

Georgia-Russia: Still Insecure and Dangerous

I. OVERVIEW

Ten months after the “August war” between Georgia and Russia, violent incidents and the lack of an effective security regime in and around the conflict zones of South Ossetia and Abkhazia create a dangerous atmosphere in which extensive fighting could again erupt. Russia has not complied with key aspects of the ceasefire agreements that President Medvedev reached in August/September 2008 with French President Sarkozy in his then EU presidency role. Its 15 June Security Council veto of an extension of the sixteen-year-old UN observer mission mandate in Georgia and Abkhazia and its apparent intention to require the removal of the mission of the Organisation for Security and Cooperation in Europe (OSCE) by the end of the month are blows to regional security that will further fuel tensions. Most of the on-the-ground conflict resolution machinery is thus being dismantled. Moscow should review its counterproductive position and work for a reasonable compromise allowing the UN and OSCE monitors to continue their important work.

Russia says it is guaranteeing security at the request of South Ossetia and Abkhazia, which do not trust international observers. But it has legal obligations to do more for the security and safety of local populations, regardless of ethnicity, and to prevent human rights abuses in areas that are in effect under its control. Most importantly, it must expand efforts to allow the return of internally displaced persons (IDPs), especially the approximately 25,000 ethnic Georgians who have been unable to go back to their homes in South Ossetia.

All sides in the conflict – Georgian, Russian and South Ossetian – committed war-time abuses, but the actions of Ossetian militias, who systematically looted, torched and in some cases bulldozed most ethnic Georgian villages, were particularly egregious. The Parliamentary Assembly of the Council of Europe (PACE) called those abuses “ethnic cleansing” Human Rights Watch cited ample evidence to label them “crimes against humanity” and “war crimes”. The PACE also noted “the failure of Russia and the de facto authorities to bring these practices to a halt and their perpetrators to justice”.

Indeed, Russian troops largely stood by, unwilling or unable to perform their security duties.

Since August 2008, Russia has consolidated its position in Abkhazia and South Ossetia in the face of relatively little international criticism. It has not returned its military presence to pre-war levels and locations, as called for in the 12 August six-point plan, and, in April 2009, it sent additional troops to South Ossetia and Abkhazia. In violation of its 7-8 September agreement with the EU, it has prevented the Organisation for Security and Cooperation in Europe (OSCE) from continuing pre-war activities in South Ossetia, including monitoring and implementation of a rehabilitation and reconstruction program. It justifies its positions by saying “new realities” prevail, because it recognised the August independence declarations of South Ossetia and Abkhazia and concluded bilateral security agreements.

It has now gone two steps further, not only vetoing the UN mission that has been working in Abkhazia but also blocking a renewed mandate for the OSCE mission to Georgia that has been active in South Ossetia. Though none of the other 56 OSCE member states support it on this latter step, the fourth biggest OSCE mission is on the verge of closing on 30 June because a mandate extension requires consensus.

Several rounds of discussions sponsored by the UN, EU and OSCE, focusing on security and humanitarian issues, have been held among representatives of the four sides in Geneva without tangible results. The presence of excess troops and lack of a security regime have made it impossible for even some IDPs who lived in the former Russian “buffer zones” in Georgia to feel secure enough to return to their homes. The 2008 wave of IDPs presented the Georgian authorities with a serious challenge, when they were already struggling with at least 200,000 IDPs from the conflicts in Abkhazia and South Ossetia of the early 1990s. Following the August events, the government swiftly built semi-permanent housing for the newly displaced. Now it needs to develop a more comprehensive approach to integrate both new and old IDPs into the country’s broader social and economic fabric.

In August 2008 Crisis Group recommended a series of steps to resolve the conflict. Many of those recommendations remain unsatisfied but still valid. To stabilise the security situation, lessen chances for renewed major hostilities and improve the humanitarian situation, Russia should:

- ❑ re-engage fully in discussions within the Security Council so as to move beyond its 15 June veto and reach agreement on a functional security regime and implementation mechanism that will facilitate a continued role for the UN in Georgia;
- ❑ comply fully with the ceasefire agreements, in particular by withdrawing from areas its troops did not occupy before 7 August 2008 (the Akhgori district of South Ossetia, Perevi village on the Georgian side of the administrative border with South Ossetia and the Kodori Gorge region of Abkhazia);
- ❑ allow the EU Monitoring Mission (EUMM) and international agencies including the UN immediate, free and unfettered access to South Ossetia to monitor security and provide humanitarian assistance;
- ❑ encourage the South Ossetian de facto authorities to announce that Georgian IDPs will be allowed back immediately and engage with donors to find funding for reconstruction in destroyed villages and other areas of South Ossetia damaged during the war;
- ❑ participate constructively in the Geneva talks; and
- ❑ accept the Greek Chairmanship's status neutral proposal and support continuation of the OSCE Mission.

The Georgian government and the de facto authorities in South Ossetia and Abkhazia should:

- ❑ agree on joint measures, including international monitoring missions' access to all areas, to prevent incidents and human rights violations in conflict zones and facilitate voluntary, safe, dignified IDP return;
- ❑ implement a comprehensive integration strategy to increase IDPs' ability to fully participate in political, social and economic life;
- ❑ avoid belligerent rhetoric and false media reporting on the situation in conflict areas; and
- ❑ welcome humanitarian and reconstruction projects sponsored by Western governments or international organisations, including the OSCE, UN, and EU, and amend laws that could obstruct such work.

The EU, the U.S. and the Council of Europe and other international organisations should:

- ❑ support ongoing international investigations into the conduct of the August war and violations by all sides;
- ❑ suspend Russia's right to vote in the PACE if it does not cooperate in reversing ethnic cleansing in South Ossetia, in particular by fulfilling its 12 August and 7-8 September commitments;
- ❑ encourage the International Olympic Committee to study whether the 2014 Winter Olympics can be safely held in Sochi, Russia, if an effective security regime has not been established in neighbouring Abkhazia;
- ❑ encourage the Security Council to remain seized of the matter, despite the UN Mission's termination;
- ❑ urge the UN Secretary-General to continue exercising good offices by appointing a special envoy and pursuing efforts to facilitate the peace process;
- ❑ invest the EU mission with an expanded role to address the situation on the ground; and
- ❑ participate constructively in efforts to resolve immediate security and humanitarian problems, including by encouraging the parties to fully engage in the Geneva talks, as a first step towards broader conflict resolution.

This briefing focuses primarily on the situation in South Ossetia; subsequent reporting will be directed at the situation in Abkhazia.

II. A BRIEF CHRONOLOGY

A dramatic deterioration of the security situation over several months, including frequent skirmishes between South Ossetian and Georgian forces, led to the outbreak of full-scale hostilities late on 7 August 2008. Russia had been building military facilities in the South Ossetian town of Java for at least a month and been conducting large military exercises near its own border with Georgia. By the end of July, the South Ossetians and Georgians had reinforced their forces in the zone of conflict, in violation of 1992 ceasefire agreements.¹

Georgian forces attacked targets near and in Tskhinvali with artillery and rockets on the night of 7-8

¹ Decision no.1 of the Joint Control Commission, 4 July 1992, permitted the parties a maximum of 500 peacekeepers in the conflict zone. In addition to its 500, Georgia also had military police units there. Irregular forces were present in the approximately 30 per cent of South Ossetia that Georgia controlled. Both the Georgians and South Ossetians also had covert forces in the region.

August, saying this was in response to repeated shelling of Georgian-controlled villages in South Ossetia from positions around that city. Moscow undertook a large-scale intervention on Georgian territory within hours, announcing it was protecting its citizens in South Ossetia to whom it had issued Russian passports over a number of years. Georgian forces pulled out of Tskhinvali after holding it for approximately eight hours but continued to engage South Ossetian and Russian forces outside it. Russian troops then drove deep into Georgian territory over a number of days, occupying the port of Poti and at one point taking up positions at Igoeti, less than 50km from Tbilisi.²

Mediation by the French European Union (EU) Presidency led to the signing of a six-point ceasefire on 12 August that stated Russian military forces “will have to withdraw to positions they held prior to the outbreak of conflict”. Georgia’s army, which had largely dispersed, generally complied with the provision that it return to its usual bases, but Russia continued to occupy towns in the west and centre of Georgia. President Sarkozy was forced to return to Moscow, where a second agreement was signed on 8 September spelling out the specifics of ceasefire implementation.

Destruction of Georgian villages and attacks against ethnic Georgian civilians continued in South Ossetia after the 12 August ceasefire. UN satellite images show that systematic damage – caused by fire, not armed combat – was inflicted on villages as late as 22 August.³ Members of Ossetian militias told Human Rights Watch that fellow fighters were burning the houses to ensure that ethnic Georgians would have no place to which to return.⁴ Exaggeration by the Russian government of the number of Ossetians killed during the conflict appeared to provoke revenge attacks on Georgian villagers in South Ossetia.⁵ Prime Minister Vladimir Putin accused Georgia of a “genocide” against Ossetians, and other officials spoke of 1,500-2,000 dead in Tskhinvali alone.⁶ But on 20 August,

the Russian prosecutor general’s investigators reported only 133 civilian deaths in all South Ossetia.⁷

Until 10 October, Russia continued to occupy what it called “buffer zones” in Georgian areas adjacent to South Ossetia from which the Georgian army had retreated in chaos.⁸ It denied entry to OSCE monitors and the UN High Commissioner for Refugees (UNHCR) and other humanitarian bodies. Troops seemed to carry out few active patrols and did not prevent several documented instances of execution, torture and ill-treatment of Georgian villagers and the looting and destruction of their homes by Ossetian militias.⁹ Local populations fled, emptying out thriving villages. Only one damaged house was reported in the Georgian “buffer zone” village of Ergneti on 10 August; nine days later, satellite images showed 58 buildings had been destroyed or damaged.¹⁰ A visit by Crisis Group on 14 April, 2009 found that around 80 per cent of the village’s approximately 200 homes were heavily damaged or destroyed, indicating many were targeted even after August 2008.

