



General Assembly

Distr.: General
21 May 2019

Original: English

Seventy-third session

Agenda item 35

Protracted conflicts in the GUAM area and their implications for international peace, security and development

Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution [72/280](#), pertains to the status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia.

The report is focused on, in particular, the right of return of refugees and internally displaced persons and their descendants, the prohibition of forced demographic changes, humanitarian access, the importance of preserving the property rights of refugees and internally displaced persons, and the development of a timetable to ensure the prompt voluntary return of all refugees and internally displaced persons to their homes.



Contents

	<i>Page</i>
I. Introduction	3
II. Background	3
III. Right of return	6
A. Scope of displacement, return and local integration	6
B. Institutional framework and operational measures	10
IV. Prohibition of forced demographic changes	13
V. Humanitarian access	13
A. International legal foundations governing humanitarian access	13
B. Operational challenges	14
VI. Property rights of refugees and internally displaced persons	15
VII. Timetable for the voluntary return of all refugees and internally displaced persons and work towards durable solutions	15
VIII. Conclusion	16

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [72/280](#), in which the Assembly requested the Secretary-General to submit to it at its seventy-third session a comprehensive report on the implementation of the resolution. The report covers the period from 1 April 2018 to 31 March 2019 and draws on information received from several United Nations entities.

2. In accordance with the provisions of the resolution, the report is focused on: (a) the right of return of all refugees and internally displaced persons and their descendants, regardless of ethnicity; (b) the prohibition of forced demographic changes; (c) humanitarian access; (d) the importance of preserving the property rights of refugees and internally displaced persons; and (e) the development of a timetable to ensure the prompt voluntary return of all refugees and internally displaced persons to their homes.

II. Background

3. Following an escalation of conflict in 1992 and 1993, which caused significant displacement of civilians, armed hostilities between the Georgian and Abkhaz sides ended with the signing of the Agreement on a Ceasefire and Separation of Forces in Moscow on 14 May 1994 (see [S/1994/583](#) and [S/1994/583/Corr.1](#)). That agreement was preceded by the signing of the Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons in Moscow on 4 April 1994 (see [S/1994/397](#)), in which the parties agreed to cooperate and interact in planning and conducting activities to safeguard and guarantee the safe, secure and dignified return of people who had fled from areas in the conflict zone to the areas of their previous permanent residence. Armed hostilities between the Georgian and South Ossetian sides ended with the signing of the Sochi Agreement of 24 June 1992, which resulted in the establishment of a ceasefire between the Georgian and South Ossetian forces and the creation of the Joint Control Commission and Joint Peacekeeping Forces.

4. Following the hostilities that began in the Tskhinvali region/South Ossetia on 7 and 8 August 2008, the six-point ceasefire agreement of 12 August 2008 and the implementing measures of 8 September 2008 (see [S/2008/631](#), paras. 7–15), international discussions were launched in Geneva on 15 October 2008, under the co-chairmanship of the United Nations, the European Union and the Organization for Security and Cooperation in Europe (see [S/2009/69](#), paras. 5–7). According to the agreement, the international discussions were to address the issues of security and stability and the return of internally displaced persons and refugees. By the end of the reporting period, 46 rounds of the Geneva international discussions had been held, with participants meeting in two parallel working groups.

5. The establishment of a special political mission in 2011, with an open-ended mandate, has facilitated the continued engagement of the United Nations in the Geneva process. The United Nations Representative to the Geneva International Discussions and her team are responsible for preparing the sessions of the Geneva international discussions, in consultation with the other two Co-Chairs and their teams.

6. The United Nations Representative and her team are also responsible for preparing, convening and facilitating the periodic meetings of the Joint Incident Prevention and Response Mechanism under United Nations auspices in Gali (see [S/2009/254](#), paras. 5 and 6). By the end of the reporting period, three regular meetings and one ad hoc meeting had been held, with participation from representatives of Georgia, Abkhazia, the Russian Federation and the European Union Monitoring

Mission. I urge all participants to continue to regularly use the Mechanism and the hotline to prevent incidents and to respond immediately to any security-related occurrences. At the same time, I regret to note that the work of this important mechanism has been suspended since June 2018 owing to differences among some of the participants on process-related issues. While there were efforts led by the United Nations Chair of the Mechanism in Gali to maintain dialogue through ad hoc meetings, those meetings cannot be considered a substitute for the normal functioning of the Mechanism. I strongly emphasize the importance of the Mechanisms, not only as an integral component of the Geneva international discussions, but also as a platform for early warning, conflict prevention and dispute resolution, which is essential for the prevention of security incidents and serves as a means to address the humanitarian concerns on the ground. I therefore expect that the regular meetings of the Mechanism in Gali will resume without further delay and without any preconditions. I urge all the participants to refrain from politicizing the process-related issues that prevent the normal functioning of this important mechanism. I support the ongoing efforts by the United Nations Representative to overcome those challenges, to ensure the effective operation of the Mechanism in Gali and to return to a focus on substantive issues.

