



Security Council

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Report of the Secretary-General on the situation in Abkhazia, Georgia, pursuant to Security Council resolution 1839 (2008)

I. Introduction

1. The present report provides an update on the activities of the United Nations Observer Mission in Georgia (UNOMIG) since my report of 3 October 2008 (S/2008/631). It is submitted pursuant to Security Council resolution 1839 (2008), which extended the mandate of the Mission until 15 February 2009.

2. My Special Representative, Johan Verbeke, continued to lead the Mission. He was assisted by the Chief Military Observer, Major-General Anwar Hussain (Bangladesh). The strength of the Mission on 31 January 2009 stood at 131 military observers and 20 police advisers (see annex).

II. Political process and major developments

3. The dramatic developments during August 2008 and subsequent events, such as the recognition by the Russian Federation of Abkhazia's independence and Georgia's withdrawal from the Moscow Agreement on a Ceasefire and Separation of Forces of 14 May 1994 (S/1994/583, annex I), have considerably affected the context in which UNOMIG carried out its mandated tasks as defined by the Security Council in its resolution 937 (1994) and in subsequent resolutions. During the reporting period, the security regime based on the Moscow Agreement has seen further signs of erosion. The Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS), which had been in place in the conflict zone for the past 14 years, was officially terminated as at 15 October by the decision adopted at the meeting of the Ministers for Foreign Affairs of CIS, held in Bishkek on 9 October. Armed forces of the Russian Federation remained deployed on the Abkhaz-controlled side of the zone of conflict. Georgian and Abkhaz forces, including heavy weapons, were deployed on their respective sides of the ceasefire line, facing each other in a potentially dangerous stand-off. Notwithstanding these new challenges, the Mission continued its activities, including through active patrolling, observation and liaison with the parties in its area of responsibility.

4. Throughout the reporting period, my Special Representative and the Mission's leadership maintained regular contacts with the Georgian and Abkhaz sides, urging



them to comply with the spirit of the Moscow Agreement. My Special Representative invited their views on a possible future United Nations mission. He also held consultations with senior representatives of the Russian Federation, the United States of America, the European Union and its members, as well as the Organization for Security and Cooperation in Europe (OSCE) on the same subject.

5. Pursuant to the six-point agreement of 12 August 2008 and subsequent implementing measures of 8 September 2008 (see S/2008/631, paras. 11 and 15), my Special Representative co-chaired, together with representatives of the European Union and OSCE, three rounds of international discussions in Geneva. Delegations from Georgia, the Russian Federation and the United States, as well as Abkhaz and South Ossetian representatives participated in the discussions. The first meeting took place on 15 October and was essentially devoted to procedural matters.

6. In the course of the second round, held on 18 and 19 November, two working groups — on security and stability and on refugees and internally displaced persons — met and agreed to focus on practical issues, setting aside divisive political differences. During the discussions, the co-chairmen emphasized the necessity of addressing the continuing security incidents on the ground and creating, for that purpose, an incident prevention and response mechanism. They also emphasized the need for establishing a basic security regime that would set limits as to the number and nature of personnel and military materiel that could be deployed in the conflict areas.

7. The third round of discussions took place on 17 and 18 December. The working group on security and stability discussed the proposal for joint incident prevention and response mechanisms which had been prepared by the co-chairmen in advance of the meeting. Although all participants engaged in substantive discussions and agreed on most elements of the proposed mechanisms, a few differences persisted, which prevented the reaching of an agreement. The working group on refugees and internally displaced persons also engaged in intense discussions on concrete steps to improve the living conditions of the displaced population. The participants agreed in principle to hold the next round of discussions in Geneva on 17 and 18 February 2009.

8. Persisting tensions in Georgian-Russian relations continued to affect the overall situation in the region. Following Georgia's severance of diplomatic relations with the Russian Federation in early September, Georgian officials continued to qualify the August events as essentially a Georgian-Russian conflict and to insist on the internationalization of the negotiation and peacekeeping formats. Russian officials, for their part, made repeated references to the "new realities" created after the August developments, more specifically the recognition of Abkhazia and South Ossetia by the Russian Federation.

