



SECURITY COUNCIL REPORT UPDATE REPORT



29 May 2008 No. 7

GEORGIA

Expected Council Action

The Council will meet on Friday, 30 May 2008, in response to Georgia's request for a meeting to discuss the report of the United Nations Observer Mission in Georgia (UNOMIG) on the downing of an unmanned aerial vehicle on 20 April. (The Council met on 23 April in response to a similar request from Georgia to discuss the 20 April incident.)

Although there was general agreement to have a meeting, two rounds of informal consultations were needed to decide on the format for the briefing. On 28 May, Russia requested that an Abkhaz representative attend the meeting. However, this suggestion was apparently opposed by some members who felt that this was a bilateral dispute between Russia and Georgia, which did not warrant Abkhaz participation. On 29 May, agreement was reached on having a closed meeting. Georgia will participate as will Germany (present as the coordinator of the Secretary-General's Group of Friends on Georgia).

Recent Developments

On 27 May, Georgia wrote to the president of the Council to request in accordance with article 35 of the UN Charter, a meeting of the Council with the participation of the Georgian representative to discuss the UNOMIG report. Under article 35 of the Charter:

“...any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.”

However, a request under article 35 does not automatically trigger a Council meeting. That requires a Council decision under the Provisional Rules of Procedure.

Once a meeting has been convened it is open to the Council to decide to take action, including for instance under article 34 to

“ investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security”

On 26 May UNOMIG released a report of its independent investigation of the downing of a Georgian unmanned aerial vehicle (UAV) over Abkhazia on 20 April. A video taken by the drone before it was destroyed showed a fighter jet firing a missile at it. The report determined that the fighter jet was either a Russian-made MiG-29 or a Su-27. Abkhazia does not own either model. In addition, radar

tracking showed the jet heading into Russian airspace. The report concluded that “absent compelling evidence to the contrary, this leads to the conclusion that the aircraft belonged to the Russian air force.” The report also recalled that surveillance aircraft flying over the zone of conflict was a breach of the 1994 Moscow Agreement on Ceasefire and Separation of Forces.

UNOMIG has confirmed three incidents of downed unmanned aerial vehicles over Abkhazia since March. (The Abkhaz side claims to have downed seven UAVs in that period.) Georgia has argued it was forced to use its own military resources for surveillance due to the inaction of international machinery and that it is within its sovereign right to monitor what is happening in its own territory. Following the release of the UNOMIG report, Tbilisi demanded an official apology from Russia and asked for compensation. It has also labeled the downing an act of aggression. Russia said that the “quality of these investigations does not inspire confidence” and asked Georgia to release the video to the Security Council citing inconsistencies.

At the end of April, Russia increased its peacekeeping force in Abkhazia to 2500 citing a buildup of troops on the Georgia-Abkhaz border. Georgia denied any troop buildup and voiced unhappiness with not being informed of the Russian troop increase. Russia says it has not gone above the 3000 soldiers limit set in the 1994 Decision of the CIS Council of Heads of State.

Georgia seems likely to propose a change to the current peacekeeping format, including a stage-by-stage withdrawal of Russian peacekeepers (who make up the Commonwealth of Independent States (CIS) peacekeepers) leading to a more international peacekeeping force.

In March, Georgian President Mikheil Saakashvili presented a peace proposal which offered Abkhazia “unlimited autonomy.” While many of the elements are similar to Saakashvili’s 2006 peace proposal, the latest version contains the creation of the post of a vice president to be held by an Abkhaz, a veto by the Abkhaz on decisions that could negatively affect Abkhaz’s constitutional status and a Georgia-Abkhaz free economic zone. Abkhaz leader, Sergei Bagapsh rejected Saakashvili’s proposal as “unacceptable.”

On 15 May, the General Assembly adopted a resolution (14 in favour, 11 against and 105 abstaining) upholding the rights of Georgian refugees and internally displaced persons to return to Abkhazia.

On 21 May, Georgia held parliamentary elections. Saakashvili’s party won 60 per cent of the vote. The opposition has complained of violations at the polling stations and some are refusing to recognise the results.

