

The OSCE Mission to Georgia – Activities in 2004¹

Overview

Overall, events in 2004, notably in Ajaria and the zone of the Georgian-South Ossetian conflict, moved rapidly – impacting directly on the work of the Mission and requiring it to respond quickly to what was happening on the ground. In addition, the Mission was heavily committed in the run-up to the January presidential election and the March parliamentary election to delivering a major programme of support (the Georgia Elections Assistance Programme, GEAP) to the country.

The establishment of the new government, in its turn, drew the Mission into a more intense involvement in the new democratic reform programme. The agenda set by President Mikhail Saakashvili was aimed at destroying corruption, introducing democratic principles, and establishing the rule of law in Georgia. The timetables were tight and urgent action was required by the Mission and its international partners to respond to the new opportunities and challenges in their work with government and civil society in Georgia.

All of these activities led the Mission to reorganize its internal structures to make a maximum contribution by employing a more tightly focused, cross-dimensional approach in its operations. By combining military-security, economic-environmental, and human dimension tools and resources to the various issues of the reform agenda, the Mission was able to respond quickly and effectively to the needs of the country.

Throughout the year, the Border Monitoring Operation (BMO), building on experience gained over previous years, carried out its mandate comprehensively and efficiently. However, the lack of consensus in the Permanent Council in Vienna meant that the operation had to cease on 31 December.

The Year in Detail

Georgian Elections Assistance Programme

In December 2003, the Acting President of Georgia, Ms Nino Burjanadze, made an appeal at the Maastricht Ministerial Council for financial assistance for the impending presidential and parliamentary elections in January and March 2004. As a result of this appeal, participating States pledged some six million euros. From this total, the European Commission gave two million

¹ The opinions expressed in this contribution are the author's own.

euros to the UNDP for election-related projects. The remaining four million euros were directly administered by the Mission.

From the outset, close, effective, and productive co-ordination was established between international donors, government and electoral administrations, and civil society. Within the Mission, a dedicated task force was established, using contracted international election experts together with Mission team members. The need was to work rapidly in order to produce improvements in Georgia's election standards and record. Through the creation of a special website, participating States were constantly informed of progress, projects, and results.

The quality of the work undertaken speaks for itself. The OSCE demonstrated an unrivalled ability to respond rapidly to an unforeseen need and drew deep praise from both government and civil society in Georgia for its work. The report of the ODIHR International Election Observation Mission on the Presidential Election demonstrated a marked improvement in the election process over the November 2003 parliamentary (and previous Georgian) elections. The same report also made recommendations for further remedial action. These recommendations were built into the projects designed by the Mission for the March parliamentary elections, which were once again recognized as representing a further major step forward in the Georgian electoral process.

Ajaria

Throughout April and the early days of May 2004, the confrontation between the central government and the authorities in Batumi became the main focus of attention for the Mission's political and human dimension teams. The need to avoid the real risk of armed activity involved the Mission in constant discussion both in Tbilisi and Batumi. Mission members were rotated to Ajaria to report on developments on the ground and ministerial contacts provided the basis for advice to the Chairman-in-Office on the potential role of the OSCE in avoiding possible conflict.

With the departure of Mr Aslan Abashidze following widespread popular demonstrations, the Mission's Human Dimension Office commenced a number of projects in the area of democratic institution building in response to requests by the new local authorities and civil society organizations in the region. These projects continue. In addition, with support from ODIHR, the Mission conducted an assessment of the 20 June elections in Ajaria with the assistance and co-operation of other international organizations.

Georgian-South Ossetian Conflict

Scarcely had the dust settled in Batumi when developments in the Georgian-South Ossetian zone of conflict reached crisis point. Following what began as

part of a nation-wide operation to close down illegal smuggling and contraband routes, the deployment by the Georgian Interior Ministry of large numbers of interior troops into the zone of conflict on 31 May 2004 rapidly increased tensions. In response, the “President” of South Ossetia declared mass mobilization, and throughout June, both sides deployed additional armed forces into the zone of conflict, establishing large numbers of illegal control and check points. Meetings of the Joint Control Commission (JCC) at the beginning and end of that month failed to achieve any removal of forces or lessening of the increasingly tense situation on the ground. Hostage taking, confiscation of military equipment, and disruptions to freedom of movement became commonplace events. On 8 July, the mass detention of 42 Georgian police officers and their subsequent public parading in Tskhinvali greatly exacerbated the situation. Throughout all these events, the Mission was in constant touch with all co-chairs of the JCC, and its Military Monitoring Officers attempted, at some risk, to check the situation on the ground together with the Joint Peacekeeping Forces (JPKF) observers.

