

## **Q5 Legal/Reference 18**

*In March 2007, the Georgian government offered a Draft Memorandum to the South Ossetian side. This document offered the latter a complete and final political resolution of the conflict in the Tskhinvali Region. The memorandum provided for demilitarization of the conflict zone and acceleration of the negotiation process. Much as before, this document was not signed due to the negative Russian evaluation.*

*Draft*

### **MEMORANDUM On the Agreement of Further Activities Aimed At the Final Settlement of the Conflict In the Tskhinvali region/South Ossetia, Georgia**

*With the goal of achieving a full-scale and final political settlement of the conflict in the Tskhinvali region/ South Ossetia, Georgia – a settlement based on agreements acceptable for all sides – the parties in conflict,*

*Recognizing the essential role of bilateral dialogue, with the participation of facilitators, for the full-scale settlement of the conflict,*

*Considering it necessary to intensify multilateral efforts to increase dynamics of the negotiation process in the format of the Authorized Delegations empowered with special authority (hereinafter – the AD), and to launch more efficient mechanisms aimed at implementing the agreements to achieve.*

*With the aim of reaching consensus among political parties and other stakeholders representing the full spectrum of interests in the Tskhinvali region/South Ossetia, Georgia,*

*Welcoming new initiatives aimed at peaceful resolution of the conflict, while underscoring the need for joint measures to peace, and affirming adherence to the provisions of the Statement adopted by the OSCE Ljubljana Ministerial on 6 December 2005, including the recognition of the Peace Plan proposed by the Georgian side as a basis for the resolution of the conflict,*

*Expressing gratitude and support to the OSCE Mission to Georgia, European Commission, and to donor countries for their work in launching the international Donors' Programme for Economic Rehabilitation of the region, and further noting the importance of creating security conditions to allow for full implementation of the Programme, which is essential for confidence-building and for a comprehensive political settlement of the conflict,*

*Being strictly committed to the principles of non-use of force or the threat of force and non-exertion of political, economic and other forms of pressure,*

**Express their readiness:**

- 1. To immediately initiate a direct bilateral dialogue under the aegis of the OSCE, on the basis of the existing format of the AD; this format is a mutually acceptable negotiation mechanism agreed during the talks on the comprehensive settlement of the Georgian-Ossetian conflict of 5 March 1997.**
- 2. To invite the Russian Federation, EU and the USA to participate in the negotiation process, with the aim of facilitating a comprehensive settlement of the conflict.**
- 3. To hold the first meeting of the AD no later than one month after signing this Memorandum.**
- 4. With the aim of improving coordination in the issues related to the cooperation between law enforcement bodies of the Parties, as well as to economic rehabilitation of the region, to subordinate to the AD the Special Coordinating Center on the interrelations between the law enforcement bodies (hereinafter – the SCC) and the Steering Committee on the economic rehabilitation issues (hereinafter – the SCER).**
- 5. To ask for the EU, the USA, and the Russian Federation to participate in the SCC activities.**
- 6. On the basis and under the guidance of the SCC, to resume the activities of the joint police forces, with a mandate encompassing the entire territory of the Tskhinvali region/South Ossetia, within the administrative borders of the former South Ossetian Autonomous Oblast', as they were legally defined by December 1991.**
- 7. Within one month after the present Memorandum is signed, to elaborate within the framework of the SCC principles and modalities for the functioning of the Joint Police Mission (hereinafter – the JPM) to be composed of Georgian and South Ossetian law enforcement components,**
- 8. To propose to the European Union to provide with general observation of and assistance to the JPM, *inter alia*, by training, mentorship and monitoring, through assigning appropriate police experts to work within the JPM framework.**
- 9. To carry out immediately demilitarization of the conflict zone and implement the agreed Security Corridor. To task the heads of the AD with submitting an action plan on demilitarization within one month after the first meeting in the AD format is held.**
- 10. To empower SCER to submit – in cooperation with representatives of the EU and countries facilitating conflict resolution process – a long-term plan for the rehabilitation of the region's economic infrastructure, as well as a coordinated plan for the implementation of the Donors' Programme. To task SCC with ensuring the necessary conditions for full-scale and unimpeded activities of the SCER, in order to**

**achieve transparency and have the region's population adequately informed of and involved in the economic rehabilitation process.**

**11. To accelerate the negotiation process on the political settlement, to elaborate principles for the distribution of competencies between Tbilisi and Tskhinvali, fully respecting the principles of territorial integrity of Georgia while granting to the Tskhinvali region/South Ossetia broad autonomy rights within the Georgian State.**

**12. To request the respective international organizations and bodies, in particular, OSCE and European Commission "Democracy through Law" (Venice Commission) of the Council of Europe, to render their assistance in elaborating a model of autonomy for the Tskhinvali region/South Ossetia.**

To acknowledge and implement the above provisions, the Parties are signing the present Memorandum.

Done in..... on *(date, month)* 200...

GEORGIAN SIDE

SOUTH OSSETIAN SIDE

With the facilitation of:

Russian Federation

EU

USA

OSCE

- CRS report for Congress, September 22 2008.<sup>1</sup>

In March 2007, President *Saakashvili* proposed another peace plan for South Ossetia that involved creating “transitional” administrative districts throughout the region — ostensibly under Sanakoyev’s authority — which would be represented by an emissary at JCC or alternative peace talks. In July 2007, President Saakashvili decreed the establishment of a commission to work out South Ossetia’s “status” as a part of Georgia. The JCC finally held a meeting (with Georgia’s emissaries in attendance) in Tbilisi, Georgia, in October 2007<sup>2</sup>, but the Russian Foreign Ministry claimed that the Georgian emissaries made unacceptable demands in order to deliberately sabotage the results of the meeting. No further meetings were held.

- March 29 – 2007 – Statement by Georgian Delegation (Victor Dolidze) at the meeting of OSCE Permanent Council:<sup>3</sup>

“To strengthen the dialogue process, complement existing formats and address all concerns comprehensively, Georgian side elaborated and distributed to all stakeholders the draft Memorandum on further measures for conflict-settlement in the Tskhinvali region/South Ossetia, Georgia. This document is based on already taken decisions, on the requirements set out by the Peace Plan of the Ljubljana Ministerial Council in 2005. It encompasses most significant issues and concerns raised at the negotiations by the sides to the conflict. We appreciate positive feedback on this document from our international partners. We expect their further active involvement and contributions to promote it, and are prepared to duly consider all constructive proposals and suggestions, including from the Russian Federation, the positive engagement of which we would highly value.”

- 14 June 2007- Statement of Gela Bejhuashvili , Minister of Foreign Affairs at the OSCE permanent Council meeting.<sup>4</sup>

Minister put forward the issue of Draft Memorandum on Tskhinvali region, distributed in March 2007.

---

<sup>1</sup> <http://fpc.state.gov/documents/organization/110841.pdf>

<sup>2</sup> For details of October 2007 JCC meeting see <http://www.reliefweb.int/rw/RWB.NSF/db900SID/EMAE-78AR2S?OpenDocument>

<sup>3</sup> [http://www.mfa.gov.ge/index.php?lang\\_id=ENG&sec\\_id=78&info\\_id=3769](http://www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=78&info_id=3769)

<sup>4</sup> [http://www.osce.org/documents/pc/2007/06/25193\\_en.pdf](http://www.osce.org/documents/pc/2007/06/25193_en.pdf)