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Backgrounds of Illegal Construction on Urban Land in Georgia

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Today cities of Georgia expose all the examples of historical processes of urban planning and construction activities

Historical Background - Soviet period

- Urban Planning sector was highly ideological during Soviet period**
- Territorial developments were planned from “above” and were far from reality**
- Housing estates were built up to satisfy only social norm of housing, ranging from 3 to 11 square meters per person, thus flats were designed with very small rooms and additional facilities and there was always need for additional space**
- Homo-soviet was not owner, thus had no sense of rights and responsibilities**
- Urban development as a social science and as a discipline was highly ideological, totally ignoring social factor and was represented only in central university in Moscow.**
- Nevertheless every centimeter of land had status and plan**

Historical Background – Post Soviet period until 2003

- Georgia's independence turned country from planned to market economy in early 90-ies of last century
- New realities characterized to the market economy were not met with local balanced and thought conditions
- New subjects of urban sector came into the arena: owners, developers, private companies. They were not oriented where, how and when to implement construction activities
- Country faced two civil wars in early 90-ies which led to the migration of huge amount of IDPs from conflict regions into the big cities, where they faced problems to have shelter, even not appropriate for living
- Change of formation laid background for the re-distribution of property – first generation privatization (from state to owners) was carried out in a very chaotic manner based on personal interests of different level authorities
- Second generation privatization processes remained also uncontrolled

Legislation and Institutional Framework

Normative background for urban planning and construction still needs completion and improvement.

In 1989 Government of Georgia adopted decree on “Extension of existed multifamily housing by the additional construction”



In 1992 Government tried to stop process of additional constructions by another decree, but it did not work.

Phenomena of “additional construction” was very active for many years, becoming more and more illegal. On the basis of this normative act multi-flat houses turned into the slums

Legislation and Institutional Framework

Some normative acts forced appearance of illegal constructions

Civil Code of Georgia, item 208 states: “. . . Individual property should be only on isolated flats and other isolated parts of building. Places for parking should be counted as isolated if their borders are shaped after using the place for certain period”



This statement provoked the mass construction of garages in parks, common yards, children-play areas. Most of them are illegal.

Legislation and Institutional Framework

Institutional set-up dealing with illegal settlements and construction is too weak to prevent them

On municipal level in construction activities are involved:

- **Office of Chief architect of municipalities** (permits, planning regulations)
- **Architectural-construction inspection- General Inspection** (construction monitoring, reveal and sanctioning illegalities, dealing with court)

Municipalities are granted to develop local plans, zoning schemes, master plans and all planning related documentations

On the other hand municipalities (except very few) lack money. Most of their budget goes to cover regular expenditures (salaries, social needs, heating for public schools and kindergartens, operational costs of infrastructure etc)

Process of creating illegalities

unfair and illegal privatization of land (including land in parks, public areas, recreational zones)



corruption to receive construction permit (especially where it is not allowed by the legislation)



not to follow received permit conditions during the construction process



corruption to overcome inspection and monitoring of construction



corruption to overcome court decision and/or execution if illegalities were fixed by the inspection office

According to the data from the Main Architectural-construction Inspection in 2004 among 277 inspected constructions 34% were illegal, among them 58,5% - without architectural-construction design project and 29,5% - without construction permit

Urban Planning documentation

Most of cities of Georgia have outdated Mater-plans (some even from soviet period) and soviet period construction norms

State lacks such an important documents as: concept of urban development, settlement policy, housing policy etc

Development of cities are mostly carried out by private sector which in turn is egoistic as everywhere

Reasons for illegal construction before 2003

- *ineffective and weak normative database*
- *absence of urban planning documentations*
- *high level of corruption*
- *weak regulation*
- *insufficient monitoring and sanctioning systems*
- *very low salaries of civil servants*
- *problems with court decision executions*
- *low level of public participation*



Initiatives after 2003

- *fighting corruption at all level and rising salaries for civil servants at all levels*
- *restructuring institutional set-up for licenses and permits*
- *starting to elaborate master-plans*
- *adopting new laws and other normative acts*
- *strengthening punishment and sanctioning systems for both: civil servants and developers*
- *activating state participation in construction and development processes – investing budgetary money and attracting investors*
- *establishing moratoriums on certain territories*
- *demolishing the very obvious illegalities*

Problems existed

- *ugly cities*
- *complicated infrastructure and communications*
- *loses in state and local budget (from sanctions, from proper privatization etc)*
- *unsafe constructions*
- *disappeared recreational, green zones and parks*



Sociological investigation

“What are most preventing problems in architectural-construction activities” (2004)



Actions to be taken

developing systematic approach to the problem

- ***drafting legislation***
- ***strengthening institutional support***
- ***elaborating urban planning documentations for the cities***
- ***choosing several options for illegalities based on individual case (demolishment, legalizing, reconstructing)***
- ***developing the sanctioning/punishment system and strengthening monitoring system***
- ***encouraging public participation in processes***

Thank you for your attention!