The Georgian government was confronted with a new and rapidly evolving IDP challenge:

- at the end of August, the UNHCR registered 192,000 IDPs from the Georgian enclaves in South Ossetia, the Russian “buffer zones”, and large cities (Gori, Zugdidi, and Poti);
- approximately 150,000 of these returned to their homes quickly, often within days after Russian

²For background, see Crisis Group Europe Report N°195, *Russia vs Georgia: The Fallout*, 22 August 2008.

³“Georgia: Satellite Images Show Destruction, Ethnic Attacks”, Human Rights Watch, 29 August 2008. The satellite images can be accessed at: http://unosat.web.cern.ch/unosat/asp/prod_free.asp?id=101.

⁴“Georgia: Satellite Images Show Destruction, Ethnic Attacks”, Human Rights Watch, op. cit.

⁵“Human Rights Watch: Russia inflating casualty figures”, *The Guardian*, 14 August 2008.

⁶“Путин: происходящее в Южной Осетии – это геноцид осетинского народа” [“Putin: what’s happening in South Ossetia is a genocide of the Ossetian people”], Interfax, 9 August 2008, www.interfax.ru/news.asp?id=26152. Russian media later reported officials saying that 10 per cent of Tskhinvali’s buildings had been totally destroyed

and a further 20 per cent had suffered damage “of varying severity”. See “Масштаб разрушений в Цхинвали: 10% домов разрушено, еще 20% – повреждено” [“The extent of destruction in Tskhinvali: 10 per cent of homes destroyed, 20 per cent damaged”], Newsru.com, 17 August 2008, available at www.newsru.com/world/17aug2008/blank.html.

⁷“Russia scales down Georgia toll”, BBC, 20 August 2008.

⁸Crisis Group interviews, returnees, Gori region, March-April 2009.

⁹“Initial Assessment of the Occupied Villages Adjacent to Tskhinvali Region”, special report of the Public Defender of Georgia, September 2008; “Human Rights in the War Affected Areas Following the Conflict in Georgia”, Office for Democratic Institutions and Human Rights (ODHIR) of the OSCE, 27 November 2008. See also Human Rights Watch, Amnesty International and Memorial press releases and “Reports of lawlessness creating new forcible displacement in Georgia”, press release, UNHCR, 26 August 2008.

¹⁰“High-Resolution Satellite Imagery and the Conflict in South Ossetia, Summary Report”, American Association for the Advancement of Science (Science and Human Rights Program), 9 October 2008, http://shr.aas.org/geotech/aas_geotech_9 oct2008.pdf.

forces abandoned cities like Gori and Poti, and Zugdidi, where destruction was limited;¹¹

- in December, 2008, about 38,000 people were still classified as IDPs. Of those, just over 19,100 were from destroyed Georgian villages in South Ossetia, 12,000 from the former “buffer zones” and about 5,200 from the Akhagori district of South Ossetia;¹² and
- in June 2009 approximately 25,000 of these ethnic Georgians remained IDPs.

The displaced Georgians from South Ossetia still hope to go home, but most of their houses and civilian infrastructure have been destroyed, and the de facto authorities have said they will prevent their return. A South Ossetian intelligence officer was quoted as saying, “we burned these houses. We want to make sure that they [the Georgians] can’t come back, because if they do come back, this will be a Georgian enclave again and that should not happen”.¹³ The de facto president of South Ossetia, Eduard Kokoity, stated: “We are not planning to let anyone in any more”.¹⁴ A Russian foreign ministry statement claimed that Kokoity’s remark was an “emotional statement” but that “some time – and not a short period of time – must pass in order ... to restore confidence. Only after this can conditions be created for discussion of practical aspects related with the problems of refugees”.¹⁵ The commander of the Russian troops in South Ossetia told the OSCE’s Human Rights Assessment Mission (HRAM) that it was too early to speak about the return of displaced persons.¹⁶

¹¹ “Georgia: Massive Returns to Buffer Zone”, UNHCR briefing notes, 17 October 2008; “Displacement Figures & Estimates – August 2008 Conflict”, UN Georgia, 11 November 2008.

¹² Another 1,500 or so were from the Kodori Valley in Abkhazia. “Displacement Figures & Estimates”, op. cit.

¹³ “A Caucasian journey”, *Economist*, 22 August 2008.

¹⁴ “Eduard Kokoity – We have practically settled everything”, *Kommersant*, 15 August 2008. The OSCE Human Rights Assessment Mission (HRAM) was told by the de facto deputy prime minister that: “If a Georgian who decides to remain in South Ossetia does not meet our expectations, they will be expelled... I don’t want Georgians to return ... and they won’t be able to”. “Human Rights in the War Affected Areas”, op. cit.

¹⁵ “Russian MFA Information and Press Department commentary regarding a media question concerning the statement of South Ossetian President Eduard Kokoity”, Russian foreign ministry, 17 August 2008, www.in.mid.ru/brp_4.nsf/0/D0D399777C2B17ADC32574A8004689F4

¹⁶ “Human Rights in the War Affected Areas”, op. cit., p. 48.

III. RUSSIA’S RESPONSIBILITY

Depicting itself as a guarantor of regional stability,¹⁷ Russia continues in effect to control South Ossetia politically, financially and militarily. Thus, the Russian Federation has several important responsibilities, including provision of security and protection of human rights, that, as described above, it has not satisfied.

Rather than reduce its military presence in South Ossetia and Abkhazia as called for in the August and September 2008 agreements, it has continued to boost its military presence there, citing its recognition of them as independent states. When Georgian opposition parties mounted street protests in April 2009, demanding the president’s resignation, Russia acknowledged it mobilised additional troops along its border with Georgia due to what it called a “high probability of provocative actions” by Tbilisi.¹⁸ A confidential assessment by EU diplomats indicated that Russian reinforcements have included tanks, armoured personnel carriers, artillery, and “Grad” multiple-rocket launchers and that an additional 5,000 troops have entered South Ossetia and Abkhazia since April 2009.¹⁹

Russia’s repeated charge that Tbilisi has conducted a military build-up near the administrative borders with South Ossetia and Abkhazia has been refuted by the EU monitors, who say they are “very satisfied” with Georgian compliance.²⁰ Nevertheless, Russia says it will continue solidifying its troop presence through 2010.²¹ On 30 April it signed an “Agreement between

¹⁷ “Lavrov: why Russia’s response to Georgia was right”, *Financial Times*, 12 August 2008.

¹⁸ “Брифинг официального представителя МИД России А.А.Нестеренко”, [Briefing of the official representative of Ministry of Foreign Affairs of Russia, A. Nesterenko], press release, 16 April 2009, at www.mid.ru/brp_4.nsf/0/C50E7AC2158760AFC325759B00234AAE.

¹⁹ “Georgia, Russia trade accusations of troop build up”, Reuters, 17 April 2009. When the Russian defence ministry announced in April that it was sending in additional troops, it gave no numbers. In late April/early May, Moscow signed “treaties” with both entities that allowed it to send in “border guards” to demarcate the borders, again without mention of numbers. Western defence officials have told Crisis Group that a ballpark total figure of 15,000 Russian troops in South Ossetia and Abkhazia is reasonable.

²⁰ “EUMM satisfied with the compliance of the Georgian Ministry of Defence with restrictions on military movements”, press release, 18 April 2009. The EUMM also rejected the South Ossetian claim of a Georgian military build up. See “EUMM inspections show no build up by Georgian armed forces”, press release, 11 February 2009.

²¹ “Russia to complete housing of troops in S. Ossetia by 2010”, Civil Georgia, 26 November 2008. On 17 June, the

the Russian Federation and the Republic of South Ossetia on joint efforts in protection of the state border of the Republic of South Ossetia”, pursuant to which the de facto authorities delegated control for five years.²² This means Russian troops will remain face to face with Georgian troops.²³

Russia’s veto on 15 June in the Security Council of the UN observer mission in Georgia and Abkhazia (UNOMIG) could well further destabilise the situation. The more than 100 unarmed observers have been a moderating influence along the de facto frontier, their presence mitigating the more extremist tendencies in Russia, Abkhazia and Georgia.

The demise of the UN mission may contribute to a feeling of insecurity among the estimated 40,000 ethnic Georgians and Megrelians living in the Gali region of Abkhazia and prompt many to flee to the rest of Georgia, prompting another destabilizing IDP crisis. The departure of the UN will also likely lead to increased tensions among Russian, Abkhaz and Georgian forces on either side of the administrative border.

After its recognition of the independence of South Ossetia and Abkhazia, Russia pledged \$81 million in aid over several years and said South Ossetia would get another \$245 million to rebuild housing, social services, and utilities damaged during the war.²⁴ However, it reportedly suspended funds to South Ossetia in January-February 2009 over concerns about misallocation. As a result, the de facto government was un-

Russian army’s chief of general staff said Russia would reduce the number of its military personnel in Abkhazia and South Ossetia from an initially planned 3,700 in each region. However, no exact troop numbers was provided. “Russia to cut troops in Abkhazia, S.Ossetia – General Staff”, RIA Novosti, 17 June 2009.