Saakashvili will meet Russian president Dmitri Medvedev on June 6–7 on the sidelines of an informal summit of CIS leaders. Saakashvili has said that he wants to replace “megaphone diplomacy” with issue-based discussions. Among the issues he has identified are the downing of the drone and replacement of CIS peacekeepers.

Options

The most likely option is for the Council to listen to Georgia and agree to follow-up in Council consultations. A number of other members are also likely to speak but no action is expected at this time.

Further down the track a Council presidential statement or resolution may be proposed for discussion.

A possible early option is a press statement urging the Secretariat to complete a review of the peace

process quickly so that new options can be considered for bringing about a political settlement.

Key Issues

A number of complicated procedural issues may lie ahead—especially if action in the form of a resolution or presidential statement is proposed.

One such procedural issue is whether Russia is now considered a “party”. Article 27 (3) of the UN Charter states that parties to a dispute ‘shall’ abstain from voting on substantive proposals for pacific settlement.

“Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members provided that, in decisions under Chapter VI and under paragraph 3 of Article 52, a party to the dispute shall abstain from voting.”

This has become known as obligatory abstention (Articles 27(3) and 52(3) of the Charter.)

A second possible procedural issue is how the obligatory abstention rule might apply to possible Council action in the form of a presidential statement. If Russia is seen as a party to this dispute and a presidential statement is proposed would the obligatory abstention rule apply? This depends on whether a presidential statement is viewed as being a decision of the Council or alternatively as merely a collective intervention agreed by individual members of the Council and delivered by the president. Whatever the theory the Council practice that has developed is based on an understanding that every Council member may veto presidential statements. (Votes are not taken on presidential statements which are always negotiated during informal consultations.)

A third procedural issue that is likely to come up again in the future is how to handle a request for Abkhaz participation in future Council meetings.

In practice, substantive issues are likely to drive the Council’s overall approach to the issue. Because of the importance of Russia’s position on the substance, underlined by its participation in the Group of Friends—the Group consists of France, Germany, Russia, the UK and US with Croatia attending meetings in New York—it is perhaps unlikely that procedural questions would arise. Council members are likely to want to negotiate consensus outcomes.

Key substantive issues include the future relationship between the key players in the Abkhaz conflict and whether there will be a further escalation in tensions and whether Georgia is likely to insist on revoking the CIS peacekeepers status.

Council Dynamics

Council members seem concerned that the situation in Georgia is becoming an increasingly tense and complex issue. The Council meets every three months to discuss this issue. However, for most of the 14 years that it has been on the Council agenda, most members have been content to let the status quo continue.

In recent times, the US support for Georgia and Russia’s increased political backing of Abkhazia has led to complicated dynamics on this issue. The Kosovo issue in the Council has further muddied the waters. Elected members have traditionally taken a back-seat, letting the Group of Friends lead from

outside the Council. This issue has one other curious feature. It is the only issue on the Council agenda on which a non-Council member, Germany, (who was last in the Council in 2004) takes the lead.

UN Documents

Latest Security Council Resolution
<ul style="list-style-type: none"> • S/RES/1808 (15 April 2008) extended UNOMIG until 15 October 2008.
Selected Secretary-General's Report
<ul style="list-style-type: none"> • S/2008/219 (2 April 2008) was the latest Secretary-General's report on the situation in Abkhazia.
Selected Letters to the President of the Council
<ul style="list-style-type: none"> • S/2008/342 (27 May 2008) was the letter from Georgia asking for a meeting of the Council. • S/2008/299 (5 May 2008) was the letter from Georgia stating drones were downed on 4 May 2008.

Other Relevant Facts

Special Representative of the Secretary-General and Head of Mission
Jean Arnault (France)
UNOMIG: Size and Composition
<ul style="list-style-type: none"> • Authorised strength as of 30 April 2008: 151 total uniformed personnel, including 133 military observers and 18 police • Key troop contributors: Germany, Pakistan and Bangladesh
Duration
August 1993 to present
Cost
1 July 2007-30 June 2008: \$35. million (gross)
Other Facts
Size of CIS troops: about 2500 Russian troops

Useful Additional Sources

Report of UNOMIG on the Incident of 20 April Involving the Downing of a Georgian Unmanned Aerial Vehicle over the Zone of Conflict, 26 May 2008