



Caucasus Institute for Peace, Democracy and
Development

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Policy brief

The development of Tbilisi and private property

Description of the problem

Urban development, like any other planned “development”, naturally leads to conflicts between public and private interests. The latest events in Tbilisi are a good case at point. Citing the need for urban development, local authorities began dismantling “illegal” and “ugly” buildings and houses, allegedly in violation of private property rights. The problem is complicated by the fact that in the 1990s there was no urban planning in the city at all, and business and political development took place in the “state of nature”. The current government, both on the national and municipal levels, which has promised to “strengthen the state and restore law and order”, is trying to correct all past mistakes and steer clear of assuming legal or moral responsibility for “legalising illegal deals”. Under such circumstances, as critics of the government point out, several problems are likely to emerge:

1. **The problem of continuity** – as the legal successor of Shevardnadze’s government, the current authorities must accept responsibility for all liabilities of its predecessor, just like it has to comply with any ill-judged and odious international obligations.

2. **The problem of stability** – there may be good ground for presuming that any successful business or private property, which dates back to Shevardnadze time, had been linked with some illegal deals. That makes the issue of amnesty absolutely crucial: the state and business should start new relationship from a clean sheet. Without such an amnesty, there will be no sense of stability in the business community as well as in the society in general, while the government can be always accused of arbitrary and selective approaches.

3. **The problem of trust** – the above-mentioned is especially important for winning public confidence and developing social capital. Otherwise, there will be always a danger that any full or partial replacement of the government, or even personnel changes in the cabinet, may lead to transforming its priorities and lead to endless efforts to “correct past mistakes”.

Policy brief is produced by the **Caucasus Institute for Peace, Democracy and Development** in the framework of one of its latest initiatives, which aims at setting up effective mechanisms for assessment and analysis of the ongoing political processes.

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Recommendations

Naturally, it would be ill-judged to call the government for inaction, or for legalising illegal property in such a way that hampers urban development in the capital. But it is also natural that the recent events have alarmed the public and raised the question of how effectively private property is protected in the country. To allay such concerns, the municipal government should apply several key principles when addressing the above-specified problems:

1. **Rule of law** – the respect for law and strict implementation of all legal provisions must be given top priority. If the current legislation is thought to hamper timely solutions of problems, efforts should be made first to amend the law.
2. **Process planning** – any particular steps, especially those concerning private ownership rights, must be based on principles and regulations clearly defined in advance. This should include principles and regulations concerning alternative options and restitution.
3. **Transparency of procedures** – procedures that guide planning and implementation processes must be clear and understandable, and the public and the business community should have a voice in determining them. It must be clear, for instance, which agencies may decide whether a particular building is “ugly” – and based on what criteria.
4. **Communication with the public and with owners of private property** – constitutes an especially serious problem. In fact, the current practice is that the government explains its actions to the society, and to every owner, only post factum.



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