watchdogs including Transparency International – Georgia, Georgian Young Lawyers' Association, Georgian Regional Media Association, and the Association Green Alternative to implemented a project on protection of property right in new tourist zones that was launched in 2011. The first report on violation cases in Ajara, the Black Sea Autonomous Republic of Georgia, was aired in this past April. The second report covering similar problem in Mestia was made public on July 12, 2011.

"Apart from positive effects transforming the territories into tourism zones have had negative effects like sacrificing interests of the local population. We would like to draw public attention to the infringement of property rights in order to prevent and eradicate such practices. We would like to propose recommendations to decision-makers to achieve the systemic solution of the question", Keti Khutsishvili, the OSGF Executive Director, said.

Although all the law-breach cases expose almost similar nature Svaneti distinguishes due to its special traditions and landscape.

Svaneti locals own real estate for centuries as the so- called "traditional ownership" and this property in most cases has never been registered. For centuries, the local population has owned property by inheritance and disposed land plots as distributed based on agreements between ancestors. Residents in Mestia have encountered special difficulties in registering traditionally owned land plots (covering approximately 80% of the Mestia district). The two grounds of the legalization of ownership rights prescribed under Georgian legislation - "arbitrary occupation" and "lawful possession" - in most cases, do not conform to the ownership form found in Mestia (and in Svaneti generally) - traditional possession.

However, after presidential declarations that Svaneti is to be transformed into tourist venues land registration cases became active since 2008 however absence of electronic cadastre map and the distance with the center whence from local population had to take professionals for land measuring works hindered the process.

Irrespective the expenses and difficulties Svaneti population started registration procedures but as the OSGF study showed, registration was hindered by artificial barriers set up by state agencies mostly by public registry branch based in Mestia. It rather misled people from the right track in order to linger the registration process as much as possible. As a result land plots in possession of the local population are being massively dissected and decimated due to various construction works. Citizens are deprived of legal chance to register their ownership rights to land plots their families have possessed for centuries and on which they have no documents required under law for registration purposes. And people whose lands were simply expropriated by alleged investors cannot get any compensation for they cannot back their claims by legal paperwork.

A list of mandatory documents to be submitted for the land registration purposes is in fact absent in mountainous regions, as a respective data base had never existed there. The high fees fixed under the legislation for land registration procedures and specificity of land possession considerably hinder the process of lands registration. For example registration of one land plot up to 500 sq.m costs minimum GEL152 which is a quite large sum for the local population with low income. Besides families in Mestia usually possess 3-4 or more land plots [like hay and pasture fields, as well as lands for ploughing and gardening] scattered in different places which increases costs for the law demands registration of all land parcels separately.

Investors connected with the top governmental officials and their relatives take an advantage out of the legal gap and embezzle property in fact.

Infrastructural projects like airport, ski-run, cable-way, hotels designed and implemented in Mestia have been mostly carried out on expropriated land plots. No compensation was disbursed to abused people because they simply lack the legal papers on their property right. For instance, as a result of the construction of Hatsvali skiing

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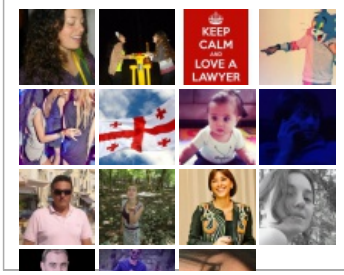


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complex, at least 20 families are unable to register land in ownership and get compensations.
The Mestia Public Registry practices kind of “selective justice”. On the one hand it imposes restrictions on a so-called “forbidden” registration zone that based on all legal norms subdue to registration of their traditional owners. On the other hand it registers parcels the “forbidden” zone for privileged people like a son of Kandid Kvitsiani MP, who built a hotel on the questioned plot.
Georgian NGOs hail government to make registration rules simpler and available in Svaneti and involve local population of decision-making process of the underway tourist infrastructure development project.

Author: Nino Patsuria

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