



Doc. 13083 – Compendium of written amendments

(Final version)

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

Contents	Page
A. Draft Resolution	2
B. Draft Recommendation	10

A. Draft Resolution

1. Over four years after the war between Georgia and Russia in 2008, the humanitarian consequences of the conflict remain a major concern.

Amendment 3

Tabled by Ms Chiora TAKTAKISHVILI, Mr Irakli CHIKOVANI, Ms Tinatin KHIDASHELI, Mr Levan BERDZENISHVILI, Mr Jordi XUCLÀ, Mr Giorgi KANDELAKI, Ms Tinatin BOKUCHAVA

In the draft resolution, paragraph 1, delete the words "of the conflict".

Amendment 4

Tabled by Mr Irakli CHIKOVANI, Ms Chiora TAKTAKISHVILI, Ms Corina FUSU, Ms Tinatin KHIDASHELI, Mr Levan BERDZENISHVILI, Ms Kerstin LUNDGREN, Mr Jordi XUCLÀ, Mr Michael Aastrup JENSEN, Ms Renate WOHLWEND, Ms Dzhema GROZDANOVA, Mr Egidijus VAREIKIS, Mr Giorgi KANDELAKI, Ms Tinatin BOKUCHAVA

In the draft resolution, after paragraph 1, insert the following paragraph:

"The Assembly reiterates its condemnation of the continuing human rights violations as a result of the 2008 war, including the grave violations of the principle of freedom of movement and right to return of internally displaced persons (IDPs) as a result of the occupation of the two breakaway regions of Georgia and the previous conflict."

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 where people's lives are becoming trumped by politics. This makes progress on the humanitarian front difficult.
3. The preoccupation on all sides, about 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 change of dialogue on all sides.

Amendment 5

Tabled by Ms Chiora TAKTAKISHVILI, Mr Jordi XUCLÀ, Mr Giorgi KANDELAKI, Ms Dzhema GROZDANOVA, Mr Egidijus VAREIKIS, Mr Kimmo SASI, Ms Tinatin BOKUCHAVA

In the draft resolution, paragraph 3, replace the words "Recent political changes in Georgia following the elections on 1 October 2012, provide an opportunity for a change of dialogue on all sides" with the following words: "Recent political changes in Georgia following the elections of 1 October 2012 provide an opportunity for a continued commitment to dialogue respecting the relevant Resolutions."

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 IDPs 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.

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 as an occupation of part of the country by the troops of a neighbour, and on the other, it is seen 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 both sides of the line.

Sub-amendment 1 to amendment 5
Tabled by the (Former) Committee on Migration, Refugees and Displaced Persons

At the end of amendment 5, add the following words: "of the PACE".

Amendment 6

Tabled by Ms Chiora TAKTAKISHVILI, Ms Corina FUSU, Mr Josep Anton BARDINA PAU, Mr Irakli CHIKOVANI, Ms Tinatin KHIDASHELI, Mr Levan BERDZENISHVILI, Ms Kerstin LUNDGREN, Mr Jordi XUCLÀ, Mr Michael Aastrup JENSEN, Ms Renate WOHLWEND, Ms Dzhema GROZANOVA, Ms Tinatin BOKUCHAVA, Mr Egidijus VAREIKIS, Mr Latchezar TOSHEV, Mr Emanuelis ZINGERIS, Mr Giorgi KANDELAKI, Mr André BUGNON

In the draft resolution, paragraph 4, replace the words "It is important that avenues for return of all IDPs remain open, even if this needs to be on a step by step basis" with the following words: "The Assembly is concerned by the statements of Russian and de facto authorities refusing the right of return for IDPs and property rights of ethnic Georgians. It is important that the right of all displaced persons to voluntary return in safety and in dignity is respected in accordance with international law".

