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### **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 [74/300](#), 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 preservation of 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.



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## I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [74/300](#), in which the Assembly requested the Secretary-General to submit to it at its seventy-fifth session a comprehensive report on the implementation of the resolution. The report covers the period from 1 April 2020 to 31 March 2021 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 ([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 (OSCE) ([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, 52 rounds of the Geneva international discussions had been held, with participants meeting in two parallel working groups. The fifty-first round, planned for 1 April 2020, was postponed owing to the coronavirus disease (COVID-19) pandemic and was held on 11 December 2020. The fifty-second round took place on 26 March 2021.

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

(S/2009/254, paras. 5 and 6). Regrettably, by the end of the reporting period, neither the regular nor any other ad hoc meetings could be held owing to disagreement among participants. Meanwhile, the regular meetings of the Incident Prevention and Response Mechanism in Ergneti, jointly co-chaired by OSCE and the European Union Monitoring Mission, resumed on 30 July 2020. Since then, two meetings have been held, on 24 September 2020 and 5 March 2021.

7. I remain deeply concerned by the continued suspension, since 2018, of the activities of the Incident Prevention and Response Mechanism in Gali, chaired by the United Nations. I urge the participants to refrain from politicizing format-related issues, to take a constructive approach and to display the necessary political will to overcome the persisting differences on process-related issues among some participants in order to enable this essential Mechanism to undertake its critical prevention work. While the United Nations Chair of the Mechanism in Gali has led efforts to maintain dialogue through regular communication with the participants and shuttle diplomacy, those efforts cannot be considered a substitute for the normal functioning of this critical Mechanism. I support the ongoing efforts by the United Nations Representative to ensure the resumption and effective operation of the Mechanism in Gali and to return the focus of the participants to substantive issues. I expect that the regular meetings of the Mechanism in Gali will resume without further delay and without any preconditions.

8. During the reporting period, the participants in Working Group I of the Geneva international discussions continued to review the security situation on the ground. Although several incidents occurred during the reporting period, leading to periods of heightened tensions, especially along the South Ossetia administrative boundary line, the overall security situation was assessed as relatively calm and stable, albeit fragile. The participants in Working Group I also continued discussions on the key issues of the non-use of force and international security arrangements. Regrettably, despite intensive engagement by all participants, progress was not made on this issue. In the spirit of my appeal for a global ceasefire on 23 March 2020 to confront the threat of the COVID-19 pandemic, I continue to 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, to make tangible progress without delay.

9. Working Group II continued to focus on the humanitarian needs of all affected populations, which were exacerbated by the COVID-19 pandemic, including their livelihood, freedom of movement, documentation and access to rights. Although all participants in Working Group II agreed that the issue of the return of internally displaced persons and refugees and related issues should be kept on the agenda, regrettably, there was neither substantial discussion on nor progress made in addressing this important matter. “Walkouts” by some of the participants under this agenda item have regrettably become the norm. I urge all participants to refrain from such actions and to address their concerns within the context of the Geneva international discussions. I encourage all participants to engage constructively with one another and with the Co-Chairs and co-moderators to find creative and mutually acceptable solutions to unblock the impasse and to discuss issues related to the voluntary return of internally displaced persons and refugees. During the reporting period, there was no sustainable return to areas of origin or habitual residence.

10. In the context of Working Group II, there were some constructive discussions on and activities conducted to improve living conditions in Abkhazia, including with regard to agricultural livelihoods and the fight against plant and forest pests and diseases, and in response to the COVID-19 pandemic. Regrettably, prolonged periods of closure of crossing points – related in part to the COVID-19 pandemic – and the further tightening of crossing regimes, especially with respect to the South Ossetia

administrative boundary line, which has been closed since September 2019, had a negative impact on living conditions and access to markets and to medical and other essential services. The Co-Chairs of the Geneva international discussions and the co-moderators of Working Group II continued to urge all participants to enable crossings to allow humanitarian access to medical and educational facilities, and, more specifically, to allow visits to religious sites, including graveyards by relatives of the deceased, across administrative boundary lines.

11. In the context of responding to the COVID-19 pandemic, the Georgian and Abkhaz sides cooperated with the United Nations to facilitate the delivery of medical supplies and equipment to Abkhazia. From May to December 2020, the authorities in control in Abkhazia opened humanitarian corridors six times and facilitated the efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR) to transport people across the Inguri Bridge, enabling access to pensions and allowances. I welcome these humanitarian gestures and urge all relevant participants to continue cooperation in the same spirit.