9. On 23 October, the Parliament of Georgia adopted a law declaring Abkhazia and South Ossetia "occupied territories" and the Russian Federation a "military occupier". The law, signed on 31 October by the President of Georgia, declares null and void all legislative and administrative acts issued by the de facto authorities in Abkhazia and South Ossetia. It also restricts access to these territories and prohibits economic and financial activities that do not comply with Georgian law. These restrictive provisions raised concerns within the international community with regard to humanitarian access to the conflict affected areas.

10. On 4 November, the Parliament of the Russian Federation ratified the Russian-Abkhaz and Russian-South Ossetian treaties on friendship, cooperation and mutual assistance (see S/2008/631, para. 16). Russian officials stated that the presence of Russian armed forces in Abkhazia and South Ossetia would be based on these documents and announced plans for the establishment of military bases and the deployment of 3,700 troops, respectively, in Abkhazia and South Ossetia. On 23 December, the Minister for Foreign Affairs of the Russian Federation and the de facto Minister for Foreign Affairs of Abkhazia signed a memorandum of understanding on cooperation in international affairs. The Minister for Foreign Affairs of the Russian Federation announced that additional agreements, including an agreement on cooperation in the military field and joint protection of “Abkhazia’s borders”, would be signed at the beginning of 2009.

11. On 22 December, the OSCE participating States failed to reach consensus on a renewal of the mandate for the OSCE mission in Georgia, which expired on 31 December. The OSCE Chairman-in-Office had proposed a scheme of parallel field offices in Tbilisi and Tskhinvali under the direction of a special representative based in Vienna. The Russian Federation had called for separate presences of the OSCE in Georgia and in Tskhinvali. The United States and European officials expressed regret over the inability of OSCE to reach consensus on the renewal of the OSCE mandate. Georgian officials condemned “Russia’s veto” which, they stated, demonstrated efforts by the Russian Federation to reduce the international presences, and accused Moscow of breaching the six-point agreement.

III. Developments in the Mission’s area of responsibility

Gali sector

12. During the period under review, the situation in the Gali sector remained tense. An increase in criminal activities and cross-ceasefire line incidents contributed to the tension. Formal restrictions on crossing the ceasefire line, reinforced by the destruction of pedestrian bridges across the Inguri River and the laying of mines along the ceasefire line, resulted in additional hardship for the local population. By 15 October, the CIS peacekeeping force had withdrawn, while a substantial number of Russian Federation forces remained in the zone of conflict.

13. From October until early December, the Russian Federation forces took over the positions previously held by the CIS peacekeeping force and constructed new fortified positions on the Abkhaz-controlled side of the ceasefire line, most of which remained unoccupied. The Russian airborne battalion, which had arrived at the end of April 2008 and was stationed near Reka village in the restricted weapons zone, withdrew from the zone of conflict in November.

14. In December, the Mission observed a convoy of Russian Federation forces composed of heavy military equipment, including tanks and self-propelled artillery guns, entering the security zone. According to the information provided by the Russian Federation forces, their deployment in the security zone was concentrated in five areas along the ceasefire line, stretching from the upper Gali district to the Black Sea coast: Lekukhona, Saberio, Chuburkhindji and Nabakevi villages, and a post on the coast. The Russian Federation forces also continued to occupy three former CIS peacekeeping force observation posts in the Gali district. In the

Mission's assessment, the strength of the Russian Federation forces in the Gali district stands at one battalion, with supporting components.

15. During the reporting period, the Mission also reported the introduction of heavy weapons and military personnel by the Abkhaz side into the zone of conflict, which added to the tension. In November, the Abkhaz side deployed armoured personnel carriers and military personnel in the security zone. In December, Abkhaz military convoys that included T-55 tanks, armoured personnel carriers, and trucks towing anti-aircraft guns were observed in the lower Gali district along the ceasefire line. The Abkhaz forces also took control of the three former CIS peacekeeping force posts in the same area. My Special Representative and the Chief Military Observer urged the Abkhaz side to comply with the spirit of the Moscow Agreement and to withdraw their military materiel from the zone of conflict.