Sub-amendment 1 to amendment 6
Tabled by the (Former) Committee on Migration, Refugees and Displaced Persons

In amendment 6, replace the words "The Assembly is concerned by the statements of Russian and de facto authorities refusing the right of return for IDPs and property rights of ethnic Georgians. It is important" with the following words: "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".

Amendment 7

(If adopted, amendments 1, 8 falls)

Tabled by Ms Chiora TAKTAKISHVILI, Mr Irakli CHIKOVANI, Ms Tinatin KHIDASHELI, Mr Levan BERDZENISHVILI, Mr Jordi XUCLÀ, Mr Giorgi KANDELAKI, Ms Tinatin BOKUCHAVA

In the draft resolution, paragraph 5, delete the second and the third sentence.

Amendment 1

(Falls if amendment 7 is adopted)

Tabled by Mr Anvar MAKHMUTOV, Ms Nadezda GERASIMOVA, Ms Olga BORZOVA,

Ms Olga KAZAKOVA, Mr Viacheslav TIMCHENKO

In the draft resolution, paragraph 5, replace the second sentence with the following sentence: "A large Russian military presence, both in Abkhazia and South Ossetia, is seen in contradictory ways."

Amendment 8

(Falls if amendment 7 is adopted)

Tabled by Ms Chiora TAKTAKISHVILI, Mr Irakli CHIKOVANI, Ms Tinatin KHIDASHELI, Mr Levan BERDZENISHVILI, Mr Michael Aastrup JENSEN, Ms Dzhema GROZDANOVA, Mr Egidijus VAREIKIS, Mr Latchezar TOSHEV, Mr Emanuelis ZINGERIS, Mr Giorgi KANDELAKI, Ms Tinatin BOKUCHAVA, Ms Kerstin LUNDGREN, Mr Jordi XUCLÀ

In the draft resolution, paragraph 5, replace the third sentence with the following sentence: "On the one side, it is seen by Georgia and the international community as an occupation of part of the country by the troops of a neighbour, and on the other, it is seen by the Russian Federation and the de facto authorities as a guarantee against renewal of the conflict."

Sub-amendment 1 to amendment 8

Tabled by the (Former) Committee on Migration, Refugees and Displaced Persons

In amendment 8, after the words "On the one side, it is seen by Georgia and" insert the following words: "most of".

Amendment 9

Tabled by Ms Chiora TAKTAKISHVILI, Mr André BUGNON, Mr Josep Anton BARDINA PAU, Mr Irakli CHIKOVANI, Ms Tinatin KHIDASHELI, Mr Levan BERDZENISHVILI, Ms Kerstin LUNDGREN, Mr Jordi XUCLÀ, Mr Michael Aastrup JENSEN, Ms Renate WOHLWEND, Ms Dzhema GROZDANOVA, Mr Egidijus VAREIKIS, Mr Kimmo SASI, Mr Latchezar TOSHEV, Mr Emanuelis ZINGERIS, Mr Giorgi KANDELAKI, Ms Tinatin BOKUCHAVA

In the draft resolution, after paragraph 5, insert the following paragraph:

"The Parliamentary Assembly is concerned by the permanent refusal by the Russian and the de facto authorities to grant access to the European Union Monitoring Mission (EUMM) to the former conflict zones since occupied."

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, there remain many challenges, 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 Parliamentary Assembly is concerned by the situation of ethnic Georgians in the areas of Gali and Akhagori. While each of these areas is different, the issues affecting the local population are similar. Access across the ABL for family, economic, health, education or other purposes remains problematic and uncertain. There are some positive indications that access 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 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).