7. During the reporting period, participants in Working Group I of the Geneva international discussions continued to discuss the security situation on the ground. The overall security situation was assessed as relatively calm and stable. The participants also continued discussions on the key issues of the non-use of force and international security arrangements. In that regard, it should be noted that international obligations constraining the use or threat of force, without prejudice to the right of individual or collective self-defence, are embodied in the Charter of the United Nations and other international instruments. Regrettably, despite intensive engagement by all participants, it did not prove possible during the reporting period to finalize the draft joint statement on the non-use of force, which has been stalled since the forty-third round, held in March 2018. I strongly encourage all participants in the Geneva international discussions to engage constructively, including on issues related to the concept of the non-use of force and its practical implementation, as well as those related to freedom of movement in all its aspects, to make tangible progress without delay.

8. Working Group II continued to focus on the humanitarian needs of all affected populations, their freedom of movement, documentation and access to rights. Although the return of internally displaced persons and refugees and related issues were kept on the agenda, regrettably, there was neither discussion on nor progress made in addressing that important matter in the rounds of the Geneva international discussions. Although all participants repeatedly expressed the importance of that agenda item, “walkouts” by some of the participants under that particular item have become the norm. I strongly urge all participants to reconsider and refrain from such actions and to address all their concerns within the context of the Geneva international discussions. I encourage all participants to constructively engage with one another and the Co-Chairs and co-moderators of the Geneva international discussions to find creative and mutually acceptable solutions for unblocking the current impasse and to begin discussing issues related to the rights and voluntary return of internally displaced persons and refugees. In a related matter, there was no sustainable return to areas of origin or habitual residence during the reporting period.

9. In the context of Working Group II, I am pleased to note that, during the reporting period, there were some constructive discussions on, followed by concrete activities to improve, the living conditions in Abkhazia, including with regard to agricultural livelihoods and the fight against plant and forest pests and diseases, and on the issue of archives. The co-moderators of Working Group II urged all participants

to allow humanitarian visits to religious sites, including graveyards, by relatives of the deceased across administrative boundary lines throughout the year, especially during the Easter and Christmas periods.

10. I reiterate my previous calls upon the participants to grant unfettered access for the Office of the United Nations High Commissioner for Human Rights to be able to assess human rights protection needs, support related mechanisms on the ground and contribute to confidence-building with a view to enhancing the protection of the human rights of the affected population. On 22 March 2019, the Human Rights Council adopted resolution [40/28](#), entitled “Cooperation with Georgia”, in which, inter alia, it requested the United Nations High Commissioner for Human Rights to present to it an oral update on the follow-up to the resolution at its forty-first session and a written report on developments relating to and the implementation of the resolution at its forty-second session. Pursuant to similar Council resolutions, resolutions [34/37](#) and [37/40](#), the High Commissioner presented written reports ([A/HRC/36/65](#) and [A/HRC/39/44](#)) to the Council at its thirty-sixth session, in September 2017, and thirty-ninth session, in September 2018, respectively.

11. Another topic of interest to participants was the continued unknown fate of persons who went missing during the conflicts. The understanding shown by participants for the plight of the families of the missing and the commitments made to engage meaningfully on the issue, in particular by supporting the work of the International Committee of the Red Cross, is commendable. Some progress was made during the reporting period in relation to the fate of the missing persons from South Ossetia through the work of a consultant recruited in the framework of the Geneva international discussions and sponsored by the Organization for Security and Cooperation in Europe. While many humanitarian issues remain unresolved, the Geneva international discussions continue to offer an important opportunity for participants to engage on such issues constructively.

12. To ensure a more informed discussion, special information sessions were conducted in conjunction with the formal rounds of the Geneva international discussions, allowing participants to benefit from the experience and advice of international experts in various areas. During the reporting period, participants were again given the opportunity to deepen their understanding of the importance of the role of women in peace and security, including with regard to peacebuilding and human security and the non-use of force and corresponding implementation measures.

13. During the reporting period, all the participants repeatedly expressed their support for and commitment to the Geneva process. While that is encouraging, making tangible progress on the main substantive issues in both working groups remains crucial to enhancing stability in the region and to addressing the remaining security, humanitarian and other challenges. In that context, I once again underline my full support for the ongoing efforts by the Co-Chairs to help the participants to revitalize the Geneva process. I concur with their observations made on the tenth anniversary of the Geneva process that the remaining challenges regarding the core issues were yet to be resolved and join the Co-Chairs in highlighting that the primary responsibility for making effective use of the Geneva process lies with the participants. In that context, I reiterate the need for all participants to respect and adhere to the ground rules for the Geneva rounds, including the cessation of “walkouts”, in order to help to create a conducive atmosphere for dialogue and practical problem-solving at the Geneva international discussions.

III. Right of return

A. Scope of displacement, return and local integration

14. No major changes were observed during the reporting period with regard to internally displaced persons and refugees exercising their right to return, and no new significant displacements were registered. According to the data provided by the Government of Georgia, as at 1 January 2019, there were 282,381 individuals registered as internally displaced persons in Georgia. The largest numbers were registered in Tbilisi and Zugdidi/Samegrelo. The generational aspects of displacement in the absence of durable solutions are of concern. According to data from the analytical unit of the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs, the number of internally displaced persons increased by 20,761 between 2014 and 2019, primarily as a result of births in their families.