16. The Mission maintained regular contacts with the Abkhaz de facto authorities and Russian Federation forces with a view to carrying out the operational aspects of its mandate. These contacts proved satisfactory. However, on a number of occasions, the Mission's freedom of movement was restricted by Abkhaz personnel. There were also incidents of shooting in the air by Abkhaz de facto law enforcement personnel in the presence of United Nations patrols and of pointing weapons at United Nations patrolling vehicles, and a number of instances when Abkhaz personnel exhibited an aggressive attitude towards the patrols. For some time, the Mission was also prevented from accessing Abkhaz observation posts located along the north side of the Gali canal because of the threat of mines.

17. On 6 October, an Abkhaz serviceman was reportedly killed as a result of a shooting incident in the vicinity of Nabakevi. The Abkhaz side claimed that the shooting originated from the Georgian-controlled side of the ceasefire line. On 23 and 24 October, four persons were killed in three separate incidents in Gali town and in the villages of Tagiloni and Dikhadzurga. Two of the victims were former Abkhaz de facto law enforcement servicemen.

18. The ceasefire line has remained formally closed by the Abkhaz side since July 2008, except in cases of medical emergency. These restrictions limited the access of the Gali population to cheaper food and non-food items in the Zugdidi district and their contacts with relatives across the ceasefire line. The restrictions on movement also led to cases of extortion at the crossing points.

19. In addition, several improvised pedestrian bridges were destroyed in October by the Abkhaz side to prevent "illegal" crossing of the ceasefire line. Shamgona and Tagiloni bridges were destroyed by explosions, and another bridge between Otobaya and Orsantia villages was dismantled and obstructed with barbed wire. The Tagiloni bridge was repaired by the local population in December. Subsequently, the Abkhaz de facto authorities announced that there were three "official" crossing points: at the Inguri River bridge and at the villages of Saberio and Meore Otobaya. Nonetheless, the Mission observed that the local population continued to cross the ceasefire line in other places, including by wading across the river.

20. In October, the Mission received reports that mines had been laid in the vicinity of the ceasefire line by Abkhaz security personnel. A tractor was destroyed by a mine explosion at Zeni 2 village, causing no injuries, and there were reports of cattle killed by explosions. The Abkhaz de facto authorities confirmed "limited and temporary" mining along the ceasefire line to prevent "illegal" crossings. They

asserted that the local population had been informed and warning signs had been posted, but that in some cases, local residents were removing the signs. The international non-governmental demining organization, Halo Trust, was instructed by the de facto authorities not to undertake demining activities along the ceasefire line.

21. During the period under review, the crimes reported to the Mission increased compared to the previous reporting period, with eight homicides, four attempted homicides, three abductions, one attempted abduction and three robberies reported.

22. The United Nations police continued to liaise with the Abkhaz de facto law enforcement agencies in the Gali, Ochamchira and Tkvarcheli districts. Thirty training courses in forensics, police management, police tactics and other policing skills were held for 359 Abkhaz de facto police officers. The United Nations police also conducted 116 visits to the local de facto law enforcement facilities and held 98 meetings with the Abkhaz de facto police commanding staff. Six lots of policing equipment were donated to Abkhaz de facto law enforcement agencies.

23. The United Nations police trained 41 de facto police officers in road safety and donated three traffic accident investigation kits. As part of its community policing programme, it facilitated the training of 530 schoolchildren in traffic awareness by the de facto police and the broadcasting of traffic safety programmes by a local television company.

24. During the reporting period, the Mission's Human Rights Office reported some increase in the cases of alleged harassment and intimidation of the local population in the Gali district. The replacement of the CIS peacekeeping forces by regular troops of the Russian Federation caused fear, especially as these forces have moved into and fortified their positions in the villages, sometimes on private fields, without compensation to the owner.

25. The Human Rights Office continued to monitor developments concerning the issuance of Abkhaz passports in the Gali district and the language of instruction, reporting that the number of academic hours allocated to studying the Georgian language was reduced for the 2008-2009 school year. The autumn conscription in the Gali district led to some young men going into hiding or allegedly resorting to bribing in order to avoid the draft. The Office also continued to monitor the conditions of detention in Gali town.