Amendment 10

Tabled by Mr Irakli CHIKOVANI, Ms Chiora TAKTAKISHVILI, Mr Roman JAKIČ, Ms Corina FUSU, Ms Tinatin KHIDASHELI, Mr Levan BERDZENISHVILI, Mr Jordi XUCLÀ, Mr Giorgi KANDELAKI, Ms Tinatin BOKUCHAVA

*In the draft resolution, paragraph 7, replace the fourth sentence by the following sentence:
"There are some indications that access across the ABL could be improved through more flexible arrangements and additional crossing points, but for the moment the crossing is even more restricted since September 2012, having particularly severe implications for people travelling for healthcare purposes."*

Amendment 11

Tabled by Ms Chiora TAKTAKISHVILI, Mr André BUGNON, Mr Josep Anton BARDINA PAU, Mr Irakli CHIKOVANI, Ms Tinatin KHIDASHELI, Mr Levan BERDZENISHVILI, Ms Kerstin LUNDGREN, Mr Jordi XUCLÀ, Ms Ankie BROEKERS-KNOL, Mr Joris BACKER, Mr Margus HANSON, Mr Michael Aastrup JENSEN, Ms Renate WOHLWEND, Mr Egidijus VAREIKIS, Mr Latchezar TOSHEV, Mr Emanuelis ZINGERIS, Mr Giorgi KANDELAKI, Ms Tinatin BOKUCHAVA

In the draft resolution, after paragraph 7, insert the following paragraph:

"The Parliamentary Assembly deplores the situation regarding the places of worship of Georgians in Abkhazia, Georgia and South Ossetia, Georgia, which also raises serious concerns over the situation of cultural heritage monuments in the war-affected areas."

Amendment 12

Tabled by Ms Chiora TAKTAKISHVILI, Mr Irakli CHIKOVANI, Ms Tinatin KHIDASHELI, Mr Levan BERDZENISHVILI, Mr Jordi XUCLÀ, Mr Giorgi KANDELAKI, Ms Tinatin BOKUCHAVA

In the draft resolution, after paragraph 7, insert the following paragraph:

"The Parliamentary Assembly regrets that despite numerous attempts, the co-rapporteur was not allowed to visit South Ossetia, Georgia."

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 open up a real dialogue on the issue of monitoring on both sides of the ABL, involving in this the European Union Monitoring Mission (EUMM) 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. keep the issue of return of IDPs and refugees on the agenda of the second working group of the Geneva International Discussions, including for the areas of Gali and Akhalkalaki where, to a certain extent, voluntary returns continue to take place;

Amendment 13

Tabled by Ms Chiora TAKTAKISHVILI, Mr André BUGNON, Mr Josep Anton BARDINA PAU, Mr Irakli CHIKOVANI, Ms Tinatin KHIDASHELI, Mr Levan BERDZENISHVILI, Ms Kerstin LUNDGREN, Mr Jordi XUCLÀ, Ms Ankie BROEKERS-KNOL, Mr Joris BACKER, Mr Margus HANSON, Mr Michael Aastrup JENSEN, Ms Dzhema GROZDANOVA, Mr Egidijus VAREIKIS, Mr Kimmo SASI, Mr Latchezar TOSHEV, Mr Emanuelis ZINGERIS, Mr Giorgi KANDELAKI, Ms Tinatin BOKUCHAVA

In the paragraph 8.2, replace the words "open up a real dialogue on the issue of monitoring on both sides of the ABL, involving in this the European Monitoring Mission (EUMM)" with the following words: "grant full and unimpeded access to the European Monitoring Mission (EUMM) to the former conflict zones since occupied".

Amendment 14

Tabled by Ms Chiora TAKTAKISHVILI, Mr André BUGNON, Mr Irakli CHIKOVANI, Ms Tinatin KHIDASHELI, Mr Levan BERDZENISHVILI, Ms Kerstin LUNDGREN, Mr Jordi XUCLÀ, Ms Ankie BROEKERS-KNOL, Mr Joris BACKER, Mr Michael Aastrup JENSEN, Ms Renate WOHLWEND, Ms Dzhema GROZDANOVA, Mr Egidijus VAREIKIS, Mr Kimmo SASI, Mr Giorgi KANDELAKI, Ms Tinatin BOKUCHAVA

In the draft resolution, replace paragraph 8.4 with the following paragraph:

"ensure the voluntary return of all displaced persons in safety and in dignity, in accordance with international law and reverse the acts of ethnic cleansing of Georgians;"

Sub-amendment 1 to amendment 14
Tabled by the (Former) Committee on
Migration, Refugees and Displaced Persons

In amendment 14, delete the words "and reverse acts of ethnic cleansing of Georgians".