15. It is estimated that more than 45,000 people have previously spontaneously returned to their homes in the Gali district in Abkhazia. Regrettably, the authorities in control in Abkhazia continue to deny the return of ethnic Georgian internally displaced persons to their areas of origin or habitual residence that are outside of the Gali, Ochamchira and Tkvarcheli districts. The Office of the United Nations High Commissioner for Refugees (UNHCR) has repeatedly sought assurances from the authorities in control with respect to the rights of the returnees to permanent residence, freedom of movement, birth registration and property ownership. More generally, during the reporting period, the United Nations continued to call for ensuring the returnees' access to political rights, equal protection before the law, social security, health care, work and employment, education, freedom of thought, conscience and expression and cultural life.

16. It is important to note that the concerns regarding limitations on basic rights, including freedom of movement, increased following the signing in 2015 of two so-called laws: the "Law on the Legal Status of Foreigners in Abkhazia" and the "Law on Procedures of Exit from the Republic of Abkhazia and the Entry into the Republic of Abkhazia". Similar new "laws" were also introduced by the authorities in control in South Ossetia. The "laws" provide for the issuance of documentation to the population who are thereby defined as "foreign" or "stateless". In that context, I urge the authorities in control in Abkhazia to ensure opportunities to obtain documents to facilitate freedom of movement and access to rights and services for the ethnic Georgian returnee population in the eastern part of Abkhazia.

17. In December 2016, the authorities in control in Abkhazia amended the "Law on the Legal Status of Foreigners in Abkhazia" by introducing a "foreign resident permit", which would help ethnic Georgians and others living in Abkhazia to exercise their rights more easily. Pending the introduction of the "foreign resident permit", between July and December 2016 the authorities in control issued temporary identification documents, known as "Form No. 9", to some 12,000 ethnic Georgians, thereby facilitating their freedom of movement and access to services and employment. Owing to reluctance on the part of the returnee population to declare themselves "foreigners" and the slow issuance of the "foreign resident permits", the issuance of "Form No. 9" was reportedly extended by the authorities in control until the end of 2019.

18. As evidenced by the continued renewal of "Form No. 9", the introduction of the "foreign resident permit" remains problematic for several reasons. Those reasons include reluctance on the part of those that have resided in Abkhazia for multiple generations to declare themselves "foreigners". Furthermore, the "foreign resident

permit” does not grant its holder the full range of political, housing, land and property rights. In addition, the restrictive eligibility requirements exclude a considerable number of people from obtaining the “foreign resident permit”, including potential future returnees, while grounds for rejection are broad and open to interpretation.

19. The primary remaining challenges in terms of protection and reintegration relate to documentation, freedom of movement, shelter rehabilitation needs and limited livelihood opportunities. I remain concerned by the decision of the authorities in control in Abkhazia to no longer allow the ethnic Georgian population the use of de facto Abkhaz “travel documents” since January 2019 and to no longer accept the use of previous Soviet passports, while ethnic Georgians have not yet been able or willing to avail themselves of the “foreign resident permit”. Those circumstances led to a situation in which, by the end of the reporting period, several thousands of ethnic Georgians had not been able to cross the administrative boundary line. As a result, they were not able to visit their families, gain access to medical or educational services or have access to their allocations and pensions. I urge the authorities concerned to address that protection gap as a priority, while also developing a long-term vision on the status of the ethnic Georgian returnee population, in which any discriminatory treatment or curtailment of rights should be avoided.

20. During the reporting period, the authorities in control in South Ossetia continued to allow visits to the Akhagori district for those displaced from that area and their relatives. They also issued and renewed crossing documents (*propusk*) for those who were eligible. UNHCR continues to observe regular movement of people across the administrative boundary line in South Ossetia; however, a number of displaced persons are still deprived of the documentation necessary for crossing. In addition, as a result of the establishment of a customs clearance post at the crossing point, crossing the administrative boundary line to the Akhagori district has become more difficult, in particular for traders. The temporary closure of the crossing points in early 2019 had a negative impact on the population of South Ossetia.

21. Since the conflict in August 2008, the United Nations has regrettably lacked operational access to South Ossetia, apart from a humanitarian assessment mission to the Tskhinvali and Akhagori districts conducted by UNHCR in August 2016. It is critical that sustained humanitarian access be discussed with and agreed by both the authorities in control and the Government of Georgia. In addition, in preparation for the rounds of the Geneva international discussions, the Co-Chairs and several United Nations staff were able to visit Tskhinvali and surrounding areas, as well as Akhagori, and familiarize themselves with the latest developments. I encourage the relevant stakeholders to help to actively facilitate unhindered regular access to South Ossetia to allow humanitarian and development agencies to provide assistance to the population and support the particularly vulnerable among those displaced, following the UNHCR humanitarian assessment mission.

22. I also encourage the establishment of a dialogue between the authorities in control in South Ossetia and humanitarian organizations about the possibility for the latter to resume sending missions to the region to address the humanitarian needs of the population following the UNHCR mission.

23. UNHCR remains ready to resume consultations on the return of displaced persons to Abkhazia and South Ossetia with a view to securing the safe and voluntary nature of any such movement. Moreover, further steps are needed to ease the crossing procedures to allow individuals to maintain contact and follow developments in their home communities, as well as to make a free and informed choice as to whether to return or to integrate in areas of displacement or elsewhere.