12. I reiterate the need for all relevant stakeholders to engage in a constructive manner and grant unfettered access for the Office of the United Nations High Commissioner for Human Rights to assess the human rights protection needs of the affected population, support related mechanisms and contribute to confidence-building. These needs are even more urgent owing to the adverse impact of the COVID-19 pandemic on human rights. Pursuant to Human Rights Council resolution [43/37](#), the United Nations High Commissioner for Human Rights presented a report ([A/HRC/45/54](#)) to the Human Rights Council at its forty-fifth session in September 2020. On 24 March 2021, the Human Rights Council adopted resolution [46/30](#), entitled “Cooperation with Georgia”, in which, inter alia, it requested the High Commissioner to present to it an oral update on the follow-up to the resolution at its forty-seventh session and a written report on developments relating to and the implementation of the resolution at its forty-eighth session.

13. While many humanitarian issues remain unresolved, the Geneva international discussions continue to offer an important opportunity for participants to engage on the issue of the 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.

14. A virtual high-level strategy session organized in November 2020 by the Department of Political and Peacebuilding Affairs, the United Nations Representative and other co-chairing institutions provided an opportunity for the United Nations, European Union and OSCE Co-Chairs to focus on priorities to promote the women and peace and security agenda within the framework of the Geneva international discussions. The Co-Chairs and co-moderators also continued to benefit from the insights of conflict-affected populations, including displaced women, through exchanges of information on their situation. However, owing to the pandemic, it was not possible to conduct special information sessions during the rounds of the Geneva international discussions.

15. In the context of COVID-19, I hope that the rounds of Geneva international discussions will continue taking place as planned. I urge all concerned to support and to participate constructively in the rounds and, if necessary, to consider meeting virtually in order to avoid a prolonged gap and maintain this important dialogue platform. I reiterate the need for all participants to respect and adhere to the previously agreed ground rules for the Geneva rounds, including the cessation of “walkouts”, in order to help 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

16. 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. Since December 2019, the Internally Displaced Persons, Ecomigrants and Livelihood Agency has been the designated authority responsible for issues related to internally displaced persons. According to the Agency's data, as at 31 December 2020 there were 288,538 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 Government data, the number of registered internally displaced persons increased by 25,834 between 2014 and 2020, primarily as a result of births in their families.

17. 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, Ochamchire and Tkvarcheli districts. The United Nations and the Co-Chairs have 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. The United Nations also continued to call for 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. Challenges related to documentation, freedom of movement, shelter rehabilitation needs, limited livelihood opportunities, substandard water, sanitation and hygiene conditions and poor health facilities continue to persist.

18. 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 "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". I urge the authorities in control in Abkhazia to take all measures necessary to facilitate freedom of movement and access to rights and services for the ethnic Georgian returnee population in Abkhazia.

19. 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", in 2016, the authorities in control in Abkhazia issued temporary identification documents, known as "Form No. 9", to some 12,000 ethnic Georgians, thereby facilitating their freedom of movement and access to some basic services. Owing to the reluctance of the returnee population to declare themselves "foreigners" and procedural delays in issuing "foreign resident permits", the extension and issuance of "Form No. 9" continued in 2020 despite the lack of a relevant legal framework.

20. Since 1 January 2019, the authorities in control in Abkhazia have banned holders of the old Abkhaz "passports" from crossing the administrative boundary line, thereby compelling the individuals to apply for the new 2016 version of the de facto "passport" or a "foreign resident permit". Following two sets of amendments to the "Law on citizenship", in 2013 and 2018, the majority of ethnic Georgians in Abkhazia

no longer satisfy the criteria for the acquisition of the 2016 version of the de facto “passport” and thus their applications have not always been successful.

21. The “foreign resident permit” does not grant its holder the full range of political, housing, land and property rights. 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. The issuance of the “foreign resident permits” has been further affected by additional requirements, introduced in May 2020, to prove long-term residence and the need to pay a processing fee. According to available information, more than 22,000 individuals have now obtained the “foreign resident permits”. In order to help ethnic Georgians in Abkhazia obtain necessary documentation and exercise their rights, the requirements for “foreign resident permits” should be eased.

