



**Resolution 1648 (2009)<sup>1</sup>**

## Humanitarian consequences of the war between Georgia and Russia

Parliamentary Assembly

1. The Parliamentary Assembly, referring to its [Resolution 1633 \(2008\)](#) on the consequences of the war between Georgia and Russia, considers that one of the immediate priorities is to deal with the humanitarian consequences of the war.
2. Following the breakout of war in August 2008, it has been estimated that 133 000 persons were displaced from South Ossetia, the so-called “buffer zone” and Abkhazia into the rest of Georgia. According to estimates from the Russian authorities, over 38 000 South Ossetians sought refuge in North Ossetia.
3. Since August 2008, about 100 000 internally displaced persons (IDPs) in Georgia have returned to their homes, mostly in the former so-called “buffer zone” with South Ossetia. There remain approximately 23 000 persons with little prospect of early return. Of those who fled to Russia, all but about 2 000 persons have returned to South Ossetia. The return of these refugees from the Russian territory is delayed because of the destruction of their housing during the conflict.
4. Notwithstanding the large-scale return of persons after the conflict, considerable concerns remain about the humanitarian situation and human rights of those who have returned, those who cannot return and those who remained despite the serious security problems.
5. Hand in hand with the plight of these recent IDPs and refugees, continuing concerns exist for 222 000 IDPs from earlier conflicts and refugees, whose long-term plight remains in urgent need of a solution.
6. There are still concerns about all acts which could contribute to ethnic cleansing of Georgians from the conflict areas and areas of occupation.
7. The number of missing from the recent conflict remains unclear.
8. The situation in South Ossetia remains extremely complicated for the civilian population. They are cut off from the rest of Georgia, with little or no access to international humanitarian aid and human rights monitoring. They are facing great hardship during the winter months, due in particular to shortages of food and non-food items, electricity and gas. For those with damaged or destroyed houses the situation is even more difficult. For the few ethnic Georgians remaining, the security situation remains delicate and they are reportedly under increasing pressure to renounce their Georgian passports and their Georgian identity.
9. The situation in the former so-called “buffer zone” remains tense, with persons continuing to be killed by sniper fire, mines, unexploded ordnance and booby traps. While the rapid deployment of the European Union Monitoring Mission (EUMM) has allowed many persons to return to their homes in the former so-called “buffer zone” before the onset of winter, the mission needs a stronger mandate and greater manpower to cover the security needs of all those close to the de facto border with South Ossetia. The closure of the Organization for

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1. *Assembly debate* on 28 January 2009 (5th and 6th Sittings) (see [Doc. 11789](#), report of the Committee on Migration, Refugees and Population, rapporteur: Mrs Jonker). *Text adopted by the Assembly* on 28 January 2009 (6th Sitting). See also [Recommendation 1857 \(2009\)](#).



Security and Co-operation in Europe's (OSCE) Mission to Georgia and the bringing to an end of its valuable monitoring activities is highly regrettable and puts even greater responsibility on the EUMM to strengthen its mandate and presence.

10. There are grave concerns for those remaining in the Akhlagori district. Approximately 5 100 persons have already fled this region and there are fears that even more people will leave due to the lack of security combined with the harsh winter conditions and the lack of food and non-food items, gas, heating and financial assistance and income.

11. Large numbers of IDPs have returned to the former so-called "buffer zone". The Assembly notes with concern that some of these returns have been made at very short notice with little information and choice being given to IDPs as to their return, compromising the right to voluntary return in safety and in dignity. Reportedly 100 returnees have left their homes a second time in view of the unsatisfactory security situation in some areas of the former so-called "buffer zone".

12. The situation of those Georgians who returned to the Gali region remains precarious. The closing of the de facto border with the rest of Georgia has had a great impact on the population in this region. It has become increasingly difficult for the population to maintain family contacts, sell their produce, have access to health care or pick up financial entitlements on the other side of the de facto border.

13. The security situation in the Gali region also remains tense, with persons reluctant to leave their homes after dark. There continue to be reports of intimidation. Furthermore, steps continue to be taken to stop teaching in the Georgian language in schools in the lower Gali region. The cumulative effect of these factors, the lack of security and the fear that international organisations may pull out from the region will contribute to more and more persons leaving the region and crossing the de facto border into Georgia. If the border remains closed, a major movement of the Georgian ethnic population can be anticipated.

14. The United Nations Observer Mission in Georgia (UNOMIG) is in the process of renegotiating a mandate for its presence in Abkhazia following the nulling and voiding of the Moscow agreement on which its mandate was based. UNOMIG plays an extremely important role in Abkhazia and in particular in the Gali region and the Kodori Valley where its regular patrols in the countryside provide some welcome security for the local residents.

15. There are also great concerns over the future of the 1 500 persons who fled the Kodori Valley when it was occupied by the Abkhaz forces in August 2008. Approximately 100 persons have remained in the Kodori valley and although the International Committee of the Red Cross (ICRC) and the United Nations High Commissioner for Refugees (UNHCR) have had access to them, they are likely to face an extremely difficult winter. The de facto authorities in Abkhazia render assistance to civilians who have remained in this territory.