24. I regret to note that, in early January 2019, the authorities in control in Abkhazia and South Ossetia imposed temporary restrictions at the main crossing points with

the Tbilisi-administered territory of Georgia, purportedly to protect residents from an influenza outbreak. The restrictions were questioned by the Co-Chairs and the international community. On the basis of guidance from the World Health Organization, the Co-Chairs asserted that closing the crossing points served no public health benefit. While some exceptions were allowed for crossing to gain access to emergency health care, the closure had a significant impact on the lives of the affected people, notably those with chronic medical conditions. I encourage all relevant actors to use the Incident Prevention and Response Mechanisms, including the hotlines, to address such issues.

25. I urge for the immediate resumption of the regular functioning of the Incident Prevention and Response Mechanism in Gali, without any preconditions. Furthermore, I call upon all relevant parties to show humanitarian consideration for local residents engaging in traditional livelihood activities near and across the administrative boundary lines.

26. Regrettably, the so-called “borderization” measures along the administrative boundary lines with both South Ossetia and Abkhazia continued throughout the reporting period. Further obstacles to the freedom of movement continued to be observed along the administrative boundary lines, including the so-called “state border signs”, watch posts and surveillance equipment. Increased surveillance by border guards of the Russian Federation and strict detention practices were also reported.

27. In the context of freedom of movement, the lack of proper documents, the continuing “borderization” process and the closure of four of the six crossing points during 2016 and 2017 further restricted the ability of some in Abkhazia, in particular those living in the area adjacent to the aforementioned crossing points, to cross the administrative boundary line. Those with documentation allowing them to cross the administrative boundary line now must travel long distances to cross. The closure of the Nabakevi/Nabakia and Otobaia-2/Bgoura crossings has significantly complicated movement across the administrative boundary line, not only negatively affecting the fundamental right to freedom of movement, but also further socially isolating the ethnic Georgian population in the eastern part of Abkhazia. I reiterate my previous calls for the reopening of the closed crossing points and for the participants in the Geneva international discussions to refrain from any unilateral action that may have an adverse impact on the humanitarian situation of the affected populations and their access to rights and services.

28. The inability to have free access to agricultural fields, orchards, traditional grazing grounds, forests and markets has reduced income and employment opportunities and further limited communication and relations between families living on opposite sides. The fencing measures along the administrative boundary lines have exacerbated the already difficult living conditions of those living on both sides, including many internally displaced persons. To mitigate the most harmful impact on the survival mechanisms and livelihoods of the population, the “Interim Governmental Commission Addressing the Needs of Affected Communities in Villages along the Dividing Line” established by the Government of Georgia continues to mobilize State funds for investment in villages affected by fencing to develop infrastructure for irrigation and drinking water, road connections, education, agriculture, shelter, heating and health.

29. While internally displaced persons retain the right to return, the Government of Georgia continued its efforts to provide those individuals with durable housing solutions and access to livelihood opportunities. I commend the continued efforts of the Government of Georgia to support internally displaced persons, including through the provision of housing and other assistance, as laid down in the successive action

plans for the implementation of the State strategy on internally displaced persons. However and unfortunately, by the end of 2018, only 43 per cent of all households of internally displaced persons had been provided with a durable housing solution. There remains an urgent need to continue to improve the living conditions of internally displaced persons in both collective centres and private accommodation. In addition, there is a continuing need for sustained efforts to provide internally displaced persons with access to employment and livelihoods.

30. Thanks to the efforts of the Government of Georgia and its international partners, the level of dissatisfaction of internally displaced persons regarding the housing offered to them has decreased. That decrease occurred as a result of important measures, including improved legislation regulating the provision of housing in urban and economic centres rather than in isolated rural areas. However, there are still concerns about the selection process of recipients to ensure access for those most in need. The Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs continued to develop the UNHCR-supported hotline for internally displaced persons to reach officials of the Ministry remotely. Other efforts, such as continued privatization and rural housing projects, which combine the provision of shelter with agricultural land, have expanded the housing options. However, considering the total needs, the existing durable housing solutions remain limited.

31. Despite ongoing efforts to assist internally displaced persons, given the scale of the displacement, substantial challenges concerning their integration remain. According to the Government of Georgia, more than \$800 million would still be required to meet their remaining housing needs. That amount is the estimated cost of providing the remaining 50,000 out of 90,000 families with various types of accommodation. The Government of Georgia undertakes efforts to provide alternative accommodation for those internally displaced persons living in dilapidated collective centres, but significant needs remain. The living conditions of those residing in private accommodation are often equally inadequate. Even though those persons often own the property, the lack of economic opportunities sometimes forces them to move back to substandard housing conditions in collective centres in order to qualify for continued assistance.

32. The provision of durable housing, while essential, is not the only aspect of integration. Socioeconomic aspects, such as sustainable livelihoods and access to quality educational, medical and social services, should also be addressed. While the United Nations, together with donors and other stakeholders, continues to assist the Government of Georgia in protecting and ensuring the rights of the affected populations, acute humanitarian crises elsewhere in the world have had a negative impact on the funding levels for humanitarian projects in Georgia. Moreover, further progress in integrating and improving the living conditions of the internally displaced is becoming less a question of humanitarian response and more a matter of integrating their socioeconomic needs into municipal, regional and national development strategies and budgets.