²²A similar “Agreement between the Russian Federation and the Republic of Abkhazia on joint efforts in protection of the state border of the Republic of Abkhazia” was signed on 30 April with de facto Abkhaz authorities.

²³Troop numbers to be deployed on the border were not made public. Georgia’s government called this an attempt to legitimise the presence of thousands of Russian troops in the separatist region. NATO said the agreement violated the Medvedev-Sarkozy ceasefire accords. “An Agreement between the President of Russian Federation and South Ossetia on Joint Measures to Protect the State Border of South Ossetia”, Russian president’s web page, 30 April 2009, www.kremlin.ru/text/docs/2009/04/215691.shtml; “Russia violates Georgian ceasefire deal – NATO”, AFP, 30 April 2009; “Saakashvili condemns Moscow’s border pact with Sokhumi, Tskhinvali”, Civil Georgia, 30 April 2009.

²⁴“Russia signs financial aid deals with Abkhazia, South Ossetia”, RIA Novosti, 17 March 2009. “Moscow and Tskhinvali finally agree Russian federal aid deal for South Ossetia”, Eurasia Daily Monitor, 6 April 2009.

able to pay salaries, pensions, and other benefits, including for its own officials.²⁵ Funding resumed in March, as Russia allocated 2.8 billion rubles (\$83 million).²⁶

The situation is exacerbated by the absence of diplomatic relations between Georgia and Russia. Senior Russians have ruled out any political talks with the current Georgia authorities.²⁷ There are continuing fears of incidents that could lead to another military confrontation. Moscow plans a large military exercise, “Kavkaz-2009”, near the Georgian border in June, similar to one it conducted just before the August war.²⁸ According to a Western military attaché in Georgia, it intends to use several sites in Abkhazia and South Ossetia, which could further stoke tensions.²⁹

IV. CHALLENGES TO IDP RETURN

A. THE FORMER RUSSIAN “BUFFER ZONES”

IDP returns to the former Russian-declared “buffer zones” adjacent to South Ossetia have been a relative success. Most of the pre-war population of 25,000 have gone back to their homes since Russian forces withdrew. EU monitors were dispatched in mid-October.

Some former IDPs appear not to have returned voluntarily, however, but to have been coerced. Government-organised transportation was used to accomplish many returns even before basic security was established.³⁰ Some reports indicate that officials told IDPs

²⁵ A report released in December by Russia’s federal auditing agency found that of about \$55 million in priority aid pledged by Moscow, only about \$15 million had been delivered and \$1.4 million spent. It also found that eight of 111 structures scheduled for renovation by the end of 2008 had been completed and 38 had not yet been touched. “Disrepair in South Ossetia dims hopes after Georgia war”, *New York Times*, 7 March 2009.

²⁶“Южной Осетии и Абхазии отсчитали зарплату”, [“Salaries counted out to South Ossetia and Abkhazia”], *Kommersant*, 18 March 2009.

²⁷“I do not want to have any relations with President Saakashvili, and I do not want to communicate with him”. “I don’t want to have relations with Saakashvili” – Russian President Dmitry Medvedev”, *Civil Georgia*, 3 April 2009.

²⁸“The Caucasus tinder box”, *American Thinker*, 19 May 2009; and “Is a new Russia-Georgia war on the horizon?”, *Radio Free Europe/Radio Liberty (RFE/RL)*, 26 May 2009.

²⁹ Crisis group interview, Western military attaché, Tbilisi, June 2009.

³⁰“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 re-

they would be deprived of humanitarian, including food, aid and financial help if they remained behind in makeshift collective centres.³¹ Several accounts show that officials exerted pressure, sometimes physical, to force returns.³² Returnees said that there were neither Georgian police, EU Monitors nor OSCE observers for two weeks after they reached the villages along the administrative border with South Ossetia.³³ Several hundred to a few thousand IDPs have yet to return, saying they feel insecure in close proximity to Ossetian-controlled territory, or places where Russian or South Ossetian forces are stationed.³⁴

Starting in late 2008, the Georgian government began giving IDP households from the former “buffer zone” areas \$15,000 to rebuild their damaged homes.³⁵ Locals also had to cope with the loss of transportation means, livestock and agricultural equipment, which in many cases had been destroyed or seized by Ossetian militias,³⁶ as well as the loss of the year’s harvest. Some croplands near the administrative border with

turn 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’.” “Humanitarian Consequences of the War between Georgia and Russia”, Council of Europe Parliamentary Assembly (PACE), document 11789, 12 January 2009. Another report described people being “loaded onto buses and taken back”. “Human Rights in the War Affected Areas”, op. cit.

³¹ Crisis Group interviews, returnees, Gori region, March-April 2009; “State of Human Rights in Georgia – 2008”; Parliamentary report of the Public Defender. IDPs in the Rustavi collective centre initially refused to return to Knolevi, a former “buffer zone” village near the administrative border 500 metres from the Russian post, due to security considerations even though their homes had not been damaged. The government pressured them to return by refusing to deliver UN food aid. Unable to survive without the humanitarian aid, most had returned by March 2009. Crisis Group interview, representative, ombudsman’s office, Tbilisi, March 2009. “Georgia: refugees claim to be put at risk”, Institute for War and Peace Reporting (IWPR), 27 February 2009; “People are demanded to return to Knolevi village”, Human Rights Centre, 28 January 2009.

³² Crisis Group interviews, human rights activists, Tbilisi, March 2009; “Human Rights in the War Affected Areas”, op. cit.; “State of Human Rights in Georgia – 2008”, op. cit.

³³ Crisis Group interviews, returnees, Gori region, March-April 2009.

³⁴ For instance, parts of villages Ergneti, Koshka, Mereti, Gugutaantkari and Zemo Khviti are along the administrative border, so not all residents have returned. Crisis Group interviews, returnees, Gori region, February-April, 2009.

³⁵ According to government figures, 415 families received compensation of \$15,000, totalling around \$6.25 million. Detailed information in Georgian available at www.police.ge/kotejebi/gaertianebuli5-9.htm.

³⁶ Crisis Group interview, returnees, Gori region, April 2009.

South Ossetia are now occupied by Russian and South Ossetian military units, removing another source of livelihood for residents and contributing to what is likely to be a poor 2009 harvest.³⁷ Several international NGOs have given agricultural assistance, including seeds, and other aid, but villagers need further help to restore livelihoods and repair property.

The security situation in the former “buffer zones” remains tense. Exchanges of fire close to the administrative border are common.³⁸ There have been overflights by Russian helicopters and incursions by roaming militias from South Ossetia, who have been known to engage in kidnapping and robbery. On 7 February 2009, gunmen from South Ossetia took away a Georgian citizen after seizing his car on Georgia’s major east-west highway, close to the administrative border line. The man was released two days later.³⁹ On 27 January, the EUMM said shots were fired near one of its patrols, close to a Georgian police checkpoint and the South Ossetian administrative border.⁴⁰

Georgian police are stationed in villages near the administrative border, but locals complain that the police have orders not to return fire so as to avoid sparking a larger conflict.⁴¹ The police have been the main target of Ossetian militias. Twelve have been killed in the former “buffer zones” since August 2008.⁴² On 29 March, a Georgian police car with five officers on routine patrol hit a mine in the vicinity of the South Ossetian administrative border. One person died and four were injured. A second blast went off after a response team arrived, injuring two more officers.⁴³ The OSCE said there was “little doubt that this was a deliberately targeted attack”.⁴⁴

Some of the 200 unarmed EU and twenty unarmed OSCE military monitors based in Georgia do regular patrols near the administrative border and in the former “buffer zone” villages. Locals appreciate their

³⁷ Ibid.

³⁸ For the latest case, see “MIA reports shooting at S.Ossetia border”, Civil Georgia, 29 May 2009. In addition, returnees say shootings are heard regularly from “uncontrolled territories”, because Russians and Ossetian forces train there. Crisis Group interviews, returnees, Gori region, March-April 2009.

³⁹ “Kidnapped man released”, Civil Georgia, 9 February 2009.

⁴⁰ “EUMM expresses concern at firing in the vicinity of its patrols near Odzisi”, press release, EUMM, 27 January 2009.

⁴¹ Crisis Group interviews, returnees, Gori region, March-April 2009.

⁴² “MIA: policeman dies in blast at S.Ossetian border”, Civil Georgia, 29 March 2009.

⁴³ Ibid.

⁴⁴ “OSCE Special Representative strongly condemns Georgia blasts”, press release, OSCE, 29 March 2009.

presence⁴⁵ but still complain of an atmosphere of insecurity: “Monitoring is not enough, people need reaction and protection”.⁴⁶ The EUMM’s incident reports are not made available, and its general security assessments are not publicised. It should give its reports to all interested actors, such as NGOs and the media, to counteract rumours and false information.⁴⁷ Member states should be firmer on commitments to continue and further empower the EUMM and pledge to retain a long-term presence in Georgia.