22. The repeated changes in policies related to documentation and challenges experienced in obtaining documentation to enable crossings, coupled with the closure of crossing points, have raised concerns among the affected population about future developments and the impact they may have on their ability to stay in contact with family, maintain access to markets and benefit from medical and other services. I urge the relevant actors to develop a long-term vision on the status of the ethnic Georgian returnee population that avoids any discriminatory treatment or curtailment of rights.

23. During the reporting period, freedom of movement continued to be restricted by the authorities in control in South Ossetia for Akhlagori residents and those displaced since September 2019. Since the conflict in August 2008, the United Nations has lacked operational access to South Ossetia, apart from a humanitarian assessment mission 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. I strongly encourage the relevant stakeholders to actively facilitate unhindered regular access to South Ossetia to allow humanitarian and development agencies to assist the population and support the particularly vulnerable among those displaced. 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 visits to the region to address the humanitarian needs of the population, particularly in view of the ongoing COVID-19 crisis.

24. 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.

25. In March 2020, the authorities in control in Abkhazia imposed restrictions at the main crossing points with the Tbilisi-administered territory of Georgia to prevent the spread of COVID-19, which remained in force throughout the reporting period. The closures had a significant impact on the lives and livelihoods of the people affected, including on the physical and mental state of older persons and other vulnerable communities, as well as those with chronic medical conditions. I note, however, that, despite the closure, crossings to gain access to emergency health care were allowed and access for United Nations and international representatives was supported in order to bring urgently needed medical, hygienic and sanitary supplies to Abkhazia, including equipment to support the prevention, diagnosis and treatment of COVID-19. In addition, medical personnel in Abkhazia were able to benefit from peer-to-peer online consultations across the administrative boundary line on COVID-19-related treatment, with organizational support from the United Nations.

26. The World Health Organization (WHO) was able to conduct several COVID-19 assessment missions to Abkhazia and provide substantial support to the COVID-19 response. I encourage the continuation and expansion of such cooperation, including in relation to communication with communities, consultations with peers, protection and assistance for the most vulnerable, water and sanitation, protection and maintenance of basic livelihood activities, and in the health sector. I call upon all relevant actors to avoid politicization of these humanitarian issues and to ensure an enabling environment for close cooperation with and support by WHO and other United Nations entities, including through the use of the Incident Prevention and Response Mechanism in Gali and its hotline, to address such issues. Furthermore, I call upon all concerned to show humanitarian consideration for local residents engaging in traditional livelihood activities near and across the administrative boundary lines.

27. Despite the closure of the administrative boundary line throughout the reporting period, in October 2020, with full engagement and support from the Tbilisi-administered territory of Georgia and the authorities in control in Abkhazia, a “humanitarian corridor” was opened at the Inguri crossing point for some of the most vulnerable returnees of the Gali district, including pensioners, persons with disabilities and families with children. As a result, more than 4,500 vulnerable persons had access to their pensions and allowances and could buy essential medicines across the Inguri Bridge, while being exempt from quarantine. UNHCR resumed its shuttle bus services to serve the passage of vulnerable individuals crossing the Inguri Bridge. The humanitarian corridor has been appreciated by all stakeholders and by beneficiaries, for whom it has provided urgently needed and, in several cases, life-saving assistance. I call upon all relevant actors to ensure access of all returnees to the benefits and services for which they are eligible. I also call upon the relevant actors to ensure access for all people to necessary health-care services and immediate medical attention, including while in quarantine.

28. 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, including so-called “state border signs”, watch posts and surveillance equipment, continued to be observed along the administrative boundary lines. Increased surveillance by border guards of the Russian Federation and strict detention practices were also reported. I am concerned about the continued detention of civilians residing along the Abkhazia and South Ossetia administrative boundary lines for so-called “illegal crossings”. In this regard, I call for full, transparent and independent investigations into all such incidents in order to hold those responsible accountable and avoid their recurrence.

29. The frequent closure of the administrative boundary line, including as a result of the COVID-19 pandemic, the lack of proper documents and ongoing “borderization” measures continued to restrict the ability of people to cross the administrative boundary line. They also continued to negatively affect social and family relations, livelihood opportunities and the trade and labour activities of the returnee population in Abkhazia. I reiterate my 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.

30. 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, including as a result of COVID-19, 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.