33. I welcome the decision of the Government of Georgia to base assistance to internally displaced persons on needs and vulnerabilities, using a scoring system, rather than on registration in a database. This approach is in line with the recommendations adopted by the Special Rapporteur on the human rights of internally displaced persons during his visit to Georgia in September 2016. I urge the Government of Georgia to follow up on those recommendations, including to implement a communication strategy around the social assistance reform with the support of UNHCR. I urge the Government of Georgia to also implement the social assistance reform and to redouble efforts to allocate sufficient State budget resources to development efforts that include the needs of the internally displaced. I welcome

initiatives by the donor community to provide the funding and support necessary for such displacement-sensitive assistance and development initiatives in Georgia.

34. While progress has been made in the reintegration of the ethnic Georgian returnee population, important needs and protection challenges remain. Those who spontaneously returned to Abkhazia are still officially considered internally displaced persons by the Government of Georgia and are therefore eligible for assistance. The financial and other assistance ensured by the Government of Georgia should not prevent the authorities in control in Abkhazia from providing returnees with the proper documentation and full access to rights and services.

35. A variety of infrastructure and livelihood initiatives financed by the international community during the reporting period had a positive impact on the humanitarian and security situation of the population in the Gali district and on the reintegration prospects of returnees.

36. Additional protection and reintegration challenges remain in eastern parts of Abkhazia. While generally expressing appreciation for the assistance received, the local population continues to report a sense of insecurity, in particular about the future. A significant segment of the population in the Gali, Tkvarcheli and Ochamchira districts has no valid documentation. The non-issuance of proper documentation in the past nine years has had a substantial negative impact on children whose parents were not able to obtain the necessary documents for them owing to their own lack of valid documents. The remaining specific protection concerns expressed by the returnees relate to: (a) freedom of movement, especially in the longer-term perspective, as messages from authorities in control are perceived as not always being consistent; (b) documentation required to exercise freedom of movement, enjoy rights and gain access to services; (c) access to education, including higher education, and, in particular, access to mother-tongue-based multilingual education; (d) secure access to quality health care (on both sides of the administrative boundary line); (e) incidents of discrimination, including those related to documentation and taxes; and (f) lack of effective protection against crime and of an adequate response to sexual and gender-based violence.

B. Institutional framework and operational measures

37. The local population in the Gali district, including returnees, continued to express concern regarding restrictions placed on the freedom of movement, the impact of such restrictions on regular contact with family members and friends residing on the other side of the Inguri River, and access to social infrastructure, including medical facilities and markets in the Zugdidi district. The development and implementation of a crossing regime that allays those concerns remain crucial for improving the living conditions of the local population, advancing the reintegration of returnees and preventing renewed displacement. In that context, it is essential to identify and implement solutions for the provision of documentation in conformity with international law, including international human rights law, and the principles governing the prevention and reduction of statelessness. I urge all relevant parties to take pragmatic steps to solve this recurring problem without delay and allow children, in particular, to cross at convenient and safe locations.

38. There is a complex nexus between the individual right to voluntary, safe and dignified return and the establishment of the conditions conducive to such return. The individual's right to return, in the case of an internally displaced person, derives from the individual's right to freedom of movement as stipulated in international human rights instruments. It is essential to recognize that return is both a human right and a humanitarian issue and therefore cannot be directly linked to political questions or

the conclusion of peace agreements. It must be addressed irrespective of any solution to the underlying conflict. At the same time, it is primarily for the individual to assess the risks and make an informed choice as to whether to return at a given time. In doing so, displaced persons must be able to take into account all factors that could affect their safety, dignity and ability to exercise basic human rights.

39. The United Nations is committed to assisting States in the search for durable solutions for displaced populations, and its engagement is based on the understanding that voluntary return in safety and dignity is one durable solution, the other two being local integration and resettlement. The role of the United Nations in the facilitation, design and implementation of organized return operations must be guided by the need to avoid causing harm or contributing to the exposure of persons of concern to possible human rights violations: any returns must be voluntary and conducted in safety and dignity. Therefore, activities related to organized returns must be based on a careful risk assessment, taking into consideration the existing security and human rights conditions and concerns, access to livelihoods and basic services and the voluntary nature of return. Unhindered humanitarian access, and, consequently, the ability of the United Nations to effectively monitor all those factors, is another aspect to be taken into account.

40. In contrast to South Ossetia, Abkhazia continued to benefit from international humanitarian and development assistance. The Abkhaz strategic partnership framework, established among humanitarian and development partners and coordinated by the United Nations, expanded its reach during the reporting period. In addition to promoting greater confidence-building and providing humanitarian assistance to the most vulnerable population, it also aimed at achieving durable solutions for returnees through integrated protection and assistance activities and the promotion of their rights in the Gali, Ochamchira and Tkvarcheli districts.

41. For the United Nations system, an initial, singular focus on returnees continued to be complemented by strategies and actions targeting all vulnerable populations in Abkhazia. Such efforts bring together the following strategic partners, under the overall coordination of the United Nations Resident Coordinator: UNHCR; the United Nations Development Programme (UNDP); the United Nations Children's Fund (UNICEF); the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women); the Food and Agriculture Organization of the United Nations; the United Nations Population Fund; and international non-governmental organizations (NGOs), namely, Action against Hunger, the Danish Refugee Council and World Vision International; as well as some additional humanitarian actors in an observer capacity. Collectively, support is provided in multiple sectors: health, including sexual and reproductive health; livelihoods, agriculture and economic recovery; housing assistance and community infrastructure; education, youth and social services; the environment; protection services, including legal assistance and prevention of and response to sexual and gender-based violence; and support for civil society.