B. THE AKHALGORI DISTRICT

Akhalgori, the easternmost district of South Ossetia, was never before the subject of armed conflict between Tskhinvali and Tbilisi. During Soviet times, it was within South Ossetia’s administrative borders, but after Georgia gained independence in 1991 and abolished the Autonomous Oblast of South Ossetia, Tbilisi formally transferred the district to its own administration. After the first Ossetian-Georgian conflict in 1991-92, a small part of the district was controlled by the de-facto authorities in Tskhinvali, but by far the greater part, including the administrative centre of Akhalgori town, was controlled by Tbilisi. Until the August war, 85 per cent of the population was ethnically Georgian.⁴⁸ The district was integrated into Georgian political and social structures, and Georgian was the lingua franca, even for many ethnic Ossetians there. The Georgian currency circulated, and there were few direct transportation and trade links with South Ossetia.⁴⁹

Since the August war, over 5,000 ethnic Georgians – at least 70 percent of the total population and 90 per cent of local ethnic Georgians – have fled, claiming discrimination and a “climate of fear” under the new South Ossetian authorities, who refer to the district by

its old Soviet name, Leningor.⁵⁰ The outflow peaked in October, when the UNHCR reported 1,700 ethnic Georgians fled. The deteriorating economic situation as winter approached and fears about the possible closure of the administrative border with the rest of Georgia contributed to the exodus.⁵¹

Russian forces, which entered the Akhalgori district on 20 August,⁵² remain, despite the withdrawal provisions of the ceasefire agreements. Unlike in other Georgian enclaves, Ossetian militias have not systematically destroyed villages, though there have been some reports of attacks against civilians and complaints of intimidation.⁵³ IDPs also report unease over the presence of armed Ossetian militias and police, including OMON (Special Forces) and Ossetian KGB personnel.⁵⁴

Deteriorating economic conditions have contributed to the outflow of IDPs and their reluctance to return. There has been no supply of natural gas since August.⁵⁵ The energy ministry says it sends it in, but because Akhalgori is “occupied territory”, it has no control over how it is distributed.⁵⁶ Electricity and water are sometimes interrupted. Tbilisi continues to pay pensions to the ethnic Georgians who have fled and salaries to former public sector workers. The Ossetian de facto authorities reportedly now pay salaries for most of the few public sector workers left behind.⁵⁷

⁴⁵ Crisis Group interviews, IDPs, Gori region, February-March 2009.

⁴⁶ Crisis Group interviews, returnees, Gori region, March-April 2009.

⁴⁷ According to a Western diplomat, most media reports from the conflict zones are false or exaggerated. Crisis Group interview, March 2009.

⁴⁸ According to the 2002 census, the total population of the Akhalgori district was 7,703, including 6,550 ethnic Georgians, 1,110 Ossetians and 20 Russians.

⁴⁹ Communication and transportation links were more developed between Akhalgori and the rest of Georgia than between Akhalgori and Tskhinvali. Locals found it more convenient to travel to Tskhinvali via Gori than an old direct road in bad condition that has since been repaired by Russia.

⁵⁰ Several ethnic Ossetians, from mixed families, have also fled.

⁵¹ Crisis Group interview, IDPs from Akhalgori and human rights activists in Akhalgori, Tserovani and Tbilisi, February-March 2009.

⁵² Crisis Group interview, human rights activist working in Akhalgori, Tbilisi, April 2009.

⁵³ See “Russia: protect civilians in occupied Georgia”, press release, Human Rights Watch, 25 November 2008, at www.hrw.org/en/news/2008/11/25/russia-protect-civilians-occupied-georgia; “Conditions of Georgian population in Leningori (Akhalgori) region are troublesome”, press release Memorial, 21 November 2008, at www.memo.ru/2008/11/27/2711083.html.

⁵⁴ Two Russian military bases have been established. An IDP family told Crisis Group they have taken over its land plot, and it sees continual fortification in progress. Crisis Group interviews, near South Ossetian-Georgian administrative border, April 2009.

⁵⁵ “South Ossetia diary: former Georgian officials help with Akhalgori repairs”, EurasiaNet, 3 April 2009.

⁵⁶ “Why electricity supplies are hindered in Akhalgori”, Resonansi, 8 April 2009. Crisis Group interview, Akhalgori local, Tbilisi, April 2008. Crisis Group interviews, Tbilisi, May 2009.

⁵⁷ Crisis Group interview, Akhalgori local, Tbilisi, April 2008.

Locals believe – mistakenly or not – that all sides are responsible for creating difficult conditions.⁵⁸

But Akhgori also is the best possible return destination in South Ossetia for ethnic Georgians. The administrative border between it and the rest of Georgia remains open to those with local residency papers. IDPs are generally free to travel back to check on property or look after elderly relatives, though they must pass several Russian and Ossetian checkpoints where their belongings and documents are thoroughly examined.⁵⁹ They describe the situation as tense. A local said, “our security depends on the mood they [Ossetians and Russians] wake up in, and how much alcohol they have in their systems”. Given this state of affairs, many IDPs say they are afraid to return.⁶⁰ Local residents did not confirm reports, disseminated by Georgian media, that they are forced to accept South Ossetian or Russian passports, or that Georgian language education has been forbidden. Some of the few ethnic Georgians left in the district say personal relations with their non-militia, ethnic Ossetian neighbours remain civil, though others report an atmosphere of “triumphalism” among some.⁶¹

Local Ossetian de facto authorities in Akhgori have expressed willingness to cooperate with international organisations and welcome ethnic Georgian returnees. During a winter visit to Akhgori, UNHCR representatives received requests from town officials for assistance to support returns. But Tskhinvali blocked this by maintaining its conditionality on humanitarian access and demanding that all aid come through Russia.⁶²

⁵⁸ “They got houses, furniture, money, humanitarian aid, and salaries in Tserovani, a school for 1,200 children is being built, some even got compensation of \$10,000 and cottages at the same time”, an Akhgori local told Crisis Group. “We are frustrated to see our government does not care about us. The head of local administration told us: let the Ossetians take care of you”. Ibid.

⁵⁹ They describe Ossetians as behaving more aggressively than Russians at the checkpoints; in the region, Russian soldiers typically ask villagers for food, drinks and cigarettes, and they do not dare to resist.

⁶⁰ Crisis Group interview, IDPs from Akhgori, Tserovani, February 2008.

⁶¹ However IDP families who often visit the region claim that some local ethnic Ossetians have become more “victorious” and “more pro-Russian”. Ibid.

⁶² Crisis Group interview, UNHCR official, Brussels, June 2009.

V. GOVERNMENT RESETTLEMENT STRATEGY AND CHALLENGES

A. PRIORITISING HOUSING

During the last quarter of 2008, the Georgian government and dozens of international and local organisations⁶³ were commendably swift in mobilising housing and humanitarian aid. IDPs were successfully accommodated in temporary shelters immediately after the conflict erupted in August. Tbilisi quickly constructed new housing equipped with basic furniture and cooking utensils for some 18,500 IDPs from South Ossetia unlikely to be returning in the short term.⁶⁴ The government also allocated garden plots. International aid organisations continue to provide food, wood, pesticides and livestock. IDPs who refused to settle in government-provided houses were given \$10,000 to find housing, a sufficient amount to buy a small house in many rural villages.⁶⁵

However, problems arose due to the fast construction. In some cases, new settlements were scattered across bare fields, away from basic facilities. The dwellings appear comfortable enough, but some residents have remarked about shoddy workmanship, and many lack individual water or sewage systems. Most people share water taps, wood-burning stoves for heating and outdoor toilets. Only a few settlements have natural

⁶³ International and local organizations assist IDPs in rehabilitating their living places. UN agencies have taken the leading role. Each established implementing partners to support the government in delivering assistance in sanitation, health, emergency shelter and food security. Local NGOs like the Georgian Young Lawyers Association (GYLA), Transparency International – Georgia (TI), the Human Rights Centre, Article 42 and others have been engaged in protecting IDP rights, compiling facts of human rights violations during the war to send to the European Court of Human Rights and monitoring the funds allocated for IDPs (see below).

⁶⁴ The new housing includes small “cottage-type”, 65-square metre dwellings and public buildings converted into apartments. The IDPs confirmed they were formally given the opportunity to choose where they wanted to resettle, so they could remain with neighbours and relatives. However, many complained that this did not always occur. Crisis Group interviews, IDPs, Gori region, February-March, 2009. New settlers received GEL 200 (about \$121 at the current exchange rate) per person as a one-time allowance and GEL 100 per schoolchild. Communal fees in new settlements are covered by the state, for an indefinite period.

⁶⁵ 1,578 have received this payment. Details, in Georgian, are available at www.police.ge/kotejebi/gaertianebuli5-9.htm.

gas and indoor plumbing.⁶⁶ The biggest new IDP settlement in Tserovani, home to 2,000 families, has become a “model” that officials often show to diplomats and journalists. Despite their grievances, the IDPs who have received new housing say they appreciate not “being left without a roof over their heads”, as was the case for the at least 200,000 IDPs from the 1992-1993 wars in Abkhazia and South Ossetia.⁶⁷

Some of the new settlements are close to the administrative border with South Ossetia, where armed incidents still occur. A Russian post is visible from the Khurvaleti settlement, for example, where in December, a policeman was wounded when coming under fire from South Ossetia.⁶⁸

Living conditions are significantly worse in the 184 collective IDP centres, with more than 7,000 IDPs, where basic facilities and running water are often lacking. Due to decaying infrastructure, some were often without electricity or heating over the winter of 2008-2009.⁶⁹ Tensions have been reported between IDPs resettled in more permanent housing and those in collective centres.⁷⁰

After the August war, public and international interest shifted to “new” IDPs, which in many cases left “old” IDPs – those from the 1992-1993 conflict – frustrated and increasingly dissatisfied by what they claim is a lack of attention by the government. While generous assistance has been given to new IDPs, the needs of those who have been displaced for more than fifteen years have been dealt with as a lesser priority.⁷¹ “Old” and “new” IDPs should be treated equally. Differentiation not only violates the principle of non-discrimination,⁷² but could also contribute to increased tension among groups of IDPs.