16. The Assembly welcomes the role played by the Council of Europe Commissioner for Human Rights and his six principles for urgent protection of human rights and humanitarian security drawn up after his August 2008 visit.

17. The Assembly welcomes the overwhelming international response to the humanitarian and protection needs of the IDPs in Georgia. US\$4.5 billion have been pledged as a result of the Georgian Crisis Flash Appeal and the Joint Needs Assessment put together in the aftermath of the war. It commends the many international organisations and non-governmental organisations that have moved swiftly to support the Georgian population and Government.

18. The Georgian Government has shown a strong commitment to tackling the humanitarian issues its population is facing, learning from mistakes made following previous conflicts.

19. The government has moved quickly to provide durable solutions for those IDPs who have little or no prospect of return in the near future. The building of over 6 000 small, two-bedroom family houses can be welcomed, notwithstanding that there are criticisms over the location of these houses, away from basic amenities and in areas with few economic prospects. There are also concerns about the lack of clarity of the criteria for the allocation of such housing. The government has also taken urgent steps to winterise 137 collective centres for IDPs with assistance from many international actors.

20. Other important steps taken include assistance for the most vulnerable and those with psychological problems arising from the conflict. Schools in Georgia, including in the former so-called "buffer zone", have been re-opened and are functioning and school supplies have been distributed to the children. Free primary medical aid has been provided but needs to be extended over the winter.

21. The Assembly also recognises the generous response of Russia to the needs of the refugees from South Ossetia and the assistance provided to them on their return to South Ossetia. However, it deplores the restrictions placed on the delivery of international humanitarian aid for the region and the insistence that all aid for South Ossetia be brought through Russia rather than through Georgia.
22. The Assembly deplores the fact that humanitarian access has fallen victim to political considerations by the parties to the conflict and is also concerned at provisions of the new Georgian Law on the Occupied Territories, which may restrict access and the delivery of humanitarian aid to all areas by humanitarian actors and may not be in line with, or even violate, relevant international obligations.
23. The Assembly also deplores that because of the restrictions imposed by the de facto authorities in South Ossetia on the entry into South Ossetia from the Georgian side, it was not possible for the Assembly to gather first-hand information on the situation of the population in this region.
24. In view of the above-mentioned considerations, the Assembly calls on Georgia, Russia and the de facto authorities in South Ossetia and Abkhazia to:
  - 24.1. abide unconditionally by international humanitarian and human rights law; and, in particular, respect their obligations and commitments under the 1907 Hague Convention (IV) on the Laws and Customs of War on Land, the 1949 Geneva Conventions and their additional protocols, and the European Convention on Human Rights (ETS No. 5);
  - 24.2. investigate and where appropriate prosecute all human rights violations and violations of humanitarian law promptly, independently and impartially, and allow the relevant human rights ombudspersons to carry out their own independent enquiries;
  - 24.3. ensure that reparations for violations of international human rights and humanitarian law are provided, including restitution of property and payment of compensation;
  - 24.4. provide immediate and unimpeded access at all times to all conflict areas for all humanitarian actors from either Georgia or Russia so that they may reach IDPs and other civilians at risk without further delay. They should refrain from any steps that may impede such access;
  - 24.5. ensure that all humanitarian aid and essential supplies are not cut off and reach persons in need. This includes gas and water supplies;
  - 24.6. guarantee the voluntary right to return of all persons displaced by the recent conflict and the earlier conflicts, ensuring that the return takes place in safety and in dignity. This right to return is the starting point of any sustainable solution to internal displacement and international humanitarian law obliges all parties concerned, once military action is over, to do their best to remedy the harm inflicted on civilians and ensure that refugees and displaced persons are safely returned to their places of residence;
  - 24.7. ensure respect for the right of IDPs, whether displaced recently or by earlier conflicts, to freely choose whether they want to return home, integrate locally or resettle in another part of the country, and take measures to allow the displaced to participate fully in the planning and management of their return, resettlement and reintegration;
  - 24.8. release and exchange immediately all prisoners of war and persons detained as a result of the conflict and exchange all mortal remains;
  - 24.9. ensure that all hostages are released and exchanged without delay and that the practice of hostage taking is criminally prosecuted and eradicated;
  - 24.10. solve the issue of missing persons both from the recent conflict and earlier conflicts, reconstituting, as necessary, the working commissions on all sides and co-operating closely with the ICRC;
  - 24.11. exchange information on mines and unexploded ordnance and remove, together with the assistance of the Halo Trust and other experts in the area, all remaining explosive remnants of war; ensure that all areas of danger are mapped, fenced and identified for the local population and that awareness-raising programmes on the dangers of these explosive remnants continue to be run for those at risk, whether they are civilians, police officers, members of the authorities or others;
  - 24.12. take measures to effectively protect the property left behind by IDPs from both recent and previous conflicts with a view to securing restitution of such property in the future;