42. UNHCR, in partnership with local and international NGOs and authorities in control, continued to address obstacles to sustainable return by providing one-time individual cash grants to vulnerable families and legal advice and counselling in relation to documentation issues and access to rights and services. UNHCR provided employment opportunities for young, female returnees and free transportation for a number of schoolchildren and vulnerable persons among the daily commuters over the Inguri Bridge. It also undertook the rehabilitation of schools and other small infrastructure projects and provided support to vulnerable farmer households by promoting crop diversity and modern farming techniques. UNHCR remains committed to the provision of community-based support, notably to enhance the

protection of vulnerable persons and promote peaceful, coexisting projects benefiting both returnees and host communities.

43. To address the consequences of poor harvests and substandard agricultural approaches, UNHCR and partners provided vulnerable households in the south-east of Abkhazia with equipment and training to help them to diversify and modernize their farming activity. A vulnerability assessment of 1,024 households among the returnee population of eastern Abkhazia led to the provision of cash assistance to 362 households (triple that of the previous reporting period). However, most of the vulnerable households are in villages in which community-based local development initiatives offer better long-term prospects than those offered through unsustainable individual financial assistance.

44. Through UNDP support to youth in returnee and conflict-affected communities in 2018, an estimated 1,900 beneficiaries (students and teachers) in 31 rural schools in Abkhazia gained improved access to information and communications technology, equipment and the Internet. Student-centred methodologies in foreign language learning were promoted in rural schools. During the reporting period, 218 teachers improved their professional skills in teaching English, and 640 lessons including new approaches to foreign language teaching and learning were delivered. UNDP also continued to support the electronic library and information technology initiatives, offered English language classes to young people, with a certification that enabled them to gain access to graduate and postgraduate education abroad, and established a university-based language learning centre, which offers free courses in five foreign languages.

45. In 2018, UNICEF, in partnership with international and local actors, continued to support improved access for the most vulnerable children, including children with disabilities, throughout Abkhazia to health and education-related services. UNICEF also continued its training programme for teachers on student-centred teaching, mother-tongue-based multilingual education methodologies and life skills education. UNICEF supported the creation of resource centres for teachers and continued to support 28 youth clubs for youth participation and development activities.

46. With support from UNHCR, UN-Women continued to strengthen the prevention of and response to sexual and gender-based violence, through medical, legal and psychosocial counselling and awareness-raising campaigns conducted by a local NGO. In addition, UN-Women continues to support the participation of women in all aspects of the peace process and regularly organizes platforms for sharing information between women's organizations, internally displaced and conflict-affected women and women living adjacent to the administrative boundary lines, with Georgian participants in the Geneva international discussions and Incident Prevention and Response Mechanism. The key objective of those meetings is to inform women about the status of the political dialogue and to provide them with a forum to voice their needs and priorities.

47. The issue of freedom of movement across the administrative boundary line has security, humanitarian and human rights dimensions and remains of utmost importance to the local population. Developments during the reporting period were marked by two trends: enhanced control and limitations and further formalization of the documentation conditioning the ability to cross the administrative boundary line.

48. An average of 750 persons per day used to cross the administrative boundary line at the now closed Nabakevi/Nabakia and Otobaia-2/Bgoura crossings. In that context, I urge the authorities in control in Abkhaz to provide additional transport options for those living farther away to facilitate faster crossings across the Inguri Bridge. I attach the utmost importance, for the benefit of vulnerable persons, to the continued service of two shuttle buses operated by UNHCR traversing the Inguri

Bridge. I call upon the relevant authorities to ease the crossing procedure, in cases in which such a procedure exists, for family visits, notably in the case of medical or other family emergencies, imminent death or funerals.

49. Persons in need should be able to gain access to medical attention wherever it can be offered as quickly as possible and at the highest possible standard. I call upon all stakeholders to exercise maximum care and flexibility in that regard and improve the conditions for the crossings, including through the introduction of a fast-track procedure for the vulnerable.

50. Schoolchildren of ethnic Georgian descent should be able to benefit from instruction in their mother tongue if they so wish. Access to such instruction should be facilitated within reasonable travel time and by way of the shortest possible crossing of the administrative boundary line.

IV. Prohibition of forced demographic changes

51. Relevant international human rights standards should guide managed population movements, including evacuations, and thereby strictly limit forced movements, including those that result in demographic change. The principles and provisions of international law mentioned in my previous reports, as well as non-refoulement obligations governing the protection of refugees and others who flee their homes as a result of or in order to avoid the effects of armed conflict and situations of generalized violence, remain fully applicable. While no new displacement was observed during the reporting period, the demographic consequences of earlier displacement remain.

V. Humanitarian access

A. International legal foundations governing humanitarian access

52. The need to establish and maintain humanitarian space is essential in order to effectively meet the humanitarian needs of conflict-affected and displaced populations, to mitigate suffering and to enable United Nations agencies, funds and programmes to exercise their mandates. In that context, it remains important that all sides respect their obligations and act in good faith to fully implement the principle of humanitarian access, which is rooted in international humanitarian and human rights law. The free passage of relief goods and the facilitation of humanitarian operations are correlated with the achievement of a number of human rights, including the rights to life, to a decent standard of living and to protection against discrimination. Moreover, building on the practice of the United Nations human rights treaty bodies, there is growing acceptance that the obligation of States to respect, protect and fulfil human rights includes an obligation to invite, accept and facilitate international (humanitarian) assistance, in particular, if the State's resource capacities or other obstacles, such as its lack of effective control over parts of the territory, limit its capacity to effectively address all humanitarian needs.