⁶⁶ In warm weather people in the new dwellings will face more serious sanitation and health problems due to the absence of sewage systems.

⁶⁷ Crisis Group interview, IDPs, February-March 2009.

⁶⁸ “Police check-point in village Khurvaleti came under fire from Russian occupied territory”, press release, Georgian internal affairs ministry, 17 December 2008. Khurvaleti, Gori region, is about 60km from Tbilisi.

⁶⁹ Crisis Group interviews, IDPs, Rustavi, March 2009.

⁷⁰ Crisis Group interviews, IDPs, Gori and Rustavi, February-March 2009.

⁷¹ “Georgia’s long-standing IDPs want international help too”, UNHCR News, 20 November 2008.

⁷² “Report of the Secretary-General pursuant to Security Council resolutions 1808 (2008), 1839 (2008) and 1866 (2009), 18 May 2009.

B. DEFINITION AND IMPLEMENTATION OF STATE POLICY

The situation in South Ossetia has raised serious doubts about the likelihood that new IDPs will return anytime soon and severely dampened hopes among the more than 200,000 displaced by the wars in the early 1990s. This emphasises the urgency for Tbilisi to implement a multi-faceted, long-term IDP strategy. Despite the government’s immediate response to the crisis, local and international actors question its capacity and will to provide durable answers to IDP issues. They maintain that policy is often made informally, spontaneously and quickly, without in-depth analysis and consultation with local and international experts and actors.⁷³ For instance, the Georgian Young Lawyers Association (GYLA) complained that there are few formal decrees and regulations on IDPs and returnees and no written standards for allocation of new houses.⁷⁴ An NGO worker described the situation:

In regular cluster meetings, we used to discuss rehabilitation and winterisation programs of collective centres with the representative of the refugees and accommodation ministry [MRA]. But one day he shocked us, announcing unexpectedly that the government would construct houses for all IDPs.... The second shock for everyone was to hear that the interior ministry would be in charge of construction.⁷⁵

Multiple state agencies and government levels have been involved in resettlement, return, compensation and assistance programs.⁷⁶ The division of labour among ministries may contribute to a more effective response, but civil activists say coordination has been limited, as state entities were unaware in many cases of their sphere of responsibility.⁷⁷ It remains unclear how

⁷³ Crisis Group interviews, NGOs, April-May, 2009.

⁷⁴ Crisis Group interview, GYLA representatives, Tbilisi, March 2009.

⁷⁵ Crisis Group interview, NGO representative, Tbilisi, April 2009.

⁷⁶ Although the refugees and accommodation ministry is directly tasked with the IDP and refugee issues, other ministries are also involved. The finance ministry coordinates with donors and transfers their money to the state budget; the interior ministry has led the housing program, including supervision of construction and renovation and funds allocated for resettlement; the justice ministry assumed responsibility for registering IDPs; the health, labour and social affairs ministry deals with health and nutrition issues. See “Government of Georgia Response Mechanisms”, 25 August 2008, at: www.relief.migration.ge.

⁷⁷ Crisis Group interview, NGO representative, Tbilisi, March 2009. In addition, see presentation of Giorgi Chkheidze, Georgian deputy public defender (ombudsman), tenth session

government bodies handling IDPs function, which body makes decisions, how policy is formulated and how concrete measures are taken. This state of affairs makes it difficult to get precise data on government activities. For example, an aid organisation spent weeks trying to obtain the names of the roughly 6,000 people thought to be living in the Tserovani resettlement village.⁷⁸ Eventually, the organisation was given hand-written lists.

IDPs and returnees lack adequate information on aid they are entitled to, about responsible state agencies and, most importantly, on their rights. Both government and NGOs have contributed to this situation, which results in a low level of participation in decision making and risks creating another group of powerless and dependent people, who can be easily manipulated for political purposes – as has been the case for “old” IDPs from the wars of the 1990s.

Aid has also been used as a political instrument. For instance, World Food Programme (WFP) aid is distributed by the United National Movement – Georgia’s ruling party – in the city of Rustavi, where some of the IDPs who received \$10,000 housing allowances from the government settled. Local government in Gori has in some instances demanded that NGOs turn over their aid to state offices, ostensibly so officials can deliver it to recipients.⁷⁹

The August war caused the fourth wave of mass displacement since Georgia’s independence less than two decades ago.⁸⁰ The overwhelming majority of IDPs have spent more than fifteen years in dire socio-economic conditions. Integration was perceived by the government as acceptance of ethnic cleansing.⁸¹ The IDPs have been one of the most vulnerable segments of Georgian society, exposed to inadequate housing and social services and unemployment and subject to political manipulation.⁸² Former Presi-

dent Eduard Shevardnadze’s government basically lacked any policy beyond vague promises that “they would go home as soon as possible”.

After President Saakashvili was elected in 2004, the government displayed more interest in finding durable solutions. Defining a new “national strategy” to support IDP integration into the rest of society was a turning point. A number of international and local experts actively participated in drafting this strategy. Recognising the “disappointment and desperation of many IDPs”, it called for improved living standards, integration and an eventual dignified return to places of residence. The new government also began to reform the pro-Tbilisi Abkhazian “government in exile” and launched the presidential program “My House” in 2006⁸³ and endorsed the new “State Strategy on IDPs” the following year.⁸⁴

But strategy development and implementation has slowed significantly. The commission working on it was tasked to come up with an “Action Plan” within six months (by July 2007), but international and local IDP organisations were not included in drafting, and it missed the deadline. Preoccupied with internal political problems, the government did not prioritise its formal adoption, and the refugees and accommodation ministry (MRA), in charge of the plan, has had three different heads since 2007. The “Action Plan” was adopted only in July 2008, a few days before the war that then greatly hampered its implementation.

The MRA prepared a subsequent plan allocating GEL 1.6 billion (about \$1 billion), for IDP issues, including construction of new housing and renovation of collective centres for both “new” and “old” IDPs.⁸⁵ The housing emphasis is positive,⁸⁶ but Georgia needs

of the UN Human Rights Council, at <http://ombudsman.ge/index.php?m=8&newsid=1009>.

⁷⁸ Till Bruckner “Decision-making and Georgia’s Perpetual Revolution: The Case of IDP Housing”, *Caucasus Review of International Affairs*, vol.3 (2), spring 2009, www.cria-online.org/7_5.html.

⁷⁹ Crisis Group interviews, local authorities and NGO representatives, Tbilisi, Gori, Rustavi, February-March 2009.

⁸⁰ The first wave of IDPs was from South Ossetia in 1991-1992, the second from Abkhazia in 1993-1994, the third from Gali (Abkhazia) in 1998.

⁸¹ “Crisis Group interviews, human rights activist, Tbilisi, April 2008.

⁸² “For more than fifteen years of displacement, the livelihoods of the great part of IDPs have not actually improved, and in some cases deteriorated”. Gia Tarkhan Mouravi,

“Assessment of IDP Livelihoods in Georgia: Facts and Policies”, UNHCR and the Danish Refugee Council, 2009 (draft).

⁸³ The program aimed at keeping track of immovable property and the rights to it in South Ossetia and Abkhazia, so as to enable IDPs to legalise their holdings in uncontrolled territories of Georgia; see http://chemisakhli.gov.ge/index.php?lang_id=ENG&sec_id=1.

⁸⁴ See Crisis Group Europe Report N°176, *Abkhazia Today*, 15 September 2006.

⁸⁵ The “Action Plan” calls for the construction of new apartment blocks to house some 85,000 people and individual houses for about 11,000. The ministry also plans to renovate collective centres to provide durable housing for 60,000 IDPs, who will be given ownership. Nearly 45,000 people are projected to benefit from one-off financial assistance or housing vouchers.

⁸⁶ Civil society representatives fear the housing plan may not be adequately implemented given its size and the 2009-2012 time limit envisaged. Crisis Group interview, NGO representative, Tbilisi, May 2009.

to develop a more comprehensive policy addressing social and economic problems as well and to help IDPs become full participating members of society by protecting their civil rights. In the meantime, the government has started to “privatise” collective centres. This is reasonable, but the process has been hasty. There are not yet clear standards or conditions for the mass privatisation. Regardless, some families have already converted their shelter into private property⁸⁷ and 400 centres are slated for privatisation in 2009.⁸⁸

Such empowerment is good, but any rushed process can produce mistakes. The privatisation should be carried out cautiously, based on individual needs assessments. The “Action Plan” itself states that “privatization of collective centres by IDPs will be conducted on an individual basis”. Lack of information on available alternatives is another problem. There is a need for more informational and consultative efforts, since this vacuum undermines the privatisation process and leads to discontent among IDPs.