- 24.13. respect responsibilities under the European Convention on Human Rights and also under the 1907 Hague Convention (IV). Under these standards, the parties concerned remain responsible for violations of human rights and humanitarian law in all areas under their de facto control;
- 24.14. agree on the strengthening of the EUMM to allow it to have a stronger presence and to have access to both sides of the de facto border zone and former conflict zones since occupied;
- 24.15. agree to the extension of the mandate of the EUMM to cover protection and possibly peace keeping on both sides of the de facto borders of South Ossetia and Abkhazia and other parts of the former conflict zones since occupied;
- 24.16. examine and adopt a new mandate for the OSCE's Mission to Georgia, and in particular a mandate allowing the OSCE to, *inter alia*, monitor both sides of the de facto border of South Ossetia;
- 24.17. take fully into account and implement the Council of Europe Commissioner for Human Rights' six principles for urgent protection of human rights and humanitarian security drawn up after his August 2008 visit to the region, and his follow-up recommendations.
25. The Assembly calls on Russia and the de facto authorities in South Ossetia and Abkhazia to:
- 25.1. guarantee the safety and security of all persons under their de facto control, not only in South Ossetia and Abkhazia but also in the occupied territories of the Akhagori district and Perevi, and in the Kodori Valley;
- 25.2. ensure that no further measures are taken which have the effect of forcing persons to leave their homes and homelands, contributing to ethnic cleansing;
- 25.3. prevent, protect against and stop ongoing lawlessness, including physical assaults, theft, intimidation, harassment, looting, kidnapping, torching and destruction of property, and prosecute all those involved in such acts;
- 25.4. support a new, enhanced, replacement mandate for UNOMIG in Georgia, including in Abkhazia and possibly also in South Ossetia, and allow the EUMM to carry out its mandate.
26. The Assembly calls on Georgia to:
- 26.1. improve the security of all those living in the de facto border and former conflict zones, including by increasing police patrols at night in the most sensitive areas and not just at de facto border posts;
- 26.2. improve the provisions of primary humanitarian aid, including food and non-food items and firewood, to villages in the former so-called "buffer zone" adjacent to South Ossetia;
- 26.3. adopt a revised strategy and action plan for IDPs from both recent and previous conflicts and ensure that assistance to both is provided on the basis of simple, rational, clear and transparent criteria of real need and vulnerability rather than status;
- 26.4. ensure that IDPs are systematically informed and consulted to allow them to make a free and informed choice as to whether to integrate locally, return or resettle on a temporary or permanent basis. Furthermore, mandated international organisations, such as the UNHCR, should be involved in the resettlement and return process;
- 26.5. guarantee that those who have not been displaced but who are experiencing problems as a result of the conflict receive appropriate aid;
- 26.6. continue to provide primary medical aid and psychological assistance to IDPs and returnees, and in particular take into account the needs of children;
- 26.7. take measures to ensure that internally displaced women and children do not become victims of trafficking or violence;
- 26.8. find solutions to alleviate the debt of IDPs who have lost their homes and their incomes and who have no means to repay their bank loans;
- 26.9. ensure the new Law on the Occupied Territories is not applied in such a way as to worsen the humanitarian and human rights situation of those persons living on the other side of the de facto borders of Abkhazia and South Ossetia or to impede humanitarian access in any way;
- 26.10. take fully into account the expert advice of the European Commission for Democracy through Law (Venice Commission) on the human rights compatibility of the new Law on the Occupied Territories;

26.11. improve the flow of information to IDPs about their rights and entitlements and allow them to participate in decisions affecting their future.

27. The Assembly calls on all member states and states with observer status with the Organisation to:

27.1. continue to provide support and commit resources in order to:

27.1.1. address urgently the acute humanitarian needs of the newly displaced, including but not limited to shelter;

27.1.2. support the most vulnerable, including children, the elderly, the sick, the disabled, single mothers, the infirm and the traumatised;

27.1.3. reach durable solutions for both the old and the newly displaced populations, with a clear protection component;

27.1.4. implement all the components of the Georgian Government's Action Plan for Internally Displaced Persons – with amendments, agreed by key international actors, to account for the newly displaced population;

27.1.5. ensure a smooth transition from emergency aid to early recovery and development aid for Georgia;

27.2. ensure the accountability and transparency of aid beneficiaries, whether this be the government, local authorities, international organisations, non-governmental organisations or others;

27.3. support the United Nations in negotiating a new mandate for the UNOMIG.

28. The Assembly calls on the European Union to ensure that the EUMM receives the necessary resources to carry out its mission and that:

28.1. the mandate of the EUMM is strengthened in accordance with emerging needs for protection and peace keeping;

28.2. the staff of the EUMM are fully trained in human rights standards;

28.3. patrols are provided with Georgian interpreters;

28.4. further offices along the de facto border are opened in order to allow patrols to reach all parts of the former so-called "buffer zone" within a reasonably short period of time.

29. The Assembly calls on the European Union to work on the expansion of the EUMM within the de facto borders of South Ossetia and Abkhazia.

30. The Assembly invites the Council of Europe's Development Bank to consider action with a view to assisting those affected by the conflict, including displaced persons and those displaced by the earlier conflicts, as well as contributing to reconstruction in the areas affected, including in South Ossetia and Abkhazia.