

**Q1/2 Legal/Reference 9 –**

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United Nations  
**Security Council**

**S**/RES/1866 (2009)

Distr.: General  
13 February 2009

**Resolution 1866 (2009)**  
**Adopted by the Security Council at its 6082nd meeting,**  
**on 13 February 2009**

*The Security Council,*

*Recalling* its previous resolutions, including resolutions 1808 (2008) of 15 April 2008 and 1839 (2008) of 9 October 2008,

*Considering* the report of the Secretary-General of 4 February 2009 (S/2009/69),

*Welcoming* the six-point agreement of 12 August 2008, and subsequent implementing measures of 8 September 2008,

*Taking note* of the Geneva discussions commenced on 15 October 2008 and *encouraging* the participants to reach practical results,

*Underlining* the importance of the peaceful resolution of disputes,

1. *Recalls* the arrangements entered into under the agreements of 12 August 2008 and of 8 September 2008;

2. *Calls for* the provisions that were set out in paragraph 2 (a) of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994 (S/1994/583) to be respected, pending consultations and agreement on a revised security regime, *taking note* of the recommendations on the security regime contained in the report of the Secretary-General of 4 February 2009;

3. *Underlines* the need to refrain from the use of force or from any act of ethnic discrimination against persons, groups of persons or institutions, and to ensure, without distinction, the security of persons, the right of persons to freedom of movement and the protection of the property of refugees and displaced persons;
4. *Calls for* facilitating, and refraining from placing any impediment to, humanitarian assistance to persons affected by the conflict, including refugees and internally displaced persons, and *further calls* for facilitating their voluntary, safe, dignified and unhindered return;
5. *Calls for* the intensification of efforts to address the issue of regional security and stability, and the issue of refugees and internally displaced persons, through the discussions currently under way in Geneva, and *requests* the Secretary-General, through his Special Representative, to continue to fully support this process, and to report on progress thereon;
6. *Requests* the Secretary-General to report to the Council on the implementation of this resolution, and on the situation on the ground and the activities of the United Nations mission, including recommendations on future activities by 15 May 2009;
7. *Expresses* its intention to outline the elements of a future United Nations presence in the region by 15 June 2009, taking into account the recommendations to be contained in the report of the Secretary-General referred to in paragraph 6, the Geneva discussions and developments on the ground;
8. *Decides* to extend the mandate of the United Nations mission for a new period terminating on 15 June 2009;
9. *Decides* to remain actively seized of the matter.

## **Charter of the United Nations**

### ***Article 25***

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

**Resolution 1808 (2008)**

**Adopted by the Security Council at its 5866th meeting, on 15 April 2008**

*The Security Council,*

*Recalling* all its relevant resolutions including resolution 1781 of 15 October 2007 (S/RES/1781),

*Welcoming* the reports of the Secretary-General on the activities of the United Nations Observer Mission in Georgia of 23 January 2008 (S/2008/38) and 2 April 2008 (S/2008/219),

*Reiterating* the importance of maintaining the separation of forces and the preservation of the ceasefire,

*Supporting* the sustained efforts of the Secretary-General and of his Special Representative with the assistance of the Group of Friends of the Secretary-General as well as the Russian Federation in its capacity as facilitator and of the OSCE, *underlining* the increased importance of the meetings in the Geneva format as the forum for meaningful political dialogue and welcoming the Georgian and Abkhaz renewed commitment to this process,

*Noting* that whereas the United Nations and the Group of Friends of the Secretary-General will continue to support the process of conflict resolution between the Georgian and Abkhaz sides, the primary responsibility to make use of this support and to implement measures to advance the process, in particular measures to build confidence, remains with both sides,

*Regretting* the continued lack of progress in implementing confidence-building measures, and *underlining* the importance of constructive goodwill between the sides and respect for each other's concerns,

*Stressing* the importance of close and effective cooperation between UNOMIG and the CIS peacekeeping force as they currently play an important stabilizing role in the conflict zone, and *recalling* that a lasting and comprehensive settlement of the conflict will require appropriate security guarantees,

*Stressing* that economic development is urgently required in Abkhazia, Georgia, to improve the livelihoods of the communities affected by the conflict, in particular refugees and internally displaced persons,

1. *Reaffirms* the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders and *supports* all efforts by the United Nations and the Group of Friends of the Secretary-General, which are guided by their determination to promote a settlement of the Georgian-Abkhaz conflict only by peaceful means and within the framework of the Security Council resolutions;

2. *Reaffirms* its strong support for UNOMIG, and *again urges* the parties to cooperate fully with the Mission and to actively and sustainably engage in the political process led by the Special Representative of the Secretary-General; and *welcomes* UNOMIG's continued consultations with the parties on strengthening its observation capacity;

3. *Welcomes* the recent improvements in the overall security situation; *calls on* both sides to consolidate and broaden those improvements; *underlines* the need for a period of sustained stability along the ceasefire line and in the Kodori valley; and *stresses* the necessity to keep under close observation the situation in the Upper Kodori valley which has to be in line with the Moscow agreement on ceasefire and separation of forces of 14 May 1994;