Zugdidi sector

26. During the reporting period, the situation in the Zugdidi sector remained tense. As in the Gali district, the continued closure of the ceasefire line and destruction of pedestrian bridges at the crossing points contributed to the burdens experienced by the local population. The deployment of "Cobra" light armoured vehicles by the Georgian Ministry of Internal Affairs to patrol the ceasefire line contributed to the perception of tensions. The military base in Senaki, outside the Mission's area of responsibility, was reportedly reinforced with personnel and heavy equipment, such as tanks, artillery and armoured personnel carriers.

27. By 9 October, the CIS peacekeeping force had withdrawn from the Georgian-controlled side following the deployment of the European Union monitoring mission on 1 October in the area adjacent to the Abkhaz-controlled side of the zone of conflict. The Mission maintained regular contact with the European Union

monitoring mission both at the heads of mission and at the operational levels, including meetings between Zugdidi sector commanders to exchange information and frequent contacts between patrols.

28. Following the withdrawal of the CIS peacekeeping force, the Mission withdrew its temporary observation post, which was co-located, for security and logistics reasons, with the former CIS peacekeeping post in the north-eastern corner of the Zugdidi sector, and which had monitored the movement on the road to the upper Kodori Valley.

29. During the subsequent period, personnel of the Georgian Ministry of Internal Affairs reoccupied most of their posts vacated in August 2008 and established a number of new posts along the ceasefire line. In November, the Ministry informed the Mission of its intention to deploy unarmed armoured vehicles in order to conduct patrols along the ceasefire line. In December, it deployed 22 "Cobra" light armoured vehicles, including 2 ambulances, to its Zugdidi headquarters. Although the Mission advised the Georgian side against deployment of these vehicles, the Ministry began to use them for day and night patrolling along the ceasefire line in late December.

30. On 19 October, firings, reportedly coming from an armoured personnel carrier in the Nabakevi area on the Abkhaz-controlled side, caused several explosions on the Georgian-controlled side of the ceasefire line. Four of the explosions took place within 100 metres of a Georgian Ministry of Internal Affairs observation post and damaged a residential house in Kurcha village.

31. On 25 October, the Mission followed up on reports of rocket-propelled grenade fire on a house in Muzhava, close to the ceasefire line. While the patrol was examining the empty shells of the rocket-propelled grenades close to the incident scene, it heard an explosion inside the house. The explosion killed the head of Tsalenjikha municipality and injured two other persons, one of whom later died. The cause of the explosion and the identity of the perpetrators could not be established.

32. In the morning of 15 November, an incident close to Kalagali village provoked the most serious stand-off between Georgian Ministry of Internal Affairs and Abkhaz de facto security personnel along the ceasefire line during the reporting period. During an exchange of fire, a Georgian serviceman was shot dead. In the afternoon of the same day, while the United Nations police and personnel of the European Union monitoring mission were inspecting the scene of the incident, a second round of shooting came from the Abkhaz-controlled side, but no one was injured. On 20 November, the Georgian Ministry of Internal Affairs observation post no. 272 in Ganmukhuri came under fire from the direction of the ceasefire line. The personnel at the observation post returned fire. Later, while a United Nations police patrol was in the area examining the scene, another round of shootings occurred. In both the 15 and 20 November incidents, the Abkhaz side claimed that it opened fire to prevent an armed group from crossing the ceasefire line. The Mission could not find evidence substantiating this claim. Another shooting incident occurred between personnel of the Georgian Ministry of Internal Affairs and unknown perpetrators at Orsantia village on 23 November. No casualties were reported.

33. On 26 November, at the same post of the Georgian Ministry of Internal Affairs in Ganmukhuri, shots were fired from the Abkhaz-controlled side as Georgian personnel carried out demining in the area. The United Nations patrol, which

happened to be in the same area, advised the Georgian side to stop the demining activity in the area until the matter could be coordinated with the Abkhaz side. Following the Mission's facilitation, the area was demined on 29 November at a time mutually agreed by both sides. Abkhaz representatives observed the demining from the other side of the ceasefire line.

34. On 4 January, the same observation post was targeted by several rocket-propelled grenades and automatic gunfire reportedly coming from the direction of the ceasefire line, leading to an exchange of fire. There were no reports of casualties. The Mission was not in a position to conduct an investigation of the incident owing to the reported presence of mines near the ceasefire line. The Abkhaz de facto authorities denied involvement in the attack.

