

## 26. The situation in Georgia

### Overview

During the period under review, the Security Council held 13 meetings, including 4 private meetings,<sup>453</sup> and adopted three resolutions in connection with the situation in Georgia. It also considered several reports of the Secretary-General which provided updates on the activities of the United Nations Observer Mission in Georgia (UNOMIG).<sup>454</sup> In addition, the Council focused on hostilities in South Ossetia, the six-point Ceasefire Agreement of 12 August 2008 and issues relating to the recognition by the Russian Federation of the independence of Abkhazia and South Ossetia.

The Council extended the mandate of UNOMIG once for a period of six months and twice for four months.<sup>455</sup> In resolution 1866 (2009) the Council expressed its intention to outline the elements of a future United Nations presence in the region by 15 June 2009; however, on 15 June 2009, the Council rejected a draft resolution to extend the mandate of the Mission.<sup>16456</sup>

### 8 to 11 August 2008: outbreak of hostilities in South Ossetia

On 8 August 2008, the Council held a debate in response to the request of the Russian Federation.<sup>457</sup> The representative of the Russian Federation held that the alarming situation in South Ossetia had been brought about by the blatant and aggressive actions of the Georgian armed forces against South Ossetia. He stressed his delegation's efforts to de-escalate the conflict and urged the Council to immediately call for an end to the hostilities and for a rejection of the use of force. At the same time, he pointed out that the reason for the incapacity of the Council to develop a clear reaction to these events lay in the absence of clear

political guidelines among Council members.<sup>458</sup> The representative of Georgia, providing a detailed account of the events on the ground in the Tskhinvali region from 1 to 7 August, stated that the "illegal separatist authorities and armed formations" were under the control and direction of the security and defence agencies of the Russian Federation, which was a clear violation of that country's obligation to remain neutral.<sup>459</sup> Council members expressed their concern at events in Georgia and appealed to the parties for an immediate cessation of hostilities and a resumption of negotiations.

Later the same day, the Council met in response to the request of Georgia.<sup>460</sup> The representative of Georgia informed Council members of the latest developments in his country, which he said was facing a well-calculated provocation to escalate the situation in order to justify a premeditated military intervention from the Russian Federation.<sup>461</sup> The representative of the Russian Federation, on the other hand, stated that Georgia was continuing its treacherous attack on South Ossetia, in violation of the fundamental principle of the Charter concerning non-use of force, despite the appeal of the Russian leadership for an immediate ceasefire and a resumption of the negotiating process. He further emphasized that the Russian Federation had been present and continued to be present on the territory of Georgia on an absolutely legal basis, pursuant to its peacekeeping mission in accordance with international agreements.<sup>462</sup> The representatives of Croatia and the United States, however, expressed the view that the presence of Russian peacekeepers in South Ossetia violated Georgia's territorial integrity and sovereignty.<sup>463</sup> Speakers expressed their deep concern about the deteriorating situation in Georgia and appealed to all parties concerned for restraint and an immediate cessation of hostilities, supporting the efforts by the Organization for Security and Cooperation in Europe (OSCE) and the European Union to achieve a ceasefire.

<sup>453</sup> 5874th meeting, held on 23 April 2008; 5900th meeting, held on 30 May 2008; 5939th meeting, held on 21 July 2008; and 5954th meeting, held on 11 August 2008.

<sup>454</sup> S/2008/38, S/2008/219, S/2008/480, S/2008/631, S/2009/69 and Corr.1 and S/2009/254.

<sup>455</sup> Resolutions 1808 (2008), 1839 (2008) and 1866 (2009).

<sup>456</sup> For more information, see part X, sect. I, in regard to the mandate of UNOMIG.

<sup>457</sup> Letter dated 7 August 2008 from the representative of the Russian Federation (S/2008/533).

<sup>458</sup> S/PV.5951, pp. 2-3 and 8.

<sup>459</sup> *Ibid.*, pp. 3-5 and 8-9.