4. *Welcomes* the renewed commitment given by both sides during the meeting chaired by the United Nations in Geneva on 18 and 19 February 2008 to resume regular consultations within the Quadripartite meetings on security issues without delay, and *urges once more* both sides to fulfil finally this commitment;

5. *Expresses* its concern at any violation of the ceasefire and separation of forces regime in the Zone of Conflict;

6. *Strongly urges* all parties to consider and address seriously each other's legitimate security concerns, to refrain from any acts of violence or provocation, including political action or rhetoric, to comply fully with previous agreements regarding ceasefire and non-use of violence, and to maintain the security zone and the restricted weapons zone free of any unauthorized military activities; and in this regard *recalls* the recommendations of the Secretary-General contained in S/2007/439 and his subsequent reports;

7. *Calls on* both sides to finalize without delay the document on the non-use of violence; and *calls on* both sides to finalize without delay the document on the return of refugees and internally displaced persons;

8. *Stresses anew* the urgent need to alleviate the plight of refugees and internally displaced persons and the need for a perspective of life in security and dignity in particular for a new generation growing up outside Abkhazia, Georgia;

9. *Reiterates and reaffirms* as fundamentally important the right of return for all the refugees and the internally displaced persons to Abkhazia, Georgia, *reaffirms* the importance of such people's return to their homes and property and that individual property rights have not been affected by the fact that owners had to flee during the conflict and that the residency rights and the identity of those owners will be respected, and *calls on* both sides to implement the UNHCR's *Strategic Directions* for their return in the first instance to the Gali region;

10. *Calls upon* the parties to increase their bilateral contacts by making full use of all existing mechanisms as described in the relevant Security Council resolutions in order to come to a peaceful settlement, and to commit themselves to fulfil within a reliable time frame the conditions necessary for the safe, dignified and swift return of refugees and internally displaced persons;

11. *Firmly convinced* that the confidence-building measures proposed by the Group of Friends of the Secretary-General and endorsed through resolution 1752 of 13 April 2007, will serve the development of broader and unbiased contacts between the communities of the divided country, *regrets* the lack of progress made with regard to confidence-building measures and *urges again* the Georgian and Abkhaz sides to implement these measures without conditions;

12. *Recalls*, with a view to achieving a lasting and comprehensive settlement, its support for the principles contained in the "Paper on Basic Principles for the Distribution of Competencies between Tbilisi and Sukhumi", and *welcomes* additional ideas that the sides would be willing to

offer with a view to conducting creatively and constructively a political dialogue under the aegis of the United Nations;

13. *Welcomes* existing and *encourages* further contacts between representatives of civil society, and *appeals* to both sides to continue to promote without reservation the active engagement of citizens and officials in such contacts;

14. *Underlines* that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement throughout the zone of conflict of UNOMIG, the CIS peacekeeping force and other international personnel and *calls on* both sides to fulfil their obligations in this regard and to extend full cooperation to UNOMIG and the CIS peacekeeping force;

15. *Welcomes* the efforts being undertaken by UNOMIG to implement the Secretary-General's zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, *requests* the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and *urges* troop-contributing countries to take appropriate preventive action including the conduct of predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

16. *Decides* to extend the mandate of UNOMIG for a new period terminating on 15 October 2008;

17. *Requests* the Secretary-General to make use of this mandate in order to encourage and support the parties in implementing measures to build confidence and to establish an intensive and meaningful dialogue, with a view to achieve a lasting and comprehensive settlement, including the facilitation of a meeting at the highest level, and to inform the Council in his next report on the situation in Abkhazia, Georgia, on progress made in this respect;

18. *Strongly supports* the efforts of the Special Representative of the Secretary-General and *encourages* the Group of Friends of the Secretary-General to continue giving him their steadfast and unified support;

19. *Decides* to remain actively seized of the matter.

United Nations  
**Security Council**

**Resolution 1839 (2008)**

**Adopted by the Security Council at its 5992nd meeting, on  
9 October 2008**

**S**/RES/1839 (2008)

Distr.: General  
9 October 2008

*The Security Council,*

*Recalling* all its relevant resolutions including resolution 1808 of 15 April 2008 (S/RES/1808),

*Taking note of* the reports of the Secretary-General of 23 July 2008 (S/2008/480) and 3 October 2008 (S/2008/631),

1. *Decides* to extend the mandate of the United Nations mission for a new period terminating on 15 February 2009;
2. *Decides* to remain actively seized of the matter.

## **Charter of the United Nations**

### **Chapter VII**

#### **CHAPTER VII: ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION**

##### **Article 39**

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The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

##### **Article 40**

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In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

##### **Article 41**

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The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

##### **Article 42**

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Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

##### **Article 43**

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1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

#### **Article 44**

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When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

#### **Article 45**

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In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

#### **Article 46**

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Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

#### **Article 47**

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1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.
2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.
3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.
4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

#### **Article 48**

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1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

#### **Article 49**

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The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

#### **Article 50**

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If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

#### **Article 51**

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Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.