53. In the context of international conflict situations, international humanitarian law requires the establishment of conditions for rapid and unimpeded passage of all relief consignments, equipment and personnel. In non-international conflicts, States must organize relief actions for the civilian population, without any adverse distinction. The universal acceptance of those rules has established, as a norm of customary law in both international and non-international conflicts, that parties to a conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need. Furthermore, arrangements pertaining to relief personnel must be simplified

to the greatest extent possible, and I therefore encourage measures to enable and facilitate such efforts.

B. Operational challenges

54. The United Nations continues to support all initiatives aimed at enhancing people-to-people contact and improving the day-to-day life of residents on both sides of the “dividing lines”. To that end, I welcome the adoption by the Government of Georgia in April 2018 of its peace initiative on the theme “Steps towards a better future”, which is aimed at enhancing trade and educational opportunities for residents in Abkhazia and South Ossetia, and I urge the continuation of dialogue and the political will to ensure the implementation of the initiative for the benefit of all concerned. The particular focus on concrete measures to encourage and facilitate the free movement of goods, services, persons and finances between Abkhazia, South Ossetia and Tbilisi-administered parts of Georgia is commendable. Despite those positive developments, ambiguities contained in the existing legal acts, as well as in the “Law on Occupied Territories” and the “State Strategy on occupied territories”, continue to complicate the operational environment for international and local actors involved in humanitarian, peacebuilding and other activities and constrain the development of an enabling environment for more direct and effective interaction. In the spirit of constructive engagement, I encourage the Government of Georgia to facilitate and enable such efforts, allowing for unhindered, sustainable humanitarian access and service delivery by humanitarian partners and permitting the conduct of financial and administrative transactions by those partners in the territories not under the control of the Government of Georgia.

55. The United Nations agencies, funds and programmes have been able to implement protection, humanitarian assistance, recovery and development activities in Abkhazia. The ongoing humanitarian needs notwithstanding, it is widely recognized, including by the international donor community, that needs have increasingly shifted from humanitarian assistance towards early recovery activities and the delivery of more sustainable support. The United Nations Resident Coordinator is facilitating an inclusive dialogue on that matter among international donors and with relevant authorities.

56. On 30 January 2015, the authorities in control in Abkhazia formally communicated their agreement to allow the work of all international organizations and NGOs within the Gali, Ochamchira and Tkvarcheli districts and United Nations agencies without geographical restrictions. I urge the lifting of all restrictions to enable those entities to better contribute to addressing the needs of the most vulnerable in all areas of Abkhazia, in line with international standards for the work of international agencies. Such an approach should continue to be implemented consistently.

57. Authorities in control in Abkhazia have introduced procedures requiring the local staff of United Nations agencies and international NGOs in Abkhazia to enter into discussion with the Abkhaz “security service” before crossing the administrative boundary line. That requirement has continued to limit the operational flexibility of those agencies and NGOs, adding to already existing operational difficulties caused by the fact that national staff of those agencies and NGOs are not allowed access to Abkhazia. Furthermore, the closure of the crossing points by the authorities in control in Abkhazia and South Ossetia early in 2019, using public health concerns as a justification, not only negatively affected the living conditions of affected populations but also limited the transfer of, inter alia, supplementary food supplies, medication and financial support for vulnerable segments of the population. I call upon all

relevant parties to ensure unimpeded access for all categories of personnel of all United Nations agencies and international humanitarian NGOs.

58. Given the need for a proper transition from humanitarian assistance through recovery to longer-term sustainable development, it is important to avoid gaps in the transition process and ensure that the remaining humanitarian needs and the contingency considerations are fully met. In that regard, I reiterate my call for the respect of the international principles governing humanitarian access, including unhindered movement of personnel of international organizations, and for flexibility, practical approaches and measures to be taken by all relevant stakeholders. Consultations must also continue among all relevant stakeholders in order to ensure the flow of up-to-date information on the humanitarian needs of the population and to improve coordination.

VI. Property rights of refugees and internally displaced persons

59. Property-related issues remained within the scope of Working Group II of the Geneva international discussions. Obstacles to resolving those issues, as well as my call upon all parties to adhere to the principles on housing and property restitution for refugees and displaced persons (referred to as the “Pinheiro principles”) and the underlying norms of international law, including international human rights law, as outlined in my report of 20 May 2013 (see [A/67/869](#), paras. 58–60), remain valid. The Special Rapporteur on the human rights of internally displaced persons noted during his visit in September 2016 that internally displaced persons were entitled to the restitution of, or compensation for, their lost property, regardless of whether they had chosen to return, integrate in their area of displacement or relocate elsewhere. I encourage participants in the Geneva international discussions to facilitate an expert session to address housing, land and property rights within the context of the international discussions.