31. 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. Regrettably however, by the end of 2020, 121,899 internally displaced persons – only 42 per cent of internally displaced persons – had been provided with durable housing solutions. There remains an urgent need to continue to improve the living conditions of internally displaced persons in both collective centres and private accommodation. There is also a continuing need to provide internally displaced persons with access to employment and livelihoods.

32. Thanks to the efforts of the Government of Georgia and its international partners, the level of dissatisfaction of internally displaced persons regarding their housing has decreased. That was achieved, in part, through 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 Internally Displaced Persons, Ecomigrants and Livelihood Agency continued to run a hotline for internally displaced persons. Access to information for internally displaced persons was further increased by providing them with an opportunity to consult the authorities online. Other efforts, such as continued privatization and rural housing projects, which combine the provision of shelter with agricultural land, have expanded options for housing. However, considering the total needs, existing durable housing solutions remain limited.

33. Given the scale of displacement, substantial challenges concerning the integration of internally displaced persons 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. While the Government of Georgia undertakes efforts to provide alternative accommodation for those living in dilapidated collective centres, 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. In 2020, female representatives of the community of internally displaced persons mentioned the issue of housing and the dilapidated state of collective centres among their major concerns.

34. Other socioeconomic aspects of integration, 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, funding levels for humanitarian projects in Georgia remain limited. Moreover, further progress in integrating and improving the living conditions of internally displaced persons has become less a question of humanitarian response and more a matter of integrating their socioeconomic needs into municipal, regional and national development strategies and budgets.

35. 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 by implementing a fully consultative process with regard to social assistance reform and allocating 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. The COVID-19 crisis has had a significant impact on internally displaced persons living in Tbilisi-controlled territory that has resulted in worsened socioeconomic conditions and limited access to social services. To mitigate this impact, vulnerable communities of internally displaced persons have received assistance related to the procurement of grocery supplies, access to health and social services, the provision of psychosocial counselling for women and girls and access to sanitary and hygienic facilities.

36. 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 financial and other assistance. The 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.

37. 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. However, additional protection and reintegration challenges remain in Abkhazia. The local population continues to report a sense of insecurity, particularly about the future. Specific protection concerns expressed by the returnees relate to: (a) freedom of movement; (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) the urgent need to improve water, sanitary and hygiene facilities to prevent the spread of infectious diseases and viruses, such as COVID-19; (f) incidents of discrimination, including those related to documentation and taxes; and (g) a lack of effective protection against crime and sexual and gender-based violence.

## **B. Institutional framework and operational measures**

38. The local population in the Gali district, including returnees, continued to express concern regarding restrictions 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 actors to

take pragmatic steps to solve this recurring problem without delay and allow children, in particular, to cross at convenient and safe locations.

39. 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. 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.

40. The United Nations engagement in assisting States in the search for durable solutions for displaced populations 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 is 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 important aspect.

41. In contrast to South Ossetia, Abkhazia continued to benefit from international humanitarian assistance. The Abkhazia Strategic Partnership, established in 2010 by international partners and chaired by the United Nations Resident Coordinator, 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, Ochamchire and Tkvarcheli districts.

42. UNHCR, in partnership with local and international non-governmental organizations (NGOs) and authorities in control, continued to facilitate protection and assistance services to the most vulnerable families, including through the provision of legal advice and counselling concerning access to rights and services. UNHCR provided technical knowledge and skills training as a route to employment for young people and continued to support self-employed entrepreneurs in expanding their activities. UNHCR also provided free transportation for a number of schoolchildren and shuttle bus services to serve the dignified passage of vulnerable persons over the Inguri Bridge. It also undertook several small projects to strengthen resilience and community-based protection.

43. To address the consequences of poor harvests and substandard agricultural practices, as well as lack of access to markets and COVID-19 restrictions, UNHCR and its partners provided vulnerable households in Abkhazia with equipment and training to help diversify and modernize their farming activity. In 2020, UNHCR more than doubled the scope of cash assistance to the most vulnerable families whose livelihoods and resilience were severely jeopardized as a result of the COVID-19 pandemic. UNHCR provided cash assistance to almost 2,000 persons and distributed food and hygiene packages to 785 persons. UNHCR and its partners also sought to

strengthen the social protection system and create an environment for community-based local support.