C. IDP RIGHTS

Housing and land are indeed important components of IDP policy. However, promoting socio-economic rights should be a priority as well. There is need for a comprehensive strategy that addresses unemployment, education and health. A top problem for IDPs, as well as returnees, is lack of cash for everyday needs. The majority of IDPs rely on humanitarian aid from NGOs and complain they cannot afford basic necessities. This problem is an aspect of high overall unemployment in Georgia. The vast majority of IDPs are rural residents. The small plots they have been allocated are barely sufficient for subsistence agriculture.

In addition to economic problems, new IDPs still do not have formal legal status because, nearly a year after the war, the government remains reluctant to grant it. According to the MRA, victims of the August conflict get all available aid and benefits, so are “de facto IDPs”. Without formal status, however, they cannot effectively use legal mechanisms to deal with housing, aid and health issues.

It is a violation of the Georgian “Law on Internally Displaced People” to refuse to issue status for IDPs.⁸⁹ MRA representatives, who initially claimed the status issue would be resolved in the first quarter of 2009, cited other priorities to explain why this did not happen.⁹⁰ In May, the ministry announced it had finalised preliminary work on revising the information database. Mobile groups have been created to study new settlements and register the IDPs, a process the ministry said will result in issuance of IDP status.⁹¹

There have not been many reports of violations of new IDPs’ political rights, though Crisis Group is aware of a few cases in which individuals claimed discrimination on political grounds. One involved IDPs residing in a building used by Irakli Okruashvili, a former Saakashvili ally and defence minister, who is now his bitter foe, in exile and facing criminal charges in Georgia. After the August conflict, Okruashvili’s party allotted a building it had been using to some 50 IDPs, most of whom were supporters of the party or friends and relatives of party leaders. On 27 September, a group of people – some identified as IDPs – entered the building and attacked residents. According to eyewitnesses, some were employees of local governments, now in exile. Allegedly they were headed by Badri Basishvili, a government parliamentarian from the Georgian enclaves in South Ossetia.⁹²

Eventually, the IDPs residing in the building had to leave and were taken to collective centres that party representatives said were in poor condition. Party representatives said they think the action was aimed at seizing the former defence minister’s property, but IDPs suffered as a result. The Georgian government should prevent such incidents, which negatively affect an already traumatised population.

VI. INTERNATIONAL AID

The international response to the crisis resulting from the August war was remarkable. At the Brussels donors conference on 22 October 2008, 38 countries and fifteen international organisations pledged to support

⁸⁷ Crisis Group interview, MRA official, Tbilisi, April 2009.

⁸⁸ According to Prime Minister Nika Gilauri, 31 tenders have been announced for the rehabilitation of 41 collective centres, and GEL 138 million (about \$84 million at the current exchange rate) has been allocated for IDP issues in the 2009 budget. See government press release at www.government.gov.ge/index.php?lang_id=GEO&sec_id=151&info_id=2361.

⁸⁹ The law states that when “mass and extreme displacement” occurs due to threats to life, health and freedom, as a result of aggression of a foreign state, internal conflict or mass violation of human rights, the state must ensure that “IDP status shall be granted immediately”. Articles 1, 2 (para. 9).

⁹⁰ Crisis Group interview, MRA official, Tbilisi, April 2009.

⁹¹ “Awarding the IDP status to the IDPs as a result of the Russian Aggression has started”, press release, MRA, 6 May 2009.

⁹² Crisis Group interview, Movement for United Georgia Party representative, Tbilisi, March 2009.

Georgia with \$4.5 billion over three years – \$2 billion in direct aid, the rest via low-interest loans. The money included direct budget support and financing for banking, transportation, micro-finance and civilian infrastructure, as well as humanitarian projects involving IDPs. By the end of 2008, major donors had formally handed over pledged funds totaling around \$222 million for IDP assistance. Another \$148.6 million is expected for this purpose in 2009.⁹³

Monitoring financial assistance is difficult, however, because each donor has their own system and channels of funding.⁹⁴ According to the initial assessments of Georgian civil society organisations that have been implementing projects to promote aid transparency,⁹⁵ lack of publicly accessible information on aid flows complicates the task of supervising “who funds what, when and how”.⁹⁶

They noted that though there have been no claims of corruption linked with donor aid, a lack of information and transparency “heightens the risk that aid will be misallocated, wasted or stolen in the coming years”.⁹⁷ Their most difficult task is to track how the money is spent after it is received from donors.⁹⁸ It should be a

⁹³ “International AID to Georgia”, Eurasia Partnership Foundation, May 2009, in Georgian at www.epfound.ge/files/epf_brochure_geo_13_apr_09_final2.doc_edited.pdf; and Vladimir Papava, “Reflection of Donors Financial Aid within the Framework of Brussels Conference Decisions in the 2008 and 2009 State Budgets of Georgia”, policy paper no 17, Open Society – Georgia Foundation, Tbilisi, April 2009.

⁹⁴ For, instance, the \$720 million U.S. pledge for 2008, was channeled via the Agency for International Development (USAID), the Overseas Private Investment Corporation (OPIC) and the Millennium Challenge Program, which then provided aid directly or via organisations that may subcontract it. The German foreign office financed construction of 300 houses on the outskirts of Gori, implemented by the GTZ. “300 houses for refugees and internally displaced persons in Georgia”, press release, 9 April 2009, at www.auswaertiges-amt.de/diplo/en/Laenderinformationen/Georgien/090409-Richtfest.navCtx=23336.html

⁹⁵ The NGO Coalition “Transparent Foreign Aid to Georgia” includes: Transparency International – Georgia (TI), GYLA, Civitas Georgica, the Economic Policy Research Centre, Green Alternative, Open Society Institute – Georgia Foundation, the Regional Media Association and four independent experts. See www.transparentaid.ge.

⁹⁶ “TI Georgia itself, after two months of full-time research by a dedicated staff member, still has only an incomplete picture of donor activities” in “Access to Information, Accountability and Aid to Georgia”, Transparency International, 9 December 2009.

⁹⁷ “Access to Information, Accountability and Aid to Georgia,” Transparency International, 9 December 2009.

⁹⁸ Crisis Group interview, NGO representative, Tbilisi, May 2009.

Georgian government priority to give civil society the opportunity to monitor aid so as to ensure transparent expenditure.

Responsibility and accountability is another problem associated with aid, since there is no mechanism to ensure the participation of civil society and affected populations in the process of allocating, distributing and monitoring it. For example, in the case of housing projects, civil society representatives said they have difficulty getting information from government structures and that no single entity is empowered to address IDP needs.⁹⁹ It would be in the state’s best interest to involve the affected population and civil society. Such participation would not only ensure accountability and provide “ground truth” to project planning, but also enhance democratic practices.

VII. NEGOTIATING CORE SECURITY

The security and human rights situation in and around the conflict areas remains volatile. External actors have been unable to facilitate the establishment of a revised security regime, to begin restoring stability or to provide a suitable environment for IDP returns. The ceasefire agreements stipulated the opening of international discussions on “security and stability”. Since October 2008, talks in Geneva, co-chaired by the EU, OSCE and the UN and with the participation of Georgia, Russia, the U.S. and Abkhaz and South Ossetian representatives, have at least begun to acknowledge security and displacement issues. However, the parties have been bogged down over modalities and have produced practically no substance.¹⁰⁰

In February 2009, the parties agreed on “Proposals for joint incident prevention and response mechanisms”, under which they are to undertake joint efforts to prevent incidents near the administrative border, through regular meetings of agencies “responsible for security and public order in areas of tension” and relevant international organizations.¹⁰¹ Though all sides – Geor-

⁹⁹ Crisis Group interview, TI representatives, Tbilisi, April 2009.

¹⁰⁰ The Abkhaz and South Ossetian de facto authorities insisted they be seated at the table along with the delegations from Moscow and Tbilisi. The latter refused, saying it would only meet them in separate sessions. There have been five rounds: 15 October, which was suspended, 18-19 November and 17-18 December 2008; and 18-19 February and 18-19 May 2009. The next round is due on 1 July.

¹⁰¹ “Russia and Georgia agree on security measures for Abkhazia and South Ossetia”, *International Herald Tribune*, 18 February 2009.

gia, Russia, South Ossetia and Abkhazia – welcomed this, it was not immediately implemented.

A first meeting between South Ossetian, Georgian, and Russian representatives was held near the administrative border in April, with OSCE and EU representatives present. A planned 7 May meeting was postponed, because the parties could not agree on a venue and blamed each other for “unconstructive positions”.¹⁰² On 4 June, South Ossetia announced it was considering withdrawing from the meetings due to “organisational issues”, including the refusal of the OSCE and EU to recognise its independence.¹⁰³ Georgian officials are sceptical the meetings will significantly enhance security and stability.¹⁰⁴

Though the Geneva discussions are stymied by procedural bickering, they are the only forum the parties have in which to talk and identify common interests. At the 18-19 May session of “working group two” – which seeks primarily to facilitate voluntary, safe and dignified IDP returns – facilitators distributed concept papers for the parties to study before the next meeting, on 1 July. These address registration and personal documentation, conditions for safe and dignified return and property restitution-compensation. A real discussion on these issues could move the parties from rhetoric to problem solving. The 1 July meeting is thus likely to provide a real test of the commitment to deal with return issues.

