

Resolution 1664 (2009)¹

Humanitarian consequences of the war between Georgia and Russia: follow-up given to Resolution 1648 (2009)

Parliamentary Assembly

1. The Parliamentary Assembly refers to its [Resolution 1648 \(2009\)](#) on the humanitarian consequences of the war between Georgia and Russia. It considers that it is important to follow up on this resolution by examining in more detail the particular humanitarian situation in South Ossetia and some of the more recent developments affecting the humanitarian situation in the rest of Georgia and the conflict zones.
2. Of the 130 000 ethnic Georgians displaced during the conflict, there remain approximately 26 000 still living in collective centres and with host families in Tbilisi and other parts of Georgia. Of approximately 33 000 to 38 000 persons of South Ossetian ethnic origin displaced to North Ossetia during the conflict, approximately 1 200 persons have not as yet returned to South Ossetia.
3. The immediate humanitarian needs following the conflict were met during the winter, and credit has to be given to the Government of Georgia, the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), the United Nations International Children's Emergency Fund (UNICEF), and many other humanitarian agencies and international and national non-governmental organisations (NGOs), as well as the many international donor countries and organisations for their activities in favour of persons in the territory under Georgian Government control. Credit must also be given to Russia for the humanitarian assistance it has provided in particular in North Ossetia and South Ossetia. Mention should also be made of the essential contribution of the International Committee of the Red Cross (ICRC) for its humanitarian work out of Tbilisi, and also its work out of Tskhinvali, where it has been the only international humanitarian actor present in the region of South Ossetia.
4. Priority now needs to move from urgent humanitarian assistance to durable solutions, recovery and development, including the rebuilding of homes and structures destroyed during, and as a consequence of, the war. Re-establishment and guarantees of gas supplies, water supplies and electricity supplies are a priority.
5. Voluntary return in a safe and dignified manner of all internally displaced persons and refugees needs to be promoted. This applies to people affected by the recent conflict as well as those affected by earlier conflicts.
6. In August 2008, the Government of the Russian Federation allocated 10 billion roubles to implement a plan of socio-economic development for South Ossetia (2008-11). In accordance with the plan a certain part of the work has already been carried out with the construction of 46 facilities, out of 422 facilities to be completed, and 1.5 billion roubles having been utilised by the end of 2008. This will help repair buildings and infrastructure and a new gas pipeline will be built to Tskhinvali from North Ossetia. These steps will help alleviate the difficult situation in which the people in South Ossetia live, including over 3 000 people who have been housed in collective centres since earlier conflicts.

1. *Assembly debate* on 29 April 2009 (14th Sitting) (see [Doc. 11859](#), report of the Committee on Migration, Refugees and Population, rapporteur: Mrs Jonker). *Text adopted by the Assembly* on 29 April 2009 (14th Sitting). See also [Recommendation 1869 \(2009\)](#).



7. Security concerns remain for many of those living in South Ossetia, just as for those living in the rest of Georgia, and in particular people living close to the administrative border. There remains a great deal of insecurity and fear on all sides concerning cross-administrative border incidents, hostage taking and also the possibility of the resumption of armed hostilities.
8. The villages in South Ossetia, previously under Georgian control, have been razed to the ground with the exception of a handful of houses. The intention to cleanse the area of ethnic Georgians is clear.
9. There is clear evidence of destruction of civilian property and homes belonging to South Ossetians carried out by Georgian military forces during the war.
10. The situation of ethnic Georgians in the occupied Akhalkgori district remains a major concern, and while these people are currently not being forced to leave their homes through threats or violence, they are facing many problems which, unless addressed, will lead to a further exodus from this region. These problems include restrictions on crossing the administrative border, the uncertainty about the education system and education in the Georgian language, pressure to acquire South Ossetian passports, acts of discrimination by individuals and problems of access to health care.
11. The war damage, research and testimonies, which have become clear since the end of the war, attest to human rights and international humanitarian law violations having been committed on all sides and need to be the subject of an independent international investigation. In particular, there is a need to investigate allegations of indiscriminate attacks on civilians, such as through the use of cluster bombs allegedly used by both the Georgian and Russian sides, and also alleged attacks on ethnic South-Ossetian civilians seeking to flee the combat zone from Tskhinvali and ethnic Georgians seeking to flee the combat zone, including near Eredvi.
12. The situation in Abkhazia also remains tense. The issues of restricted crossings at the administrative border south of the Gali district; rights, in particular the right to education in the mother tongue, of ethnic Georgians living in a de facto minority situation in the Gali district and the process of forcing people to acquire Abkhaz passports, are particularly worrying. The recent incident in the village of Otobaia, where 50 families were expelled but later allowed to return, is also of great concern to the Assembly.
13. The future and role of international organisations in the region remain uncertain. The Organization for Security and Co-operation in Europe (OSCE) office in Georgia is being closed down, although the mandate of the organisation's unarmed military monitoring officers has been renewed until 30 June 2009. In relation to Abkhazia, the United Nations has managed to negotiate a mandate renewal for its observer mission until 15 June 2009, but a new mandate will have to be agreed. Russia and the de facto authorities prevent the European Union Monitoring Mission (EUMM) from entering the territories of South Ossetia and Abkhazia.
14. Further steps need to be taken to establish a dialogue and build trust between all parties to the conflict and the international community. This can not be done if administrative borders are closed tight and if communities are totally isolated. International organisations, including the United Nations and the Council of Europe, need to be present in these regions in order to promote dialogue and trust.
15. In view of the above-mentioned considerations, the Assembly calls on Georgia, Russia and the de facto authorities in South Ossetia and Abkhazia to:
 - 15.1. fully implement the recommendations made in Assembly [Resolution 1648 \(2009\)](#) on the humanitarian consequences of the war between Georgia and Russia;
 - 15.2. keep the administrative borders of Abkhazia and South Ossetia open and remain flexible and practical concerning the issue of access to the region from the north or the south, at least for all humanitarian purposes;
 - 15.3. ensure that all basic utilities, such as gas, electricity and water, are not interrupted. This is particularly important with respect to gas supplies to Tskhinvali and water supplies from South Ossetia to villages south of the administrative border;
 - 15.4. provide full and free access to all places of detention by international monitoring mechanisms, including the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the ICRC;
 - 15.5. work to identify missing persons and tackle the problem of hostage taking and prisoner exchanges, using as appropriate the good offices of the different ombudsmen in the region and the Council of Europe Commissioner for Human Rights;