44. During the reporting period, the United Nations Development Programme provided humanitarian support and recovery assistance to conflict-affected communities with a focus on the COVID-19 response. It also provided support to the diversification of fragile livelihoods and improvement of access to social services, especially in rural areas. The United Nations Children's Fund continued its training programme for teachers on student-centred teaching and mother-tongue-based multilingual education methodologies, life skills education and transitioning to online modalities. Schoolchildren of ethnic Georgian descent should benefit from instruction in their mother tongue if they so wish. The Food and Agriculture Organization of the United Nations continued to support farmers with regard to strengthening their resilience and increasing their capacity to respond to immediate agriculture-related risks.

45. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) continued to organize information-sharing platforms between women's organizations, internally displaced and conflict-affected women and women living adjacent to the administrative boundary lines, and Georgian authorities. UN-Women conducted a study that informed the Co-Chairs of the Geneva international discussions and relevant stakeholders on ways to advance the full, equal and meaningful participation of women in peace and security. It also established a local network of women from conflict-affected and internally displaced persons' communities.

46. The issue of freedom of movement across the administrative boundary line has security, humanitarian and human rights dimensions and remains of the utmost importance to the local population. Developments during the reporting period were marked by two trends: enhanced control and limitations, and the further formalization of the documentation conditioning the ability to cross the administrative boundary line. I urge the authorities in control in Abkhazia to provide additional transport options for those living further away to facilitate faster crossings of the Inguri Bridge. I also urge the authorities to facilitate the continued service of two shuttle buses operated by UNHCR traversing the Inguri Bridge.

47. 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 to improve the conditions for crossings, including through the introduction of a fast-track procedure for vulnerable persons. I call upon the relevant authorities to ease the crossing procedure, in cases where such a procedure exists, for family visits, notably in the case of medical or other family emergencies, imminent death or funerals.

#### **IV. Prohibition of forced demographic changes**

48. Relevant international human rights standards should guide managed population movements, including evacuations, and 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 law and humanitarian access**

49. 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 entities to exercise their mandates. All sides must respect their obligations under the relevant rules of international humanitarian law concerning humanitarian access, and act in good faith to fulfil those obligations. The free passage of relief goods and the facilitation of humanitarian operations are correlated with the achievement of the right to life, the right to a decent standard of living and the right to protection against discrimination. According to 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.

50. Under international humanitarian law, rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, must be allowed and facilitated. Arrangements pertaining to relief personnel should be simplified to the greatest extent possible, and I encourage measures to enable and facilitate such efforts.

### **B. Operational challenges**

51. 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". This is more important than ever in the context of the fight against the COVID-19 pandemic. In the spirit of constructive engagement, I encourage all relevant actors 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.

52. The United Nations has been able to implement protection, humanitarian assistance and recovery activities in Abkhazia, but it is widely recognized 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.

53. 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, Ochamchire and Tkvarcheli districts and United Nations entities 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 in a consistent manner.

54. Since October 2019, the authorities in control in Abkhazia have required the stamping of all passports other than those of the Russian Federation, which includes the passports of the staff of international organizations and NGOs. Regrettably, the authorities in control in Abkhazia require the local staff of United Nations entities

and international NGOs in Abkhazia to enter into discussions with the “security service” in Abkhazia before crossing the administrative boundary line. These requirements have continued to severely limit the operational flexibility of the United Nations and international NGOs in Abkhazia, adding to already existing operational difficulties caused by the fact that local staff of United Nations agencies and international NGOs are not allowed access to Abkhazia. I call upon all relevant actors to ensure unimpeded access for all categories of personnel of all United Nations entities and international NGOs working to support local populations.

55. Given the need for a proper transition from humanitarian assistance through recovery to longer-term sustainable development, it is important to ensure that the remaining humanitarian needs and contingency considerations are fully met. I reiterate my call for the respect of the international principles governing humanitarian access, including unhindered movement of personnel of international organizations, and for flexible, practical approaches and measures to be taken by relevant stakeholders. Consultations must also continue among all stakeholders 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**

56. 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 concerned 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 (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 into their area of displacement or relocate elsewhere. I encourage the 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**

57. No agreement or timetable for the voluntary return of all refugees and internally displaced persons has been developed, given the prevailing environment and ongoing discussions among all concerned. 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 all concerned from working to identify 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 abandon the practice of walking

out when the issue of the voluntary return of refugees and internally displaced persons is tabled by Working Group II.