The Ossetians have shown especially little willingness to contribute to an improved security and humanitarian environment unless their independence is recognised. The Tskhinvali authorities have denied humanitarian organisations, including the UN, unfettered access. UNHCR has been unable to enter, because the South Ossetians insist that assistance be delivered through North Ossetia (Russia). An offer to deliver aid in parallel via Georgia and Russia was denied.¹⁰⁵

OSCE monitors, in South Ossetia since 1992, have been banned from returning by Russia and the de facto authorities since the outbreak of active hostilities in August, 2008. As noted, this violates the 8 September Sarkozy-Medvedev agreement that states unambiguously that OSCE observers should continue to imple-

ment their mandate in South Ossetia. Russia now insists that South Ossetia, as an independent state, should have a separate OSCE mission distinct from the one in Georgia. Aiming at finding a compromise, the Greek OSCE chairmanship has outlined a “status-neutral” formula for the OSCE presence, omitting the mention of either Georgia or South Ossetia, and urged free movement by monitors across the ceasefire line. Russia has rejected the proposal.¹⁰⁶

Consequently, the entire OSCE Mission to Georgia is in danger of being forced to close on 30 June. It has been carrying out valuable work, including monitoring the ceasefire, observing elections and facilitating democratic reforms. Through its long presence on the ground, the OSCE has accumulated a solid knowledge of the region and, unlike the new EUMM, has well established contacts with the de facto authorities in Tskhinvali.¹⁰⁷ The closure of the mission, which Russia appears to seek, would thus have major implications, undermining the conflict resolution and confidence building process in Georgia. It would also be a blow to the organisation in general, as the Georgian mission has been “one of the largest and strategically most important OSCE missions”.¹⁰⁸

EU member states appear committed to maintain the EUMM, whose mandate is expected to be renewed in September 2009.¹⁰⁹ There is less eagerness to strengthen that mandate however, for example to take over tasks that have until now belonged to the OSCE, except for some electoral reform work.¹¹⁰ The vacuum that could be created by termination of the OSCE mission would be extensive, affecting many areas in which the EU has shown interest, particularly institution building, good governance and human rights promotion.

The move to oust the OSCE further weakens Russia’s credibility as a peacekeeper and guarantor of stability that was already damaged by its obvious partiality for

¹⁰²“Planned meeting on incident prevention put off”, Civil Georgia, 7 May 2009.

¹⁰³“Tskhinvali separatists refuse to take part in incident prevention talks”, *Caucasus Press*, 4 June 2009.

¹⁰⁴“Georgia downbeat on talks to prevent incidents near South Ossetia”, BBCM, transcript from Imedi TV, 29 May 2008.

¹⁰⁵Crisis Group interview, UNHCR official, Brussels, June 2009.

¹⁰⁶The OSCE mandate expires on 30 June, 2009. “Russia vetoes deal on OSCE monitors in Georgia”, Reuters, 13 May 2009.

¹⁰⁷For OSCE work in Georgia see Crisis Group Europe Reports N°183, *Georgia’s South Ossetian Conflict: Make Haste Slowly*, 7 June 2007; and N°159, *Georgia: Avoiding War in South Ossetia*, 26 November 2004.

¹⁰⁸“Response to the Report by HoM in Georgia, Terhi Hakala, as delivered by Chargé d’Affaires Kyle Scott, the Delegation of the U.S. to the Permanent Council”, Vienna, 13 March 2008, at www.osce.org/documents/pc/2008/03/30269_en.pdf.

¹⁰⁹Crisis Group interviews, EU officials, Brussels, May-June 2009.

¹¹⁰Crisis Group interviews, EU officials, Brussels and Tbilisi, April-June 2009.

the de facto South Ossetian and Abkhaz authorities. Moscow is now also advancing the argument that it has “privileged interests” – that special rules apply to former Soviet states – to justify a security zone around its borders in which neighbours accept – or are forced to accept – limitations on their relations with the EU and the U.S.¹¹¹

On 18 February, the UN Security Council passed Resolution 1866, which extended the UNOMIG mandate to 15 June and called upon the Secretary-General to recommend elements for a future security regime it should monitor. The report was issued on 18 May: “Report of the Secretary-General pursuant to Security Council resolutions 1808 (2008), 1839 (2008) and 1866 (2009)”. That all previous reports on UNOMIG activities were entitled “The Secretary-General’s report on the situation in Abkhazia” prompted Georgia’s ambassador to accuse the Secretary-General of submitting to “Russian blackmail”, a charge vehemently denied.¹¹²

The report noted the mission’s contribution to maintaining “relative calm in the region” and described the situation as “fragile, with a continued threat of incidents”. Limits on movement of UN personnel and local population were reported as were some Russian deployments “inconsistent” with Resolution 1866 and the 1994 Moscow Agreement. It outlined elements for a new security regime based on strict adherence to the ceasefire including new regulations governing demilitarised and restricted weapons zones on land, air and sea and increased monitoring and access for UN personnel. It called on the mission to contribute to humanitarian assistance and create “conditions for the safe and dignified return of internally displaced persons and refugees” and recommended it support improved law enforcement, respect for human rights and facilitate contacts to promote confidence and dialogue.¹¹³

Consultations in the Security Council intensified, but the Georgian ambassador accused Russia of seeking to build up its position in Abkhazia and South Ossetia, while Moscow replied that Georgia was bringing more troops near to the two regions. The positions of Russia and of Western members of the Council appeared

irreconcilable. Russia was determined to gain recognition for the “new realities” of Abkhaz and South Ossetian independence; the others sought clear reference to Georgia’s territorial integrity per Resolution 1808.

According to Ambassador Vitaly Churkin, it was this reference that caused Russia to veto a technical roll-over that would have extended UNOMIG for two weeks to allow further consultations.¹¹⁴ According to other diplomats, the Western members of the Council, including the U.S., remained committed to Georgia’s territorial integrity and pushed for a vote, determined not to compromise. It is as yet unclear whether there is room or interest among the members of the Security Council for resuming consultations. The Secretary-General ordered the UN mission to cease operations as of 16 June.¹¹⁵

Leverage to influence Russia to adopt a more constructive posture is limited, but a measure that should be considered is suspension of its right to vote in the Parliamentary Assembly of the Council of Europe (PACE) until it is in better compliance with its ceasefire commitments. Moreover, in August 2008, Crisis Group called on national Olympic bodies to urge the International Olympic Committee (IOC) to seek Russia’s assurance that appropriate international cooperation with respect to Abkhazia, in particular, would be in place by 1 January 2009. Confidence is needed that the 2014 Sochi (Russia) Winter Olympics can be conducted in safety just twenty kilometres from Abkhazia. Russia’s failure to abide by the ceasefire in regard to Abkhazia and its continuing military build-up in the region should be taken into account by the IOC as it evaluates safety issues for the 2014 Winter Games and whether there may be need to have a stand-by site available if the security situation so near Sochi is not regularised.

The EU was quick to broker the ceasefire and dispatch monitors to Georgia, but it failed to react firmly when Russia did not fully comply with the terms of the agreement. It also has been unable to convince Russia to endorse the extension of the OSCE mandate in Georgia.¹¹⁶ Its member states do not always

¹¹¹ President Medvedev has said, “there are regions in which Russia has privileged interests”, an apparent reference to a geographically imprecise area that nevertheless includes Georgia, Ukraine and other neighboring nations in Europe and Asia, www.kremlin.ru, 31 August 2008.

¹¹² UN Newswebsite, 28 May 2009, at www.un.org/apps/news/story.asp?NewsID=30949&Cr=georgia&Cr1=

¹¹³ “Report of the Secretary General pursuant to Security Council Resolutions 1808 (2008), 1839 (2008) and 1866 (2009)”, 18 May 2009.

¹¹⁴ “Security Council Fails to Adopt Resolution Extending Mandate of Georgian Mission for 2 Weeks, as Russian Federation Votes Against Text”, press release, Security Council, 15 June 2009, at www.un.org/News/Press/docs/2009/sc9681.doc.htm.

¹¹⁵ “Statement attributable to the Spokesperson for the Secretary-General on today’s Security Council meeting on UNOMIG”, press release, 15 June 2009, at www.un.org/apps/sg/sgstats.asp?nid=3923.

¹¹⁶ Relations between the OSCE and Russia have been deteriorating for over a decade, cratering in 2008, when Russia essentially refused to let the OSCE send a meaningful monitoring mission to its presidential elections. Moscow

strongly represent core EU principles when it comes to Russia, hastening, for example, to restore ties that were briefly suspended due to the war in Georgia. If it is to be considered a serious foreign policy actor in its own neighborhood, the EU should do more to strengthen security in Georgia by insisting on reversal of what the PACE called “ethnic cleansing” and on compliance with the ceasefires it brokered. Until this occurs, it should keep Georgia high on its agenda of items to discuss with Russia.

monitors (EU and OSCE) access to those areas prevents stability and undermines conflict resolution efforts. Russia should use its dominant influence to allow international monitors access, facilitate IDP return and encourage South Ossetia and Abkhazia to engage in genuine negotiations with Tbilisi.

Tbilisi/Brussels, 22 June 2009

VIII. CONCLUSION

The Georgia-Russia war ended with ceasefire agreements that ordered an end to military action, a pull-back to pre-war positions and access for humanitarian and monitoring missions to conflict areas, but the security situation on the ground remains tense. Russia has not complied with the main points of the truce, and the sides have not engaged in meaningful negotiations to stabilise the situation. These factors create a potentially explosive situation in which even small incidents could spark a new conflict. Russia’s veto on 15 June in the Security Council of the extension of the sixteen-year-old UN military observer mission in Georgia, combined with its apparent determination also to force out the OSCE mission at the end of the month is an unfortunate, potentially grave development that could further destabilise the situation and lead to a new outbreak of full-blown hostilities.