<sup>460</sup> Letter dated 8 August 2008 from the representative of Georgia (S/2008/536).

<sup>461</sup> S/PV.5952, pp. 2-3 and 10.

<sup>462</sup> *Ibid.*, pp. 3-5 and 11.

<sup>463</sup> *Ibid.*, p. 6 (Croatia); and p. 7 (United States).

On 10 August 2008, the Council held a debate in response to the requests of Georgia and the United States.<sup>464</sup> In his briefing concerning the situation in Georgia, the Under-Secretary-General for Political Affairs reported a sharp escalation of hostilities that had spread to areas outside the zone of the Georgian-Ossetian conflict.<sup>465</sup> The Assistant Secretary-General for Peacekeeping Operations briefed the Council on the events related to the mandate and area of responsibility of UNOMIG, noting that the situation in Abkhazia remained of extreme concern, with the military build-up of both Abkhaz and Russian forces on the Abkhaz side of the zone of conflict, as well as bombings of the Upper Kodori Valley. He reported that as a result, UNOMIG had needed to scale down its operations to essential patrols only.<sup>466</sup> The representative of Georgia stated that an armed invasion by the Russian troops had been transformed into a full-scale occupation of parts of its territory, while all its troops had been withdrawn from the conflict zone. He called upon the Council for an immediate diplomatic and humanitarian intervention to protect Georgia from the “ongoing Russian aggression and occupation”.<sup>467</sup> The representative of the United States expressed concern about the recent expansion of the conflict in and around Georgia, highlighting the intensification of Russian military activity in the South Ossetia region. Such military operations, which were supposedly invited to protect Russian peacekeepers and the civilian population in the region, went far beyond any reasonable measure required to do so. Therefore, the Council must condemn the Russian Federation’s military assault on the sovereign State of Georgia, ensure adherence to the provisions of the Charter and take actions to address that threat to international peace and security by respecting Article 2 (4) of the Charter.<sup>468</sup> The representative of the Russian Federation, noting that the “Georgian aggression” against South Ossetia had begun on the night of 7 to 8 August, stressed that as its peacekeepers could not leave the civilians in South Ossetia in dire straits nor themselves be left without protection, additional troops had been sent to Georgia, for the task of removing Georgia from South Ossetia.

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<sup>464</sup> Letter dated 9 August 2008 from the representative of Georgia (S/2008/537), and letter dated 10 August 2008 from the United States (S/2008/538).

<sup>465</sup> S/PV.5953, pp. 2-3.

<sup>466</sup> *Ibid.*, pp. 3-4.

<sup>467</sup> *Ibid.*, pp. 4-5 and 16-18.

<sup>468</sup> *Ibid.*, pp. 5-7 and 17-18.

He demanded that the Georgian military withdraw from South Ossetia and expressed his country’s readiness to sign an agreement on the non-use of force in South Ossetia and Abkhazia.<sup>469</sup> Other Council members reiterated the urgent need for an immediate cessation of hostilities, which had expanded in both intensity and geographical scope and resulted in severe humanitarian consequences, and repeated calls for a political solution to the conflict to restore the situation prevailing prior to 6 August. They supported the initiatives by the French presidency of the European Union and international mediation efforts. The Council’s urgent and unified action to shoulder its responsibilities was also called upon.

On 11 August 2008, the Council met in private in response to the request of Georgia,<sup>17470</sup> and had an exchange of views.<sup>471</sup>