- 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. 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;
- 8.9. 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 the bodies and the provision of psychological assistance to their families;
- 8.10. set up an international investigation to examine allegations of damage to cultural heritage monuments in the conflict regions;

Amendment 15

Tabled by Mr Irakli CHIKOVANI, Ms Chiora TAKTAKISHVILI, Mr Roman JAKIČ, Ms Corina FUSU, Ms Tinatin KHIDASHELI, Mr Levan BERDZENISHVILI, Mr Jordi XUCLÀ, Mr Giorgi KANDELAKI, Ms Tinatin BOKUCHAVA

In the draft resolution, paragraph 8.7, replace the words "improve the livelihoods of the local population" with the following words: "improve the livelihoods and basic needs of the local populations, such as healthcare".

Amendment 16

Tabled by Ms Chiora TAKTAKISHVILI, Mr Irakli CHIKOVANI, Ms Tinatin KHIDASHELI, Mr Levan BERDZENISHVILI, Ms Kerstin LUNDGREN, Mr Jordi XUCLÀ, Ms Ankie BROEKERS-KNOL, Mr Joris BACKER, Mr Margus HANSON, Mr Michael Aastrup JENSEN, Ms Renate WOHLWEND, Ms Dzhema GROZDANOVA, Mr Egidijus VAREIKIS, Mr Kimmo SASI, Mr Giorgi KANDELAKI, Ms Tinatin BOKUCHAVA

In the draft resolution, after paragraph 8.8, insert the following paragraph:

"ensure that the population is not forced to acquire Abkhaz, South Ossetian or Russian passports and is not punished for using Status Neutral Travel Documents issued by Georgian authorities;"

Amendment 17

Tabled by Mr Irakli CHIKOVANI, Ms Chiora TAKTAKISHVILI, Ms Corina FUSU, Ms Tinatin KHIDASHELI, Mr Levan BERDZENISHVILI, Mr

8.11. facilitate a visit by the Assembly rapporteur to the Tskhinvali and Akhgori 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, inter alia covering the needs of persons in private accommodation, rehabilitating or closing some of the collective centres, privatising new settlements once construction defects have been sorted out 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.

Jordi XUCLÀ, Mr Giorgi KANDELAKI, Ms Tinatin BOKUCHAVA

In the draft resolution, paragraph 8.10, replace the word "conflict" with the following word: "occupied".

Amendment 18

Tabled by Ms Chiora TAKTAKISHVILI, Mr Irakli CHIKOVANI, Ms Tinatin KHIDASHELI, Mr Levan BERDZENISHVILI, Mr Jordi XUCLÀ, Ms Tinatin BOKUCHAVA, Mr Giorgi KANDELAKI

In the draft resolution, after paragraph 9, insert the following paragraph:

"The Assembly calls on all member states, states with observer status with the Organisation and the European Union to: -reach durable solutions for both the old and the newly displaced populations, with a clear protection component; -continue to provide support and commit resources in order to strengthen the mandate of the EUMM and exert pressure on Russian authorities to ensure the access of EUMM to both sides of the ABL; -continue working towards the establishment of a genuine international peacekeeping/policing force in Abkhazia, Georgia and South Ossetia, Georgia, in accordance with emerging needs for protection and peace-keeping".

Amendment 19

Tabled by Mr Irakli CHIKOVANI, Ms Chiora TAKTAKISHVILI, Ms Corina FUSU, Ms Tinatin

**KHIDASHELI, Mr Levan BERDZENISHVILI, Mr
Jordi XUCLÀ, Mr Giorgi KANDELAKI**

In the draft resolution, paragraph 9.4, replace the word "review" with the following words: "advance the implementation of".