The serious human rights violations during the conflict produced another wave of mass displacement in Georgia. The de facto authorities in South Ossetia, who in effect are under Russia’s control, have refused to allow Georgian IDPs to return. The new influx into Georgia further burdened a country still struggling to cope with at least 200,000 IDPs from ethnic wars in the early 1990s. The government and international aid groups have been quick to deal with the new IDPs’ problems, but there is a need for a more cohesive strategy on the overall IDP issue.

Russia not only keeps excessive troop levels in South Ossetia and Abkhazia, in contravention of the ceasefire agreements, but has also increased their numbers and fortified bases to demarcate, in effect, the administrative borders between Georgia and the regions of South Ossetia and Abkhazia. Its policy of preventing

called for the OSCE’s ODHIR to be reformed, accusing it of working on the basis of self-made rules. Crisis Group discussion with OSCE official, Brussels, February 2008; “OSCE to boycott Russian election”, BBC World News, 7 February 2008.

APPENDIX A

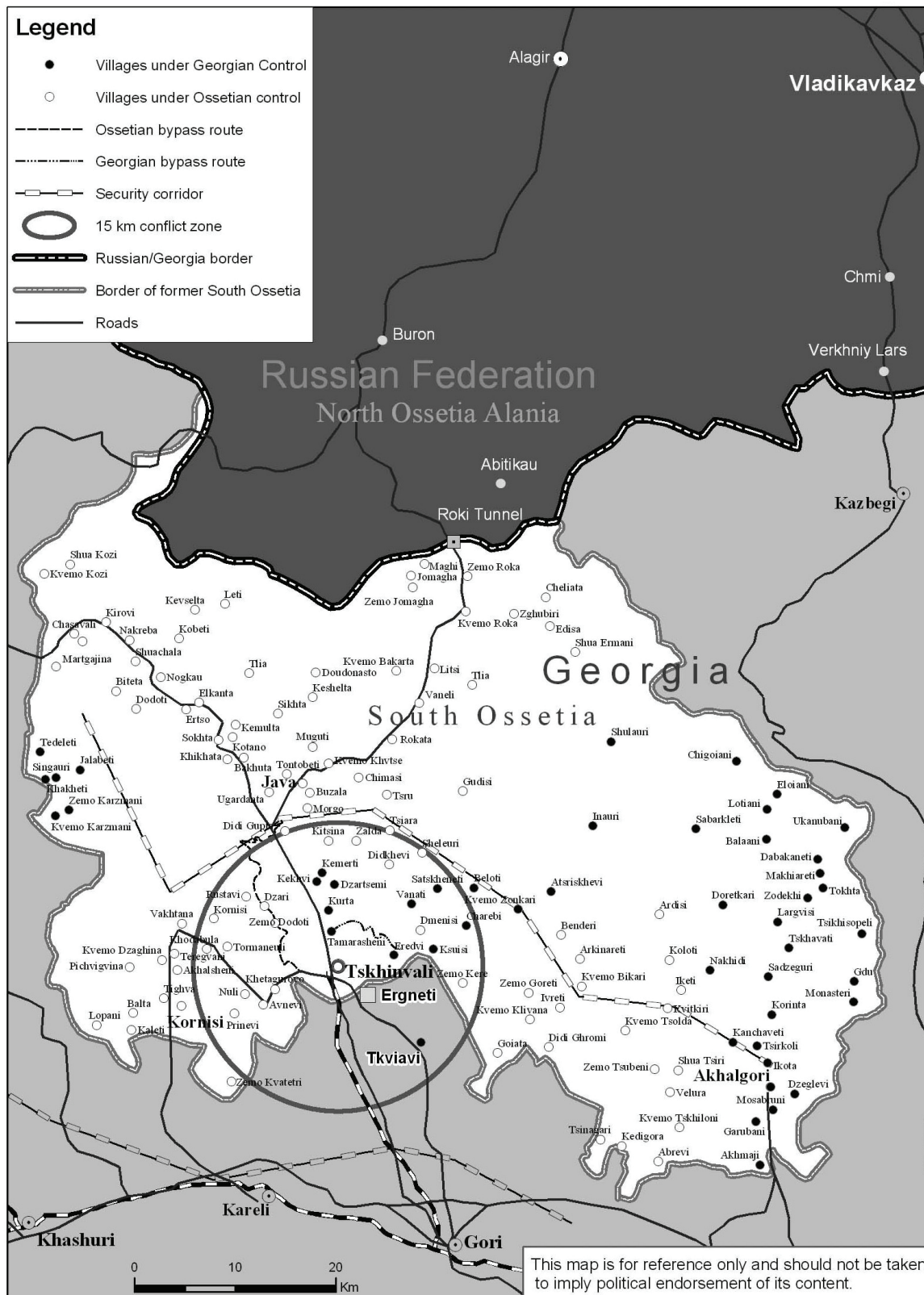
MAP OF GEORGIA

Administrative map of Georgia



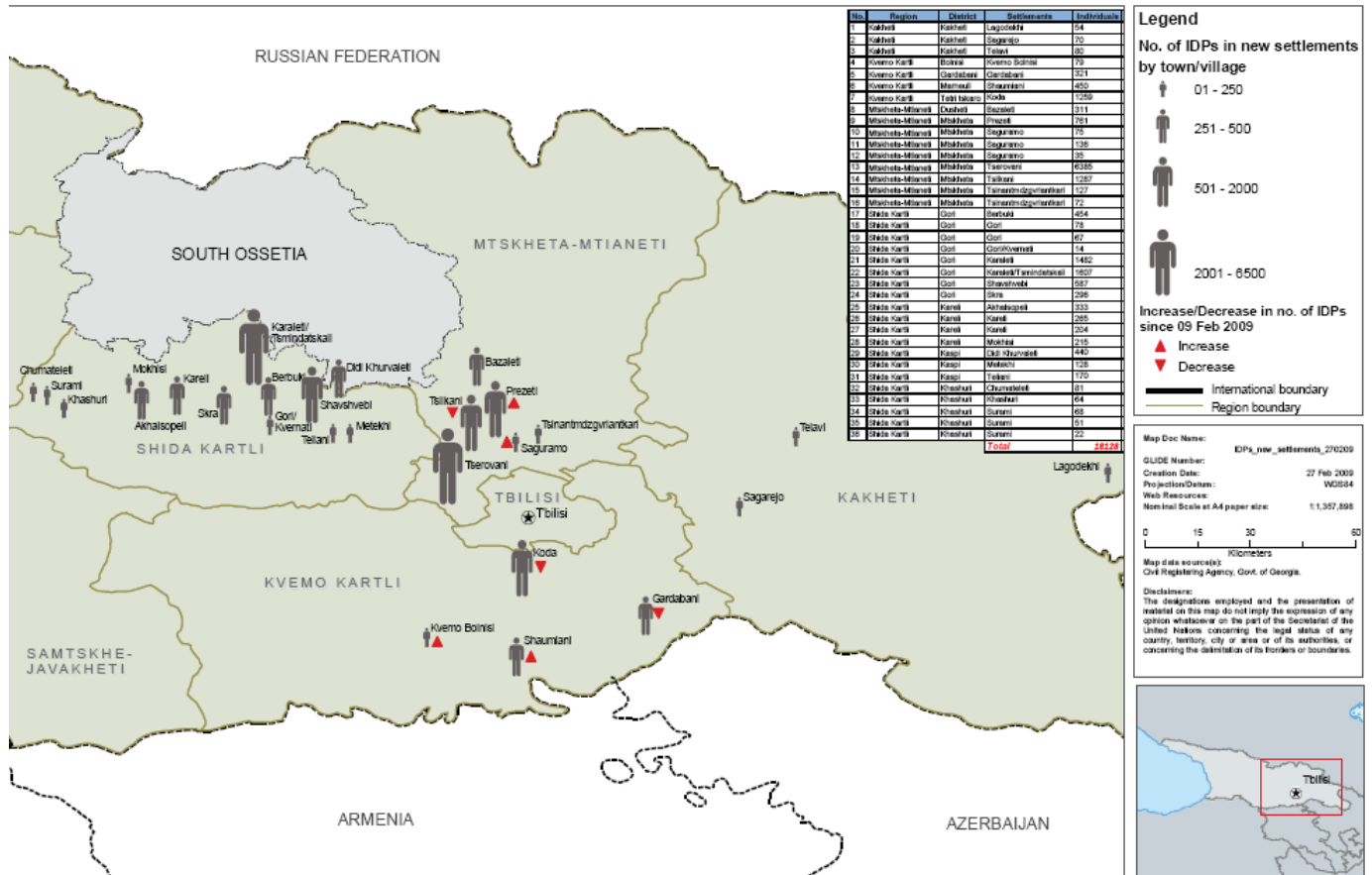
APPENDIX B

MAP OF SOUTH OSSETIA SHOWING VILLAGES UNDER GEORGIAN AND OSSETIAN CONTROL PRIOR TO 7 AUGUST 2008



APPENDIX C

NEW IDP SETTLEMENTS IN GEORGIA



APPENDIX D

SATELLITE PHOTO, 19 AUGUST 2008: DAMAGE TO THE EREDVI-BERULA-ARGVITSI REGION



American Association for the Advancement of Science

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Village area showing 10 August destruction (orange circle) and 19 August damage (red markers); 147 structures are damaged or destroyed by 19 August.

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