#### **19 August 2008: signing of the six-principle ceasefire agreement**

On 19 August, at a meeting held in response to the request of France,<sup>472</sup> Council members discussed ways to ensure implementation by all the parties of the six-principle ceasefire agreement sponsored by the European Union presidency and agreed on 12 August 2008. The six principles were: (a) the commitment to renounce the use of force; (b) the immediate and definitive cessation of hostilities; (c) free access to humanitarian aid; (d) the withdrawal of Georgian forces to their places of permanent deployment; (e) the withdrawal of Russian forces to their lines of deployment prior to 7 August 2008; and (f) the convening of international discussions on lasting security and stability arrangements for Abkhazia and South Ossetia. The representative of Georgia held that the state of affairs in the country had not changed despite the ceasefire agreement, with parts of its territory, including Abkhazia and South Ossetia, still being under Russian occupation. He held that Georgia was fully complying with the ceasefire agreement reached and demanded the same action from the other

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<sup>469</sup> *Ibid.*, pp. 7-10, 17 and 18.

<sup>470</sup> Letter dated 11 August 2008 from the representative of Georgia (S/2008/540).

<sup>471</sup> 5954th meeting.

<sup>472</sup> Letter dated 19 August 2008 from the representative of France (S/2008/561).

party to the conflict.<sup>473</sup> The representative of the Russian Federation countered that it was consistently implementing its obligations under the Moscow six-principle agreement, preparing to establish the logistical bases for the peacekeeping posts and creating a security zone pursuant to the agreement. He further emphasized that the withdrawal of its troops would be commensurate with the effectiveness of Georgia's implementation of its obligations, and noted that the obligation of Georgian troops to return to their places of permanent deployment had not been fulfilled.<sup>474</sup> Other Council members, supporting the six-principle agreement, called for the immediate withdrawal of the Russian forces, promised to begin on 18 August, as an essential component for the full implementation of the agreement. Speakers also touched upon the humanitarian situation in Georgia. A draft resolution calling for compliance with the agreement, circulated that day by France,<sup>475</sup> received support by the majority of Council members. However, the representative of the Russian Federation explained that his country could not support the draft resolution, as the Council's attention should be focused on endorsing the six-principle ceasefire agreement and singling out individual elements of that plan; interpreting them to suit the purpose of "political propaganda" was counterproductive.<sup>476</sup> No action was taken on the draft resolution during the debate.

#### **28 August 2008: recognition by the Russian Federation of the independence of Abkhazia and South Ossetia**

On 28 August 2008, in response to a request by Georgia,<sup>477</sup> the Council considered the situation in Georgia, specifically the issue of the recognition by the Russian Federation of the independence of Abkhazia and South Ossetia. The representative of Georgia, characterizing the Russian decision as illegal, unilateral actions with regard to two provinces of Georgia, argued that the Russian Federation was in violation of the principles of the equal rights of self-determination of peoples and non-interference in the internal affairs of another State, among others, and

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<sup>473</sup> S/PV.5961, pp. 5-6 and 14.

<sup>474</sup> S/PV.5961, pp. 11-12 and 14.

<sup>475</sup> Not issued as a United Nations document.

<sup>476</sup> S/PV.5961, p. 13.

<sup>477</sup> Letter dated 27 August 2008 from the representative of Georgia (S/2008/587).

that such recognition contradicted all the Council resolutions on Georgia and the principle of territorial integrity.<sup>478</sup> In contrast, the representative of the Russian Federation underscored his country's efforts to assist in settling the Abkhaz and South Ossetian conflict on the basis of the recognition of the territorial integrity of Georgia, despite the fact that Georgia, at its independence, had violated the rights of self-determination of the people of Abkhazia and South Ossetia. He maintained that its recognition of the independence had come in the light of the appeal of the South Ossetian and Abkhazian people, on the basis of the provisions of the Charter and other international agreements.<sup>479</sup> Other Council members were critical about the recognition of independence by the Russian Federation and urged the Russian Federation to respect the territorial integrity of Georgia within its internationally recognized borders as reaffirmed in Council resolutions. They also highlighted the need to implement the six-principle ceasefire agreement. While many Council members regretted that the recent developments had diminished the prospect of achieving consensus, the representative of the Russian Federation stated that, regarding a Council resolution in response to the situation in Georgia, it was prepared to continue to work constructively on a consensus resolution and that the Russian draft resolution concerning the six principles<sup>480</sup> was an appropriate basis.<sup>481</sup> Regarding references to the principle of territorial integrity, the representative questioned the Council members' treatment of and reaction to the unilateral declaration of independence by Kosovo.