10. The Assembly invites the Russian authorities to:
- 10.1. 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;
- 10.2. 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.

Amendment 20

Tabled by Mr Irakli CHIKOVANI, Ms Chiora TAKTAKISHVILI, Mr Roman JAKIČ, Ms Corina FUSU, Ms Tinatin KHIDASHELI, Mr Levan BERDZENISHVILI, Ms Kerstin LUNDGREN, Mr Jordi XUCLÀ, Mr Michael Aastrup JENSEN, Ms Dzhema GROZDANOVA, Mr Egidijus VAREIKIS, Mr Kimmo SASI, Mr Giorgi KANDELAKI, Ms Tinatin BOKUCHAVA

In the draft resolution, before paragraph 10.1, insert the following paragraph:

"fully implement the European Union brokered ceasefire agreement, in particular to withdraw all Russian troops to pre-war positions;"

Sub-amendment 1 to amendment 20

**Tabled by the (Former) Committee on
Migration, Refugees and Displaced Persons**

In amendment 20, delete the words ", in particular to withdraw all Russian troops to pre-war positions".

B. Draft Recommendation

1. The Parliamentary Assembly refers to its Resolution (2013) on Georgia and Russia: the humanitarian situation in the conflict- and war-affected areas.
2. It notes in particular that the emergency needs of internally displaced persons (IDPs) and refugees have been taken care of but there remain major humanitarian challenges concerning the return of IDPs and the provision of durable housing and livelihood for all IDPs. Security continues to be an important issue and access across the administrative boundary line is one of the most important factors affecting the lives of those living both sides of this line.
3. The Assembly believes that the Council of Europe has a role to play in improving the humanitarian situation in the conflict affected areas and welcomes the activities already being carried out by the Council of Europe which contribute to keeping a dialogue open and building confidence in the region.
4. In addition to encouraging the Committee of Ministers to continue its current confidence-building measures, the Assembly recommends that the Committee of Ministers:
 - 4.1. provides education expertise to strengthen mother tongue education, in particular in the region of Abkhazia, Georgia, taking into account the needs of all linguistic groups, Georgian or other;
 - 4.2. provides assistance to the Georgian authorities to help ensure the successful integration of resettled IDPs in their new communities, bearing in mind that integration is always a two-way process;
 - 4.3. provides support for tackling domestic violence and assisting its victims, taking into account the effect that the conflict has had on this phenomena and the problems and needs noted throughout Georgia, including in the conflict areas;

Amendment 2

Tabled by Mr Anvar MAKHMUTOV, Ms Nadezda GERASIMOVA, Ms Olga BORZOVA, Ms Olga KAZAKOVA, Mr Viacheslav TIMCHENKO

In the draft recommendation, replace paragraph 4.1 with the following paragraph:

"provides education expertise to strengthen mother tongue education, in particular in Abkhazia, taking into account the needs of all linguistic groups;"

Sub-amendment 1 to amendment 2

Tabled by the (Former) Committee on Migration, Refugees and Displaced Persons

In amendment 2, replace the word "Abkhazia" with the following words: "the Gali region".

Amendment 21

Tabled by Mr Irakli CHIKOVANI, Ms Chiora TAKTAKISHVILI, Ms Tinatin KHIDASHELI, Mr Levan BERDZENISHVILI, Mr Jordi XUCLÀ, Mr Giorgi KANDELAKI, Ms Tinatin BOKUCHAVA

In the draft recommendation, in paragraph 4.3, replace the words "throughout Georgia, including

in the conflict areas" with the following words: "in relation to the conflict affected population"

- 4.4. uses its political standing to bring about improved access across the ABL. This, perhaps more than any other measure, has the prospect of improving the daily lives of all those affected by the conflict.