35. On 8 January, the Mission received reports of some 15 explosions near the village of Orsantia. The Mission assessed, after examining the small craters in the area of the incident, that the grenades were launched from the direction of the ceasefire line. On 14 January, a Georgian police post at the Inguri River bridge — the main crossing point — reported it had engaged in an exchange of fire after being shot at by unknown perpetrators. No casualties were reported. On 18 January, an attack was reported on a post of the Georgian Ministry of Internal Affairs in Khurcha, close to the ceasefire line, in which one Georgian sustained minor injuries. The Georgian side blamed the attack on the Abkhaz side which, in turn, denied its involvement. The Mission's initial investigation was inconclusive owing to the lack of material evidence.

36. The criminal incidents reported to the Mission during the period under review included 6 homicides, 1 attempted homicide, 5 abductions and 15 robberies.

37. The United Nations police, in the framework of its advisory programme for the Georgian police, continued to conduct joint patrols, regular visits to law enforcement facilities and meetings with commanding staff. It also donated 15 lots of policing equipment to the Georgian police.

38. The United Nations police organized 31 training courses in forensics, police tactics, investigation and other policing matters for 410 police officers. It trained 62 patrol police officers in road safety and donated three traffic accident investigation kits. In November, the United Nations police facilitated a pilot training course in Zugdidi on combating organized crime. It also facilitated the third annual conference of the Samegrelo-Zemo Svaneti branch of the Women Police Association and organized a number of joint crime prevention projects.

39. In October, the United Nations police organized in Batumi an international round-table discussion with participants from Armenia, Azerbaijan, Georgia, Ukraine, the European Union and OSCE, entitled "Enhancement of cooperation between civil society institutions and law enforcement agencies".

Kodori Valley

40. During the reporting period, the overall security situation in the Kodori Valley was calm. The Abkhaz side continued to maintain control of the valley with the support of the Russian Federation forces. The Abkhaz forces are manning the former CIS peacekeeping checkpoint no. 107, which is the only visible deployment of forces in the lower Kodori Valley. The Russian battalion in the upper Kodori Valley is headquartered in the former CIS peacekeeping force headquarters in Gentsvish.

Reportedly, five Russian Federation posts have been established in the upper Kodori Valley, including at the Khida and Kalamri-Sukhi passes.

41. The Mission conducted three patrols to the upper Kodori Valley in October, November and December to assess the security and humanitarian conditions, including the situation regarding the return of population displaced as a result of the August events. The patrols were able to speak with several inhabitants and members of the new de facto local administration. According to the Abkhaz de facto local administration, 172 inhabitants of the upper Kodori Valley remained for the winter. Abkhaz de facto authorities announced that all the local population, estimated in 2002 at up to 2,000, could return if the displaced persons obtained Abkhaz “passports” and gave up their Georgian citizenship.

Mission-wide developments

42. The weekly quadripartite meetings have remained suspended since October 2006. The fact-finding team worked on the investigation of five cases during the period under review, including the shooting in Kalagali village on 15 November and the Ganmukhuri incident on 20 November.

IV. Cooperation with the Collective Peacekeeping Forces of the Commonwealth of Independent States

43. The Mission continued its contacts with the CIS peacekeeping force until its termination on 15 October.

V. Human rights issues

44. During the reporting period, the Mission’s Human Rights Office continued to promote human rights protection and to provide support to local non-governmental organizations. The Office continued to conduct monitoring visits to detention facilities, to monitor court proceedings and to provide advisory services to the local population. Its city office in Sukhumi continued to follow up on complaints generally related to due process and the right to a fair trial, the treatment of detainees and property rights issues.

45. The Human Rights Office followed up on individual cases involving issues of freedom of expression, right to work, right to equal treatment and non-discrimination, right to asylum, right of access to health services as well as alleged extortion. It also continued monitoring the publicized case of a lawyer who had been physically attacked in November 2007 in the context of the exercise of his professional duties.

46. The Human Rights Office observed excessively long and complex judicial procedures in property-related cases. Administration of justice in criminal cases, however, improved — resulting in better proceedings — and legal assistance provided by lawyers to victims and defendants continued to become more effective.

