



Resolution 1916 (2013)¹

Final version

Georgia and Russia: the humanitarian situation in the conflict- and war-affected areas

Parliamentary Assembly

1. Over four years after the war between Georgia and Russia in 2008, the humanitarian consequences of the conflict remain a major concern.
2. While the emergency needs of internally displaced persons (IDPs) and refugees have been largely taken care of, there is a slow but sure freezing of the conflict as people's lives are being trumped by politics. This makes progress on the humanitarian front difficult.
3. The preoccupation on all sides with status issues, access across the administrative boundary line (ABL) and terminology issues poisons the possibility of progress on the humanitarian front. These issues are political in nature and should be secondary and not primary in any humanitarian discussion. Recent political changes in Georgia following the elections on 1 October 2012 provide an opportunity for a continued commitment to dialogue that respects the relevant resolutions of the Parliamentary Assembly.
4. One of the most important humanitarian issues is the right to voluntary return in safety and dignity for internally displaced persons and refugees. In reality, this right is largely ignored for most IDPs, although there are exceptions, to a certain extent, for those in the areas of Gali and Akhgori. It is important that avenues for return of all IDPs remain open, even if this needs to be on a step-by-step basis, and that the right of all displaced persons to voluntary return in safety and in dignity is respected in accordance with international law.
5. In terms of security, the situation remains tense, particularly for those close to the ABL, but not at the level which led to the 2008 war. A large Russian military presence, both in Abkhazia, Georgia and South Ossetia, Georgia, is seen in contradictory ways. On the one side, it is seen by Georgia and most of the international community as an occupation of part of the country by the troops of a neighbouring country. On the other, it is seen by the Russian Federation and the *de facto* authorities as a guarantee against renewal of the conflict. What is needed to restore security and long-term trust is not armies facing each other along the ABL, but a strong, non-partisan international peacekeeping and monitoring presence on both sides of the line.
6. The greatest humanitarian challenge facing the Georgian Government is the provision of durable housing solutions and livelihoods for IDPs. While the government is to be congratulated on many of its efforts in this area, many challenges remain, in particular in relation to the housing of IDPs in collective centres, private housing and even those rehoused, after 2008, in temporary settlements across the country.
7. The Assembly is concerned by the situation of ethnic Georgians in the areas of Gali and Akhgori. While these two areas are different, the issues affecting the local population are similar. Crossing the ABL for family, economic, health, education or other purposes remains problematic and uncertain. There are some positive indications that travel across the ABL could be improved through more flexible arrangements and additional crossing points, but for the moment there are no guarantees that this will happen. The Assembly is also concerned by issues concerning identity and registration documents, which govern not only travel but access to a whole range of rights, including property rights. Furthermore, it is concerned by approaches that

1. *Assembly debate* on 23 January 2013 (5th Sitting) (see [Doc. 13083](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Ms Acketoft). *Text adopted by the Assembly* on 23 January 2013 (5th Sitting). See also [Recommendation 2008 \(2013\)](#).



hinder, rather than favour, mother tongue education. The Assembly, while focusing in this resolution on humanitarian issues, recalls the political stance it has taken in its [Resolution 1633 \(2008\)](#) on the consequences of the war between Georgia and Russia and its follow up [Resolution 1683 \(2009\)](#).

8. In order to improve the humanitarian situation, the Assembly calls on Georgia, Russia and the *de facto* authorities in Sukhumi and Tskhinvali to:

8.1. take fully into account and implement the recommendations of the Assembly contained in [Resolutions 1648 \(2009\)](#) and [1664 \(2009\)](#) on the humanitarian consequences of the war between Georgia and Russia;

8.2. work intensively on resolving security issues under the first working group of the Geneva International Discussions, and grant full and unimpeded access to the European Monitoring Mission in Georgia (EUMM) to the former conflict zones that are now occupied and, furthermore, work in good faith on an international peacekeeping arrangement to avoid the volatile situation of armies facing each other in the conflict areas;

8.3. support fully the Incident Prevention and Response Mechanism (IPRM) in the format agreed at the Geneva International Discussions, and ensure that the mechanism covering the region of Abkhazia renews its work in the previously agreed format, as a matter of urgency;

8.4. ensure the voluntary return of all displaced persons in safety and in dignity, in accordance with international law;

8.5. ensure the safety and security of all the people in the region, and in particular IDP returnees, taking firm action against criminality, including racketeering, bribery and forced labour;

8.6. tackle the issue of violence against women linked to the consequences of the war and raise awareness of the problem, drawing on the expertise and assistance available from the Council of Europe;

8.7. ensure freedom of movement across the ABL to enable economic recovery and improve the livelihoods of the local population, including by opening additional crossing points and removing administrative restrictions;

8.8. cater for the basic needs of the local population, including in terms of health care;

8.9. uphold the right to mother tongue education, in particular, but not limited to, Georgian speakers in the areas of Gali and Akhagori, and guarantee freedom of movement across the ABL for education purposes;

8.10. co-operate fully in the work on missing persons, including the collection of ante-mortem data and information on the possible whereabouts of missing persons, and also the exhumation and return of bodies and the provision of psychological assistance to families;

8.11. set up an international investigation to examine allegations of damage to cultural heritage monuments in the conflict regions;

8.12. facilitate a visit by the Assembly rapporteur to the Tskhinvali and Akhagori areas.

9. The Assembly encourages the Georgian authorities to continue their efforts to tackle the humanitarian needs of IDPs, and in particular to:

9.1. provide durable housing solutions, in particular covering the needs of persons in private accommodation, rehabilitating or closing some of the collective centres, privatising new settlements once construction defects have been dealt with and providing monetary compensation in lieu of housing where appropriate;

9.2. in so far as further evictions of IDPs are necessary, ensure that they take place in accordance with the agreed standard operating procedures, that persons are fully informed and notified of these in advance and that, if appropriate, suitable alternative accommodation is provided;

9.3. focus more on ensuring an adequate livelihood for IDPs, in particular for those in new settlements, in order to break the cycle of dependency and prevent these settlements becoming IDP ghettos;

9.4. review the "Action plan for engagement" under the "State strategy on occupied territories" in order to ensure that it achieves its goal of encouraging reintegration.

10. The Assembly invites the Russian authorities to:
 - 10.1. fully implement the ceasefire agreement brokered by the European Union;
 - 10.2. make every effort to resolve the critical housing situation of many ethnic Ossetian refugees, primarily from the conflicts in Georgia in the early 1990s, but also from the 2008 conflict, making full use of federal, regional or international funding, as proposed in Assembly [Resolution 1879 \(2012\)](#) on the situation of IDPs and returnees in the North Caucasus region;
 - 10.3. regularise the situation of those who fled to Russia after the earlier conflicts in Georgia and who are living in an irregular situation, and who are in some instances stateless.
11. The Assembly calls on the European Court of Human Rights to expedite the hearing of the inter-state case of *Georgia v. Russia* (Application No. 38263/08) which is before the Grand Chamber.