#### **9 September 2008: draft resolution imposing an arms embargo against Georgia**

On 9 September 2008, one delegation introduced a draft resolution<sup>482</sup> by which an arms embargo would be imposed against Georgia. No action was taken on that draft.<sup>483</sup>

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<sup>478</sup> S/PV.5969, pp. 3-6 and 19-20.

<sup>479</sup> Ibid., pp. 6-9, 16-19 and 21.

<sup>480</sup> Not issued as a United Nations document.

<sup>481</sup> S/PV.5969, p. 19.

<sup>482</sup> Not issued as a United Nations document.

<sup>483</sup> See A/64/2, p. 39.

**15 June 2009: rejection of a draft resolution for extension of the mandate of UNOMIG**

On 15 June 2009, the Council voted on a draft resolution<sup>484</sup> seeking to extend by two weeks the mandate of UNOMIG, which was to expire on the same day. The draft resolution was not adopted owing to the negative vote by a permanent member. Explaining his country's position, the representative of the Russian Federation held that the mandate of UNOMIG had ceased to exist, owing to Georgian aggression against South Ossetia in August 2008. Therefore, he could not support the draft resolution, which would have established a new security regime with "politically incorrect provisions and old, contradictory terms", and

which was aimed at reaffirming the territorial integrity of Georgia and denying the existence of Abkhazia as a State. The representative also objected to the new mission being called an observer mission in Georgia, when it would operate in both Georgia and Abkhazia, and to the reference to resolution 1808 (2008). He was convinced that it was time for an appropriate reflection in international documents of the new military and political position of States in the region.<sup>485</sup> Other Council members and the representative of Georgia regretted the rejection of the draft resolution on a technical rollover of UNOMIG, which was aimed at giving some time for the negotiations.

<sup>484</sup> S/2009/310.

<sup>485</sup> S/PV.6143, pp. 2-3 and 10-11.

**Meetings: the situation in Georgia**

| <i>Meeting and date</i> | <i>Sub-item</i>  | <i>Other documents</i>  | <i>Invitations</i>   | <i>Speakers</i>                             | <i>Decision and vote<br/>(for-against-abstaining)</i> |
|-------------------------|--|---|--|---|---|
| 5866th<br>15 April 2008 | Report of the Secretary-General on the situation in Abkhazia, Georgia (S/2008/219)   | Draft resolution submitted by 6 Member States <sup>a</sup> (S/2008/248)   | <b>Rule 37</b><br>Germany  |   | Resolution<br>1808 (2008)<br>15-0-0                   |
| 5951st<br>8 August 2008 | Letter dated 7 August 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/2008/533) | Letters from the representative of Georgia concerning the latest developments in the Tskhinvali region (S/2008/534, S/2008/535) | <b>Rule 37</b><br>Georgia  | 10 Council members, <sup>b</sup><br>Georgia |   |
| 5952nd<br>8 August 2008 | Letter dated 8 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council (S/2008/536)                |   | <b>Rule 37</b><br>Finland (on behalf of the chairmanship of OSCE), Georgia | All Council members,<br>Finland,<br>Georgia |   |

