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EMBASSY OF GEORGIA TO THE REPUBLIC OF AUSTRIA
PERMANENT MISSION OF GEORGIA TO THE OSCE AND OTHER
INTERNATIONAL ORGANIZATIONS IN VIENNA

2010 OSCE Review Conference - Human Dimension Session

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Statement of the Georgian Delegation

Working Session 6: Refugees and Displaced Persons

Mr/Madame Moderator,

In late August 2008, in the aftermath of the Russian invasion of Georgia, which originated new waves of massive displacement of local population, the Civil Registry Agency of Georgia recorded a total of 131 169 Internally Displaced Persons (IDPs) and victims of ethnic cleansing. Today, approximately 30 000 of these victims are still forbidden from returning home by the occupying power. Unfortunately, the number of IDPs is not limited to the victims of the Russia-Georgia August 2008 War. Since 1991, more than 350 000 of ethnic Georgians have been persecuted and forcibly expelled from the regions of Abkhazia and South Ossetia.

The Government of Georgia has undertaken urgent actions in order to ensure adequate living conditions for Internally Displaced Persons in Georgia until they can return home.¹ The Government of Georgia provided IDPs with all available public and private buildings as temporary shelters for emergency period and simultaneously, in autumn 2008, launched programs for construction of new dwellings for them. A range of social-welfare, education and medical programs under the aegis of the Ministry of Labour, Health and Social Affairs and the Ministry of Education and Science have been extended to cover the IDPs. While addressing urgent needs of the victims of the 2008 Russia-Georgia War, the Government remains committed to enhancing assistance to victims of earlier waves of ethnic cleansing, which was recognized by the Budapest, Lisbon and Istanbul documents.

The Government of Georgia is aware that beyond infrastructure projects, effective social programmes, work and livelihood initiatives are needed for IDPs. On June 15, 2009, the Government of Georgia approved the "IDP Community Development Project," aimed at enhancing the social and economic reintegration of IDPs through increased opportunities to participate in community development activities. The Government revised the State Action Plan for the Implementation of the State Strategy on IDPs on May 28, 2009. The document sets out a vision for integrating IDPs and improving their living conditions through durable solutions, including by establishing transparent, fair criteria for extending social-assistance programmes to vulnerable IDPs. The implementation process is ongoing and will be completed for 2011.

¹ For more detailed information on the actions undertaken by the Government of Georgia, please, see the Information Note "Situation of IDPs in Georgia", distributed by the Georgian Delegation on October 5, 2010.

Regardless of impressive and comprehensive measures undertaken by the Government of Georgia to ensure adequate living conditions for Internally Displaced Persons, the ultimate goal is to fully and unconditionally ensure the right of return of IDPs. The right of return of all internally displaced persons and refugees to their homes throughout Georgia is extensively recognized by international organizations: OSCE, UN, CoE and EU are committed to facilitate the voluntary return of IDPs in safety and dignity.

The ODIHR/HCNM Report of November 2008 illustrates that the actions of Russian military authorities and its proxy regimes impede the return of displaced persons, in contravention of OSCE commitments and other international obligations, including the order of the ICJ. The OSCE recognizes the UN Guiding Principles on Internal Displacement as the relevant framework (Maastricht Ministerial Council Decision 4/03, §13). The ODIHR/HCNM Report once again emphasizes the commitment of the OSCE participating States “to facilitate the voluntary return in safety and dignity, of internally displaced persons, in accordance with international standards, recognizing also that the reintegration of people to their places of origin must be pursued without discrimination” (Lisbon Document 1996, §10).

A few weeks ago, the United Nations General Assembly has responded to Russia’s continuing refusal to allow displaced ethnic Georgians to exercise their right of return and recognized, among others, “the right of return of all internally displaced persons and refugees and their descendants, regardless of ethnicity, to their homes throughout Georgia, including in Abkhazia and South Ossetia.” On September 7, 2010, the 64th plenary session of the UN General Assembly adopted a resolution submitted by Georgia on the “Status of the Internally Displaced Persons and Refugees from Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia.” The UN Resolution stresses that the right of safe and dignified return of all internally displaced persons and refugees and their descendants, regardless of ethnicity, to their homes in Abkhazia and the Tskhinvali region is unchallenged. Among others, it reiterates the need to respect the property rights of all displaced. The Resolution underlines the urgent need for unimpeded access of humanitarian organizations to Abkhazia and the Tskhinvali region. This aspect takes on particular importance against the background of the Russian Federation and its proxy regimes still barring the humanitarian missions and international organizations from accessing the occupied territories of Georgia.

This is not the first attempt of international community to call on Russia to respect international norms and principles. In 2009, the General Assembly called for “the development of a timetable to ensure the voluntary, safe, dignified and unhindered return of all internally displaced persons and refugees affected by the conflicts in Georgia to their homes.” Russia rejected the Resolution.

In September 2009, the Council of Europe passed a resolution calling on “Russia and the *de facto* authorities of South Ossetia and Abkhazia to fully and unconditionally ensure the right of return of internally displaced persons.” Again, this call has been totally ignored by Russia.

Which steps, actions should be undertaken in order to address the impediments created by Russia preventing return of IDPs to their former places of residence?

First of all, international community should continue calling on Russia to respect international norms and principles and recognize the right of return of IDPs, victims of ethnic cleansing, in accordance to international law. We should be unanimous in denouncing all policies and acts of ethnic cleansing or mass expulsion and stand united against continued violations of human rights and international law, particularly by ethnically driven violence.

Secondly, we should start the process of creating conditions for the return of the IDPs and develop relevant timetable to ensure their voluntary, safe, dignified and unhindered return to their original places of residence.

Thirdly, full, meaningful and reinforced participation of the OSCE in the Geneva Discussions is essential. OSCE should mandate the participants of the Geneva Discussions to focus their efforts in this direction and ensure return of IDPs.

Fourthly, the the Chairman-in-Office should empower the ODIHR and the HCNM to undertake the follow up mission to the Tskhinvali Region, Georgia and report on the status of the implementation of the recommendations it has set forth in 2008. We hope that the next year will show progress on this issue.

Finally, we should fill the gap that exists within the OSCE and create a key framework in accordance to OSCE commitments and international standards. This framework will become essential in ensuring protection of the rights of IDPs and refugees and in finding durable solutions to them.

We believe that the Warsaw OSCE Review Conference should inevitably address all these issues related to IDPs. We hope that the conclusions of Human Dimension Review Session will contain concrete and efficient recommendations aiming at strengthening protection of the rights of IDPs and refugees.

Thank you.