47. The Human Rights Office supported the holding of events in commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights. Civil society, including local non-governmental organizations, schoolchildren, local

media and other relevant stakeholders participated in film screenings, debates and discussions on human rights themes.

48. The Human Rights Office also continued to facilitate the “assisting communities together” project, which offers grants to local non-governmental organizations for human rights education and training projects at the grass-roots level. The project is funded jointly by the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme (UNDP). In cooperation with OSCE, the Mission’s Human Rights Office continued to support the Human Rights Centre at Sukhumi University.

VI. Humanitarian and rehabilitation activities

49. Through its Trust Fund, the Mission completed the last projects of the European Commission rehabilitation programme for the zone of conflict. As part of this programme, the Mission implemented projects on both sides of the ceasefire line over the last three years totalling approximately €1 million. The projects completed during the reporting period included the construction and renovation of lavatory facilities in three buildings for internally displaced persons in Zugdidi, the rehabilitation of electrical network systems in hospitals in the towns of Gali, Ochamchira and Tkvarcheli; and the rehabilitation of the Zugdidi tuberculosis hospital and of its electrical supply network.

50. The Mission completed the renovation of the premises of the non-governmental organization, World without Violence, in Sukhumi and of an orphanage in Ochamchira. Rehabilitation work continued in the Gali hospital. The Mission also contributed to the construction of a water supply system and the furnishing of a kindergarten in Zhgvaia village in the Zugdidi district.

51. UNDP completed almost all activities related to water supply system rehabilitation in the districts of Gali, Tkvarcheli and Ochamchira, providing approximately 2,300 persons with access to drinking water. The local communities, consisting of different ethnic groups — Georgians, Abkhaz, Greeks and Armenians — participated actively in this work. UNDP also trained 93 female entrepreneurs in business management and business plan development, supporting 15 business plans. As part of the project, 5,600 households received access to veterinary services in the region. Support to farmers’ groups in the three districts led to a substantial increase in their crop yield, including through more efficient pest management in the region.

52. The Office of the United Nations High Commissioner for Refugees (UNHCR), together with its partners, completed the activities planned for 2008 in accordance with its strategic directions. These activities included community-based protection and confidence-building, education-related projects, basic shelter repair, income generation, agricultural support and training. In October, the United Nations Office for the Coordination of Humanitarian Affairs, UNHCR and the World Food Programme (WFP) organized delivery of food and non-food assistance to the civilian population in the upper Kodori Valley. In December, UNHCR began a winterization project, providing firewood to 62 schools in the Gali, Ochamchira and Tkvarcheli districts.

53. The Danish Refugee Council continued the rehabilitation of 247 houses in the lower Gali area and distribution of food security and business grants. It also

continued its support to small and medium-size enterprises and to 15 small community infrastructure projects in the Gali, Oчамchira and Tkvarcheli districts. In addition, the Council began a new project to rehabilitate roofing, electrical and water-sanitation lines in 7 apartment blocks and 40 houses in Sukhumi, as well as in the 3 districts.

54. WFP, in partnership with World Vision International, continued to assist vulnerable population groups through its food-for-work programmes, which are aimed at rehabilitating the agricultural infrastructure in the Gali, Tkvarcheli and Oчамchira districts. In collaboration with World Vision International, UNHCR and other donors, WFP supported the establishment of free school canteens and continued to provide, in cooperation with Médecins Sans Frontières, food to patients in the Gulripsh hospital.

55. The International Committee of the Red Cross, which operates in the upper Kodori Valley, provided four-month food rations and non-food items to individuals who remained for the winter.

VII. Mission support

56. The Mission continued its HIV/AIDS prevention and awareness programme. It held training sessions for existing and incoming personnel and continued to distribute and display materials in the Mission area. The Mission also held a number of activities to mark World AIDS Day on 1 December. In the implementation of Security Council resolutions 1325 (2000) and 1820 (2008) on women, peace and security, the Mission regularly addressed gender-related issues and welcomed the expansion of the role and contribution of women among the military personnel. It also continued to deliver induction briefings on gender equality in peacekeeping to all incoming personnel.