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| <i>Meeting and date</i>  | <i>Sub-item</i>  | <i>Other documents</i>   | <i>Invitations</i>  | <i>Speakers</i>                                  | <i>Decision and vote<br/>(for-against-abstaining)</i> |
|--------------------------|--|--|---|--|---|
| 5953rd<br>10 August 2008 | Letter dated 9 August 2008 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council ( <a href="#">S/2008/537</a> )<br><br>Letter dated 10 August 2008 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council ( <a href="#">S/2008/538</a> ) |  | <b>Rule 37</b> Georgia<br><br><b>Rule 39</b> Under-Secretary-General for Political Affairs, Assistant Secretary-General for Peacekeeping Operations                   | 13 Council members <sup>c</sup> and all invitees |   |
| 5961st<br>19 August 2008 | Letter dated 19 August 2008 from the Chargé d'affaires a.i. of the Permanent Mission of France to the United Nations addressed to the President of the Security Council ( <a href="#">S/2008/561</a> )   |  | <b>Rule 37</b> Georgia<br><br><b>Rule 39</b> Under-Secretary-General for Political Affairs, Assistant Secretary-General for Peacekeeping Operations                   | 8 Council members <sup>d</sup> and all invitees  |   |
| 5969th<br>28 August 2008 |  | Letter from the representative of Georgia requesting a Council meeting to consider the unilateral actions of the Russian Federation in regard to Abkhazia and South Ossetia ( <a href="#">S/2008/587</a> ) | <b>Rule 37</b> Georgia<br><br><b>Rule 39</b> Officer-in-Charge of the Department of Political Affairs, Officer-in-Charge of the Department of Peacekeeping Operations | 11 Council members <sup>e</sup> and all invitees |   |

**Part I. Consideration of questions under the responsibility of  
the Security Council for the maintenance of  
international peace and security**

| <i>Meeting and date</i>    | <i>Sub-item</i>  | <i>Other documents</i>  | <i>Invitations</i>                    | <i>Speakers</i>                 | <i>Decision and vote<br/>(for-against-abstaining)</i>   |
|----------------------------|--|---|---------------------------------------|---------------------------------|---|
| 5992nd<br>9 October 2008   | Report of the Secretary-General on the situation in Abkhazia, Georgia (S/2008/631)   | Draft resolution (S/2008/639)   |                                       |                                 | Resolution 1839 (2008)<br>15-0-0  |
| 6082nd<br>13 February 2009 | Report of the Secretary-General on the situation in Abkhazia, Georgia, pursuant to Security Council resolution 1839 (2008) (S/2009/69) | Draft resolution (S/2009/88)  | <b>Rule 37</b><br>Georgia,<br>Germany |                                 | Resolution 1866 (2009)<br>15-0-0  |
| 6143rd<br>15 June 2009     | Report of the Secretary-General pursuant to Security Council resolutions 1808 (2008), 1839 (2008) and 1866 (2009) (S/2009/254)         | Letter from the representative of Georgia in regard to violations by the Russian Federation of the six-point ceasefire agreement of 12 August 2008 (S/2009/305)<br><br>Letter from the representative of Georgia regarding an interview given by a Major General of the Russian Army (S/2009/306)<br><br>Draft resolution submitted by 7 States <sup>f</sup> (S/2009/310) | <b>Rule 37</b><br>Georgia,<br>Germany | All Council members,<br>Georgia | Rejection of draft resolution (S/2009/310)<br><br>10-1 (Russian Federation)-4 (China, Libyan Arab Jamahiriya, Uganda, Viet Nam) |

<sup>a</sup> Croatia, France, Germany, Russian Federation, United Kingdom and United States.

<sup>b</sup> Belgium, China, Croatia, France, Indonesia, Italy, Russian Federation, United Kingdom, United States and Viet Nam.

<sup>c</sup> Belgium, Burkina Faso, Costa Rica, Croatia, France, Indonesia, Italy, Libyan Arab Jamahiriya, Panama, Russian Federation, United Kingdom, United States and Viet Nam.

<sup>d</sup> Belgium, Costa Rica, Croatia, France, Italy, Russian Federation, United Kingdom and United States.

<sup>e</sup> Belgium, Costa Rica, Croatia, France, Indonesia, Italy, Panama, Russian Federation, South Africa, United Kingdom and United States.

<sup>f</sup> Austria, Croatia, France, Germany, Turkey, United Kingdom and United States.