An extraordinary meeting of the co-chairs in Tskhinvali on 11 July was followed by a high level meeting of the JCC in Moscow on 14-15 July. During these meetings, all sides agreed upon the need to take measures to demonstrate their commitment to a political settlement of the conflict and prevent the outbreak of violence. However, despite these commitments, both sides continued to enhance their forces on the ground, and the Mission military team frequently raised issues of concern with both the JPKF command and individual battalion commanders.

On the night of 29-30 July, major military actions began and continued until 19-20 August, despite a ceasefire which was declared on 13 August. Both sides sustained military and civilian casualties and there was physical damage to populated areas.

Throughout these difficult days, the JCC operated on an almost continuous basis in both Tskhinvali and Tbilisi, holding separate meetings with Prime Minister Zurab Zhvania and South Ossetian “President” Eduard Kokoity. Measures to stop the military actions stabilize the situation, and agree upon the withdrawal of all armed forces except the JPKF battalions were the dominating agenda items. Reaffirmation of the need to resolve the conflict through exclusively political means was a constant theme. With the establishment of a ceasefire, the overriding imperative became the effective stabilization of the military situation on the ground, leading to the demilitarization of the conflict zone. This would involve the withdrawal of all unauthorized military formations and the destruction or removal of all fortifications and defensive positions, including minefields set up by the opposing forces during the conflict period. Discussions on these themes continued into 2005, despite a direct meeting between Prime Minister Zhvania and the South Ossetian leader Mr. Kokoity in Sochi in November 2004.

Other casualties of the above developments, from the Mission point of view, have been the delays in moving ahead with the implementation of the 2.5 million euro European Commission grant for refugee return and rehabilitation of structures in the zone of conflict, which was finally agreed upon by all parties in January 2004, and the virtual cessation of Mission NGO projects in South Ossetia.

Georgian-Abkhaz Conflict

The Mission has continued to provide physical and financial assistance to the Human Rights Office of the United Nations Observer Mission in Georgia (UNOMIG) in Sukhumi. A particularly successful project has enabled organizations for the disabled from both sides to come together to co-ordinate their activities, and there are now prospects, involving the Mission's economic team, for developing a wheelchair production factory in Abkhazia. Other projects in the field of human rights involving NGOs and media organizations have continued, and management training projects will soon be implemented.

On the political settlement front, little activity took place in the run-up to the 2004 "presidential" elections. However, once the process resumes, the Mission will, within the framework of its mandate, be ready to continue to act in support of the UN Secretary-General's Special Representative (SGSR) in the negotiations. The establishment of a joint Human Rights Field Office in the Gali region remains a high priority.

Law Enforcement and Anti-Terrorism

With strong support from the OSCE's Strategic Police Matters Unit (SPMU) in Vienna, the Mission began discussing a long term Police Reform Assistance Programme with the Ministry of Interior. Although there was considerable interest in the programme from the previous Minister and an expressed wish for the Mission to act as co-ordinator for an international advisory group, changes in the senior ranks of the Ministry coupled with its preoccupation with events in South Ossetia delayed the signature of a memorandum of understanding until October 2004. This launched a long term Police Assistance Programme, which will be co-ordinated by the Mission.

Throughout this process, the Mission established wide-ranging links with both international partners, including the EU Rule of Law Mission, and all the ministerial structures and drew up a targeted programme of assistance to complement the activities of other international organizations and bilateral donors.

Over the year, the Mission also continued to develop its assistance to Georgia in the area of anti-terrorism. Programmes were developed using the services, on an *ad hoc* basis, of a border monitor with specialized knowledge

of this field. Georgian officers have been sent to international workshops and these have been followed up by practical assistance in areas of false documentation, airport security, and border controls. In addition, work has begun to assist Georgia in the ratification of international Conventions related to the fight against terrorism. We are, however, only at the beginning of this increasingly relevant area of activity. As in many other areas of the Mission's work, the fight against terrorism involves cross-dimensional co-ordination with other parts of the Mission's operation.