58. 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 concerned, with the development of a timetable or road map addressing all the components outlined in my report (A/63/950).

## VIII. Conclusion

59. I welcome the continued public 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 they relate to the return of refugees and internally displaced persons. I also note the commitments by all relevant stakeholders and participants in the Geneva international discussions to the necessity of ensuring the effective functioning of 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 those commitments are encouraging, 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, refugees and returnees, the non-use of force and international security arrangements.

60. Regrettably, the reporting period proved to be another challenging year for the Geneva international discussions owing to the postponement of the rounds, security tensions on the ground and the resulting adverse effect on livelihoods, and the impact of the COVID-19 pandemic. Key security, humanitarian, human rights and development challenges remain unresolved, hampering the creation of conditions conducive to the return of displaced populations. I remain concerned by the persistent security challenges stemming from continued negative trends related to the so-called “borderization”, restrictions on the freedom of movement and other unilateral actions. Those actions continue to inhibit the possible return of internally displaced persons, as well as the ability of humanitarian and developmental actors to operate freely, especially in South Ossetia. The continued imposition of restrictions on crossing points along the dividing lines for an extended period since March 2020, in part due to the COVID-19 pandemic, is also concerning. Those restrictions continue to place additional burdens on the conflict-affected population, including women, depriving them of access to livelihoods and medical and other services. While I welcome the easing of crossing for the most vulnerable since May 2020 at the Inguri Bridge crossing point, I hope that all impediments to mandate implementation, including the new passport stamping requirements, can be lifted as soon as possible.

61. I am especially concerned about the situation in the context of the COVID-19 pandemic. This crisis continues to upend lives, destroy economies and undermine progress towards achieving the Sustainable Development Goals. It continues to affect, in particular, the most vulnerable members of society. I reiterate my call to set aside differences and work together to protect the most vulnerable population. I commend the joint statements by the Co-Chairs of 4 September and 6 October 2020 and support their call, urging all participants in the Geneva international discussions to increase their efforts to build trust and confidence and to work constructively with the

Co-Chairs, as well as with international organizations. I also join their call upon participants to engage in constructive dialogue and to cooperate across the dividing lines to provide safety and improve livelihoods, as part of the mandate of the Geneva international discussions.

62. It is critical that all participants in the Geneva international discussions and all relevant stakeholders demonstrate greater political will and undertake practical and constructive efforts to help revitalize this important process and achieve substantive progress. I applaud the efforts of the Co-Chairs and commend the participants for their willingness to engage in virtual consultations during the reporting period and hold in-person rounds in December 2020 and March 2021, despite the operational constraints related to COVID-19. I call upon the participants to continue working together to prevent any gap in the functioning of this crucial platform for dialogue. The proactive efforts of the Co-Chairs to identify ways by which the participants can address outstanding issues are most welcome, and I encourage them to continue their engagement with all the participants in that regard. 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.

63. The continued suspension of the Incident Prevention and Response Mechanisms in Gali further impeded chances for progress and remains a source of major concern. The Ergneti and Gali Incident Prevention and Response Mechanisms are endowed with critical preventive and response functions, which are indispensable to the maintenance of stability, human security and the 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 without delay and the Mechanism in Ergneti continue its normal functioning uninterrupted. I welcome the repeated calls by the Co-Chairs of the Geneva international discussions for all relevant stakeholders to renew their commitment to uphold and use these critically important Mechanisms to address any issues related to recent and past incidents.

64. I once again strongly urge 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 respect for human rights and to refrain from any unilateral actions that may have an adverse impact on the overall peace and security situation 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, dialogue, confidence-building and peacebuilding efforts, including with regard to women's civil society organizations.

65. Further concrete steps are needed to promote greater engagement of the populations living in Abkhazia and South Ossetia. I appreciate and welcome the support of the Co-Chairs of the Geneva international discussions for some collaborative approaches that have already been applied in response to the COVID-19 pandemic and encourage all participants to cooperate and engage more. The United Nations reiterates its readiness to support such efforts as needed.

66. Ultimately, the 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 12 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 demonstrate the necessary political will, constructive approach and flexibility to

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move forward towards genuine dialogue and lasting peace. The United Nations, including through the United Nations country team and the United Nations Representative to the Geneva International Discussions in her role as Co-Chair of the Geneva international discussions, working in close partnership with her fellow Co-Chairs, 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.

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