VII. Timetable for the voluntary return of all refugees and internally displaced persons and work towards durable solutions

60. No agreement or timetable for the voluntary return of all refugees and internally displaced persons has been developed, given the prevailing environment and continued discussions among the parties. Working Group II of the Geneva international discussions could not deal with the issue of voluntary return owing to the continued unwillingness of some participants to discuss the matter. I reiterate that, as long as the conditions for organized return in safety and dignity are not fulfilled and the mechanisms for property restitution are not established, the design of a comprehensive timetable or road map for returns must remain an open matter to be addressed. Those challenges should not prevent the parties from working towards identifying durable solutions for all displaced persons, giving particular attention to the implementation of the right of return. I reiterate my call upon all participants in the Geneva international discussions to engage constructively on the issue, in accordance with international law and relevant principles, and to refrain from walking out when the issue of the voluntary return of refugees and internally displaced persons is tabled by the Working Group II.

61. In the absence of conditions conducive to organized return and of appropriate implementation mechanisms, the United Nations agencies, funds and programmes will continue to concentrate their efforts on providing the conflict-affected populations, including returnees or persons in the process of returning, with

assistance and support for their reintegration. They remain committed to proceeding at the appropriate time, in consultation and cooperation with all parties concerned, with the development of a timetable or road map addressing all the components outlined in my report (A/63/950).

VIII. Conclusion

62. I welcome the continued publicly expressed recognition by all relevant stakeholders and participants of the vital importance of the Geneva international discussions as a unique platform for participants to discuss security and stability and humanitarian issues, including as related to the return of refugees and internally displaced persons. I have also noted the commitments by all relevant stakeholders and participants in the Geneva international discussions to the necessity of ensuring the effective functioning of this important process, including the Incident Prevention and Response Mechanisms in Gali and Ergneti, and their support for the ongoing efforts by the Co-Chairs of the Geneva international discussions to help the participants to revitalize the process. While I am encouraged by those commitments, I remain seriously concerned by the lack of progress on substantive issues on the agenda of the Geneva international discussions, including discussions on issues concerning internally displaced persons and returnees, the non-use of force and international security arrangements, as well as other important issues.

63. Regrettably, several key security, humanitarian, human rights and development challenges remain unresolved, including in relation to the creation of conditions conducive to the return of displaced populations. I remain concerned by the continued negative trends related to the so-called “borderization”, restrictions on the freedom of movement and other unilateral actions, including those that inhibit the possible return of internally displaced persons and the ability of humanitarian and developmental actors to operate freely, especially in South Ossetia. In that regard, I am particularly concerned about the imposition of restrictions on crossing points along the “dividing lines” for an extended period. Those unprecedented restrictions have placed additional burdens on the conflict-affected population, depriving them of access to livelihoods and medical and other services. As stated by the Co-Chairs, closing the crossing points or drastically reducing crossings is not considered an appropriate response to public health concerns. I urge all relevant participants in the Geneva international discussions to refrain from taking such measures, which affect the security and well-being of the population.

64. I reiterate my call upon all participants in the Geneva international discussions and all relevant stakeholders to demonstrate greater political will and to undertake practical and constructive efforts to help to revitalize this important process. I welcome the proactive efforts of the Co-Chairs to identify ways by which the participants can address outstanding issues. I urge all relevant stakeholders to step up efforts to make tangible progress on key security and humanitarian issues on the agenda of the Geneva international discussions, to enable the improvement of the security and human rights situation and to meet the pressing humanitarian concerns of the affected population, including internally displaced persons.

65. I regret the unfortunate cases of detention and, in particular, the tragic loss of life across the “dividing lines” in February 2018 and March 2019. I join the Co-Chairs of the Geneva international discussions in urging all relevant stakeholders to use the established platforms, including the Incident Prevention and Response Mechanisms in Gali and Ergneti, to address any outstanding issues related to the most recent and past incidents and use such platforms as a tool to prevent similar incidents in the future, de-escalate tensions and avoid impunity. The suspension of the Incident

Prevention and Response Mechanism in Gali since June 2018 is a source of major concern and risks undermining the critical preventive function of the Mechanism, which remains indispensable to the maintenance of stability and promotion of trust between the participants. To ensure the effective functioning of the Geneva international discussions, it is essential that the Mechanism in Gali resume its normal functioning without delay.

66. I once again call upon all participants to uphold and deepen their engagement in the Geneva international discussions, including the Incident Prevention and Response Mechanisms in Gali and Ergneti, to preserve and expand humanitarian space and the respect for human rights, and to refrain from any unilateral actions that may have an adverse impact on regional peace and security and the humanitarian and development situation of affected populations, and undermine the work of the Geneva international discussions. I also urge donors to continue and strengthen their support for the multifaceted humanitarian, development, conflict prevention and confidence-building efforts.

67. I encourage further concrete steps to promote greater engagement of the populations living in Abkhazia and South Ossetia, in line with recent outreach initiatives of the Government of Georgia. The United Nations reiterates its readiness to support such efforts, as needed.

68. The ultimate responsibility for the effective functioning of the Geneva international discussions, including in relation to addressing peace and security and humanitarian-related issues, remains with the participants. More than 10 years after the inception of the Geneva international discussions, it is in the interest of the conflict-affected population that the participants and relevant stakeholders not allow the process to become more protracted but rather make full use of this unique platform to achieve meaningful progress on all issues of concern. The United Nations, including through the United Nations country team on the ground, the United Nations Representative to the Geneva International Discussions and the Co-Chairs of the Geneva international discussions, stands ready to continue to support such efforts, provided that there is a clear and demonstrable willingness by the relevant stakeholders to move forward on the issues for the benefit of the affected population.