15.6. support civil society initiatives, which are essential for empowerment of the people, especially young people, and the development of society in order to ensure a strong human rights and humanitarian culture in the former conflict zones;

15.7. give priority, in the humanitarian context, to finding a flexible and creative agreement on the mandate and role of international organisations operating in the region in order to promote peace and stability and to monitor the human rights and humanitarian situation. More particularly in this respect:

15.7.1. agree to the continuation of the work carried out by the United Nations Observer Mission in Georgia;

15.7.2. allow the OSCE unarmed military officers to continue their monitoring mandate, and negotiate a renewed OSCE presence in the region of South Ossetia;

15.7.3. strengthen the mandate of the EUMM and allow it access to all conflict areas;

15.7.4. look into the need for a new internationalised peacekeeping force in the region;

15.7.5. make a commitment to refrain from the use of force against each other, which would strongly facilitate a comprehensive solution to all the humanitarian problems that emerged as a result of the August 2008 war.

16. The Assembly calls on the de facto authorities in South Ossetia and Russia to:

16.1. ensure that the 10 billion roubles allocated by the Russian Federation are utilised in the most effective manner for the purposes of socio-economic development in South Ossetia including rebuilding homes, moving persons from collective centres, and repairing damaged and neglected infrastructure;

16.2. take action against any persons having participated in destruction or looting of housing and ensure that the homes, property, belongings and physical safety of all persons of Georgian ethnic origin are safeguarded and, in relation to homes and property, that they are restored and wherever practical returned; if this is not feasible, according to international standards and the will of the claimant, compensation should be determined by an independent tribunal;

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

16.4. refrain from any steps which will contribute to the further departure of ethnic Georgians from, in particular, the occupied Akhagori district, and encourage the return of those who have already departed. In this respect, steps should be taken to:

16.4.1. facilitate travel across the southern administrative border by the local population in the Akhagori district;

16.4.2. help reconstruct any damaged or destroyed property in the district;

16.4.3. guarantee the education rights, including education in the mother tongue, of the ethnic Georgians living in the Akhagori district;

16.4.4. ensure that the population is not forced to acquire South Ossetian passports;

16.4.5. avoid situations of statelessness;

16.4.6. combat all acts of discrimination, whether these are by individuals or the authorities.

17. The Assembly calls on the de facto authorities in Abkhazia and Russia to:

17.1. keep the southern administrative border open, in particular for those living in or wishing to return to the Gali district;

17.2. ensure that incidents such as the expulsion of inhabitants from the village of Otobaia do not reoccur;

17.3. ensure voluntary returns in safety and in dignity, including the return of persons to the Kodori valley;

17.4. ensure that the population is not forced to acquire Abkhazian passports;

17.5. avoid situations of statelessness;

17.6. guarantee the education rights of the ethnic Georgians, including education in their mother tongue.

18. The Assembly calls on Georgia to:

18.1. proceed with the revised state strategy for internally displaced persons, in co-operation and consultation with the Office of the United Nations High Commissioner for Refugees and other international partners;

18.2. revise the Law on the Occupied Territories or refrain from implementing it in a way which may be incompatible with international human rights and international humanitarian law standards as identified by the European Commission for Democracy through Law (Venice Commission).

19. The Assembly calls on Russia to examine the housing and other humanitarian needs of displaced persons and refugees from the recent and earlier conflicts in Georgia, regardless of their ethnic origin, and speed up the relocation of persons currently living in long-term collective centres in North Ossetia.

20. The Assembly calls on the international community to redouble its efforts to be present in South Ossetia and also in Abkhazia so as to alleviate distrust by the local population and to enhance the possibility for dialogue with all parties.

21. The Assembly encourages the Council of Europe Commissioner for Human Rights to continue his important human rights work in the region.

22. It invites the Council of Europe's Development Bank to continue to give support for humanitarian projects in the war affected region, through the provision of loans or donations as appropriate.

23. The Assembly will continue to follow closely the implementation of [Resolution 1648 \(2009\)](#) on the humanitarian consequences of the war between Georgia and Russia and the present resolution, together with the relevant report of the Monitoring Committee on the implementation of the Resolutions 1633 (2008) and 1647 (2009).