Border Monitoring Operation

During April and May 2004, the BMO built up its numbers in preparation for the summer period of operation. Eighty-eight new monitors were recruited to the Mission, using revised selection criteria and, for the first time, three female officers became part of the operation. All the monitors underwent specialized safety and security training to prepare them for the climatic and physical risks they face in doing their jobs in the mountain environment.

In building up its numbers for the summer, the BMO management drew heavily on the experiences gained over the past few years with the aim of enhancing both the efficiency and effectiveness of the monitoring operation – which is solely to observe and report on border crossings. The lessons learned were contained in a report provided to the OSCE Permanent Council when the decision to renew the mandate until the end of December 2004 was taken on 29 June. However, as already mentioned, no consensus was reached in December when the BMO mandate was up for renewal, and the operation ceased its reporting and monitoring work on 31 December.

Economic and Environmental Activities

Throughout the year, apart from continuing its assistance to the trans-boundary water quality and management programmes and undertaking training for public officials on the Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters (Århus Convention), the Mission focused on four main areas of activity. First, it advised the Georgian parliament on the drafting of a new Labour Code. This intensive assistance has involved detailed, continuing discussions with employer organizations, trade unions, and legal draftsmen. In the light of the experience gained and available within the Mission, similar assistance has been given on an *ad hoc* basis to the Armenian parliament, which is engaged in a similar exercise.

Second, the Mission began work with Georgian governmental and non-governmental partners on the joint UNDP/UNEP/OSCE/NATO Environment and Security Initiative (ENVSEC) and produced a background paper addressing the main environmental and social issues in the country from a se-

curity perspective. This paper will form the basis for further work in this field. In 2004, the Mission also introduced the Young Entrepreneurs Scheme (YES) to Georgia. In its first phase, four training seminars were held in the regions. A follow-up phase will start shortly. Finally, together with the German development agency GTZ (*Gesellschaft für Technische Zusammenarbeit*), a local self-government project was undertaken with a number of local authorities. This is modelled on a similar project successfully undertaken by the OSCE Mission to Bosnia and Herzegovina.

The Mission made two major presentations of its recent activities in the area of weapons destruction and recycling to delegations in Vienna. The programme has now been running for 19 months and, with recent discoveries of further, substantial stockpiles, has a long future in store – providing that participating States remain prepared to contribute as generously as they have done so far. Unfortunately, the Rapid Response Scheme to collect weaponry in the Georgian-South Ossetian zone of conflict has had to be temporarily suspended. However, before the conflict ensued, a number of potential projects were close to fruition.

Human Dimension

With the exception of activities in the Georgian-South Ossetian zone of conflict, the Mission's human dimension staff were actively working with the full range of governmental, civil society, and international partners on the core issues of our mandate and in accordance with the government's new reform agenda. With the appointment on 16 September 2004 of a new Public Defender, the Mission re-launched its programme of support to the regional offices of the Ombudsman through a major staff training and human rights monitoring programme. In its ongoing work with the Prosecutor General's Office, the National Security Council, and the Ministry of Interior on the implementation of the National Action Plan against Torture, the Mission is increasing the capacity of those institutions and creating networks with civil society to prevent torture. Frequent visits to pre-trial detention facilities and prisons assist the process. More generally, the Mission, together with ODIHR, initiated a large-scale training programme for prison staff, with the full co-operation of the Minister of Justice.

In the area of rule of law, the Mission and other international partners were requested to provide expert analysis on the draft of the new Constitution and, in particular, to advise on mechanisms for involving the public in discussion and debate. Anti-trafficking also has been a major focus of activity. The Mission chaired an informal working group drawn from ministries and NGOs to develop a National Action Plan against Trafficking. The plan was approved by presidential decree at the end of the year. In the field of democratization, the Mission is equally involved in the elaboration of an Action Plan on Gender Equality.

More broadly, the Mission continued its established work in raising the capacity of civil society organizations, human rights awareness and education programmes, local government reform, and media development and legislation. More particularly, the Mission continued to handle an increasing caseload involving individual human rights.