

**37th Joint Meeting of the
Forum for Security Co-operation and the Permanent Council**

**Presentation by the Head of the European Union Monitoring Mission
Ambassador Haber to the OSCE PC in Vienna 11 February 2009**

Thank you Madam Chairperson, Excellencies, ladies and gentlemen. It is a great honour for me to address the joint meeting on security and cooperation of the Permanent Council of the OSCE. I take this to be an expression of the good cooperation that we have on the ground in Georgia between our two missions.

As you know our mandate was passed by the European Council on the 15 September last year. It implements the provisions of the agreements of August 12 and September 8 and it was therefore decided by the European Council to entrust this implementation to the European Mission. We very rapidly deployed between 20 and 30 September. We began our patrols on the 1 October, and the Russian forces withdrew in conformity with the two agreements on 8 October. We have now 210 monitors on the ground from 26 out of the 27 member-states of the European Union. Ever since the 8 October we have continued to implement our mandate, which consists of stabilization, normalization and confidence building, plus of course reporting to Brussels and member states. I should like to take each of these components in turn and say a few words on them and then mention some of the difficulties we still face.

First of all, stabilization. As you are aware, we have no executive functions. We monitor the Georgian police forces in the adjacent areas and we conduct patrols in all Georgia, wherever we can go. And it is up to the Georgian police to control the law and order situation in the areas it controls. Over time we have found that the security situation on the ground is on the whole better than we expected. Since we took up our patrols, there have been 6 policemen and 2 civilians killed in the adjacent areas both to Abkhazia and South Ossetia. This is, of course, 8 human losses too many but still it is less than we initially expected. There is still a pervasive feeling of insecurity in the immediate vicinity of the Administrative Boundary Lines (ABL). Many observers on the ground and many civilians do not consider the security situation to be really stable. They expect a worsening of the situation in the spring. But it is very hard to confirm that, given the observations we make and generally the situation so far is relatively calm. We have, of course, incidents. We had incidents involving the OSCE, as you are aware. And we are liaising very closely with our colleagues from the OSCE to find out and report about them to the EU. As you know, the Russians handed over the check points in the ABL to Abkhazian and South Ossetian border guards, and this is one of our security concerns, to be quite frank, because these border guards are not always disciplined. Over the last couple of weeks we however have noticed a slight improvement, especially in the South Ossetian theatre.

Cooperation between our Mission and the Georgian Ministry of the Interior (MIA) is generally good. We have an agreement on liaison officers, so we are in permanent close contact and we receive information on every incident, either from the Minister of the

Interior himself, or from his officials. We have concerns about the tendency of the MIA to introduce heavier equipment into the adjacent zones. EUMM has advised against that. However, it must be clear that there is no breach of obligations under existing agreements, and the special police that are present in the adjacent areas are certainly needed to maintain law and order. As you also know there is still no access for EUMM to South Ossetia and Abkhazia and hence, no evaluation on the security situation on the other side of the ABL is possible. Generally, where incidents occur, they are in the adjacent areas to South Ossetia around the ABL as far as we can see, whereas, in Abkhazia they occur deeper into Abkhazia, in the Gali area.

Turning to normalization, and law and order. This is taken care of by the Georgian police, as I mentioned. As soon as the Russians withdrew on 8 October this was less of a problem in the adjacent area to Abkhazia, than to South Ossetia. But generally, the process went smoothly. The Georgian police are in control and we can monitor all their essential movements. As a consequence of this, just under 30 000 Internally Displaced Persons (IDPs), have been able to return to their homes in the adjacent areas, chiefly in the adjacent area to SO. There is an almost equal number of IDPs who could not return, especially those who came from inside SO, but also from the Upper Kodori Valley and ABK. They are now being taken care of by the Georgian resettlement program. However, there are still problems for those returnees whose homes were in the immediate vicinity of the ABL to SO, because there the security situation is not perfect. There are night-time shootings. There have been no victims, but people are hesitant to return and complain of insufficient support from donors and from the Georgian government.