57. The Mission continued its efforts to implement a zero tolerance policy with regard to illegal drugs and sexual exploitation and abuse. In addition to its regular induction briefings, the Conduct and Discipline Unit focused in early 2009 on briefing all Mission staff on fraud and misuse of United Nations assets and on alcohol and substance abuse.

VIII. Financial aspects

58. The General Assembly, by its resolution 62/260, appropriated the amount of \$34.5 million for the maintenance of UNOMIG for the period from 1 July 2008 to 30 June 2009. Should the Security Council decide to extend the mandate of the Mission beyond 15 February 2009, the cost of maintaining the Mission would be limited to the amount approved by the Assembly.

59. As at 30 November 2008, unpaid assessed contributions to the special account for UNOMIG amounted to \$19.6 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to \$3,164.5 million.

60. Reimbursement for medical facilities provided to UNOMIG by the Government of Germany has been made for the period until 31 December 2006. As

at 19 January 2009, the amount owed for the medical facilities totalled \$156,050 for the period from January 2007 to September 2008.

IX. Observations

61. In my last report in October 2008, I pointed out that in the aftermath of the August hostilities, the military and political situation on the ground had not been settled. I also noted that it was not yet clear which elements, if any, of the Moscow Agreement would be retained as a result of the ongoing security discussions. Given this uncertainty, I stated that it was premature to define a new role for the Mission and that consultations would be intensified with the two sides and other international stakeholders with a view to determining an appropriate future role of the United Nations.

62. The overall security situation in the Mission's area of responsibility since the mandate was extended on 9 October 2008 has remained tense. There have been a considerable number of security incidents involving casualties on both sides and what little communication there was between the sides has largely broken down. A further deterioration of the situation cannot be excluded. On the Abkhaz-controlled side, the Russian Federation forces have taken over previous positions of the CIS peacekeeping force and have constructed new fortified positions in the zone of conflict. Moreover, Abkhaz heavy weapons and military personnel have been introduced into the zone of conflict. At the same time, personnel of the Georgian Ministry of Internal Affairs have established new positions and deployed light armoured vehicles in the security zone. Apart from these developments, both sides have largely continued to respect limitations that were in place under the Moscow Agreement. Also of concern are the burdens currently experienced by the local populations, in particular the increased obstacles to their freedom of movement across the ceasefire line.

63. In this fragile security context, the Mission has continued its patrolling and other tasks on both sides of the ceasefire line, without major impediments. However, the context in which the Mission operated has changed fundamentally: the status of the Moscow Agreement, which provided the basis for its mandate and the ceasefire regime, is, at best, no longer clear; and the CIS peacekeeping force, which the Mission observed and on which it had to rely for its own security, is no longer in place. The operation and security of the Mission now depend largely on the goodwill of the sides. While I continue to believe that the Mission contributes to the stabilization of the situation, as a result of these developments, its position has become precarious and could rapidly become unsustainable.

64. While the Geneva discussions on security and stability, co-chaired by the European Union, OSCE and the United Nations, have made tentative progress, they have yet to deliver tangible results. I call upon the parties to maintain their active engagement and to redouble their efforts with a view to reaching agreement on key elements of a security regime, including a mechanism to prevent and manage incidents, as well as on a number of outstanding issues related to the situation of refugees and internally displaced persons.

65. My Special Representative has undertaken discussions with the parties and international stakeholders on the future role of the United Nations Mission. These discussions have confirmed general support for a continued United Nations

presence, but have also identified considerable differences as to the nature and scope of its mandate. Despite these divergences, I believe that it is still possible for the parties to agree on key elements of a security regime and on a United Nations role in support of its implementation, be it in the framework of the Geneva discussions or through the facilitation of my Special Representative.