When it comes to confidence building, we have two projects. The first one is based on the Memorandum of Understanding between the Georgian MIA and the Mission, which we concluded on October 10th. It foresees cooperation between the law enforcement agencies on the ground on both sides of the ABL together with EUMM and the Russians. This was foreseen as a neutral status exercise, purely pragmatic. As you know this initiative has been taken up at the level of Geneva and it will hopefully be decided upon next week at the next round of the talks. Geneva, of course, is fraught with status implications, which have to be solved. I hope Ambassador Morel will succeed in doing so next week.

The other initiative that we undertook is a Memorandum of Understanding with the Georgian Ministry of Defence which we concluded on 26 January. It is a unilateral step by Georgia, under which the Georgian government has undertaken not to place heavy equipment in the immediate vicinity of the ABL and under which it also undertakes to inform the EUMM ahead if any significant movement of forces in a wider area along the ABL. The information which we receive under this agreement we will keep confidential, but the agreement places EUMM into a position to certify that there will be no Georgian military capacity capable of escalating conflict at any stage along the ABL. The security around the ABL can be further enhanced if Russia responds in kind. We invite Russia to examine options for taking such steps.

Now I come to the problems which the Mission faces. There is, first of all, the uncertainty about the mandates of the UN and the OSCE. Both of them are organizations with longstanding experience in Georgia. We have profited from an exchange of views with them. In August, during the conflict, an outside actor to mediate the ceasefire was needed

and, as I already mentioned, the EU mandated EUMM to implement the agreement of 12 Aug and Sept.8. My initial vision, when I arrived on the ground, when the perspectives for both OSCE and UN were still relatively open, was that EUMM would try to carry out its mandate as fast as possible. It was already clear in the beginning that confidence building was going to be the most difficult part of it. But once we had confidence-building mechanisms going, we would be able to hand them back over to OSCE and UN. Now, with the current uncertainty about the future of the two missions, this is certainly not a prospect for the immediate future. Clearly, EUMM is going to remain on the ground for a foreseeable future.

Nevertheless, I think in the long run there should be some systematic thinking about the comparative advantages that our organizations can offer and about the consequences to draw for the architecture of the international presence in Georgia. With respect to the OSCE, there's the question as to how the incident prevention mechanism that, hopefully, is going to be approved in Geneva next week, will work and how the OSCE in the present state, i.e. without a mandate, will fit into this mechanism. This is clearly a question that has to be addressed.

Let me at this point, add one more personal observation. When we first hit the ground the OSCE was already there with observers ready to observe. We implemented our mandate, but we could of course not fail to notice a certain apprehension on the part of the monitoring personnel on the ground, who thought they would be crowded out by the EUMM. I would like to assure you that I made it very clear with the my Mission that nothing should be done that would seem to justify such apprehension on the part of our Mission personnel. And I think we have built a certain trust; although, it is understandable that our colleagues in the OSCE, faced with the current uncertainty, still retain some of that initial apprehension. But I do not think that our behaviour, as far as EUMM is concerned, would justify that.

Well, another difficulty is a very basic one. As you know all member-states of EU still consider the six-point plan as relevant in all its points, while Russia holds that point five is no longer applicable as a consequence of its unilateral recognition of the two entities. This also affects the mandate of EUMM, as the mission has no access to the two entities. The de facto authorities are unwilling to engage with EUMM, while they have no problems speaking to diplomatic representatives of EU member-states, who also do not recognize them.

Lastly, another difficulty is our communication with the Russian Forces in the two theatres. There is still no progress and liaison must be better in the future. The Russian MFA took the initiative in December to arrange a meeting at the ABL with South Ossetia between General Evnevich and myself. And that was a promising beginning, but we have to follow it up from both sides and we are ready to do so.

Thank you very much for your attention. I am looking forward to your comments.