66. Until renewed agreement on a comprehensive security regime is reached, there is a need to ensure a degree of stability in the conflict area. It is my belief that basic elements of a separation of forces regime should be adhered to by all parties. Certain elements of such a regime remain in place, albeit in fragmented form. The 12 August and 8 September 2008 agreements as well as some earlier agreements and understandings, or elements thereof, remain in force and are at least observed in part by the parties. Drawing on these elements and on United Nations experience in the conflict zone, and fully cognizant of the diverging views of the parties, I believe that the following could be considered as a basis for an effective security regime:

(a) Strict observation of the ceasefire on land, at sea and in the air, and refraining from hostile actions;

(b) A zone, equivalent in its territorial expanse to the “security zone” provided under the Moscow Agreement, on both sides of the ceasefire line, where the presence of armed forces and equipment will not be allowed, with the exception of law enforcement personnel, the number of which should not exceed 600 on either side, armed with personal and side arms, and additional zones, equivalent in their territorial expanse to the “restricted weapons zone” under the Moscow Agreement, on each side of the ceasefire line, where heavy military equipment would not be allowed, including tanks, armoured personnel carriers, all types of artillery and mortars;

(c) A ban on overflights by military aircraft and unmanned aerial vehicles in the zones described above;

(d) Advance notification of any changes in the deployment of armed personnel and equipment in the zones described above;

(e) Designation by each party of authorized representatives who, including through United Nations facilitation, would liaise on both a regular and ad hoc basis with a view to exchanging information, preventing tensions and resolving incidents.

67. The foregoing elements do not constitute a comprehensive security regime, nor should they prejudice in any way agreements reached by the parties. However, they could serve as a basis for discussions between the parties on such a regime, which I hope can be developed and finalized without delay, with the strong encouragement of the Security Council. As such, and in the interest of ensuring stability and security until a more comprehensive framework is reached, the Council may wish to call upon the parties to continue to adhere to the elements set out above.

68. At the same time, taking account of the precarious security situation and in order to contribute to the well-being of local populations, I propose that the Council endorse the continued presence of a United Nations mission, retaining the current configuration and deployment, and to entrust it with the following tasks:

(a) To regularly patrol its area of operations, that is, the area formerly defined as the “zone of conflict” under the Moscow Agreement, on both sides of the ceasefire line, and the Kodori Valley;

(b) To liaise with all relevant parties, including local populations, local authorities as well as security and armed forces with a view to preventing tensions, resolving incidents and ensuring freedom of movement across the ceasefire line for local populations;

(c) To monitor the parties' adherence to any elements of a security regime endorsed or reaffirmed by the Security Council and investigate any breaches thereof;

(d) To contribute, by its presence, to the improvement of the humanitarian situation and the creation of conditions conducive to the safe and dignified return of internally displaced persons and refugees, including through the facilitation of people-to-people contacts;

(e) To assist the parties in the further development of a mutually agreed comprehensive security regime and, through my Special Representative, to facilitate dialogue on any issues relevant to the parties;

(f) To continue the currently ongoing human rights activities and assistance to law enforcement agencies on both sides of the ceasefire line.

69. In order for the Mission to successfully implement the foregoing proposed mandate, the parties would need to provide full freedom of movement as well as all necessary security guarantees.

70. It is my hope that these observations will facilitate the Security Council's deliberations in the interest of ensuring stability and security in the region with a view to defining an effective and viable future United Nations mandate.

71. In conclusion, I would like to thank my Special Representative and all the men and women of the Mission for their dedication and professionalism in carrying out their tasks under often difficult circumstances.

Annex

A. Countries providing military observers (as at 31 January 2009)

<i>Country</i>	<i>Number of military observers</i>
Albania	3
Austria	2
Bangladesh	10 ^a
Croatia	3
Czech Republic	5
Denmark	5
Egypt	4
France	2
Germany	11 ^b
Ghana	1
Greece	4
Hungary	6
Indonesia	4
Jordan	7
Lithuania	2
Mongolia	1
Nigeria	1
Pakistan	8
Poland	5
Republic of Korea	7
Republic of Moldova	1
Romania	2
Russian Federation	6
Sweden	3
Switzerland	4
Turkey	5
Ukraine	5
United Kingdom of Great Britain and Northern Ireland	5
United States of America	2
Uruguay	4
Yemen	3
Total	131

B. Countries providing civilian police personnel (as at 31 January 2009)

<i>Country</i>	<i>Number of civilian police personnel</i>
Czech Republic	2
Germany	4
Ghana	1
Israel	1
Philippines	3
Poland	2
Russian Federation	2
Sweden	2
Switzerland	2
Ukraine	1 ^c
Total	20

^a Includes the Chief Military Observer.

^b Includes eight medical personnel.

^c Senior Police Adviser.