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STATUS  
OF THE REPUBLIC OF ABKHAZIA**

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The people of Abkhazia have a long history of nationhood: a Kingdom in 8<sup>th</sup> – 10<sup>th</sup> centuries, a Principality in 13<sup>th</sup> – 19<sup>th</sup> centuries, a Soviet Republic in 1921 – 1931, on par with Georgia, an autonomous State within the Georgian SSR in 1931 – 1992, an independent Republic from 1993 on, recognized in 2008 by Russia and Nicaragua and then by several other states. The main part of the present book is a demonstration of the international legitimacy of the Abkhazian State. For the sake of convenience the text is given in the form of questions and answers. Attached to the main article are historical tables and statistical data, as well as images of historical symbols and portraits of the leaders of Abkhazia, from the period of the Abkhazian Kingdom to the modern times.

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On 26 August 2008 the Russian Federation officially recognized the Republic of Abkhazia, together with the Republic of South Ossetia. Following this move, on 5 September 2008 the second country which recognized both South Caucasian republics was the Republic of Nicaragua. The former political act elevated Abkhazia to the level of a recognized State. The latter act, importantly, immediately took Abkhazia out of the vicious circle of the Cyprus scenario, whereby the Turkish Republic of Northern Cyprus is recognized by one state only. A year later, on 10 September 2009, Abkhazia was recognized by the Bolivarian Republic of Venezuela, on 15 December 2008 – by the Republic of Nauru, on 23 May 2011 – by the Republic of Vanuatu, and on 18 September 2011 – by Tuvalu.

The significance of the recognition of Abkhazia by six UN member states, one of which is one of the world's great powers and a permanent member of the UN Security Council, is difficult to overestimate. After many decades of strenuous efforts and sacrifices on the part of the whole Abkhaz people, after a bloody war and harsh international blockade, Abkhazia finally managed to achieve the status of a recognized nation, which firmly secured its safety and political future.

The move by Russia caused various reactions from a number of governments across Europe, Asia and the Americas, many of which were disapproving or strongly negative. A perusal of these reactions indicates that the main objection against the recognition of the independence of Abkhazia is legalistic: that such recognition supposedly presents a breach of international law, namely, the violation of the territorial integrity of Georgia within its internationally recognized borders.

Remarkably, this same charge of the violation of the territorial integrity of a UN member-state did not hold in the case of Kosovo, and extremely

negative reactions on Abkhazia's recognition came from those governments which in the same year recognized the independence of this Serbian province. The argument they put forward in defence of their position on Kosovo and against the recognition of Abkhazia is quite arbitrary: the case of Kosovo is *sui generis* and thus cannot be applied to any other cases and used as a precedent.

As the main argument adduced by various governments and some international organizations (e.g. by the European Union, NATO, OSCE, PACE) against the recognition of Abkhazia is legalistic – the supposed breach of international law, I shall comment on the legal aspects of Abkhazia's independence, drawing on major textbooks on international law and the specialized literature. I shall structure my paper in the form of questions, to which I will try to provide by necessity short answers.

### **1. Did Abkhazia have a history of nationhood before it became a part of the Georgian SSR?**

The nationhood of Abkhazia, before Joseph Stalin arbitrarily made it a part of the Georgian SSR in 1931, is based on a long and almost uninterrupted historical tradition.

During the 8<sup>th</sup>-10<sup>th</sup> centuries Abkhazia was a Kingdom, ruled by the dynasty of the Leonides, and from the 13<sup>th</sup> century up to 1864 – a Principality, ruled by the princely dynasty of the Chachbas, whose representative, Safarbey/Georgy, in 1810 put the independent Abkhazian Principality under a Russian protectorate, absolutely independently of the neighbouring Georgian statelets of the time. The Abkhazian Principality was abolished by Russia in 1864.

After the Russian revolution of 1917, the Abkhaz people formed the Abkhazian People's Council – an autonomous body of power, which at the Congress of the Abkhaz people held on 8 November 1917, adopted the Declaration and Constitution. One of the goals of the Abkhaz People's Council as written in the Declaration and Constitution was to work in the direction of the self-determination of the Abkhaz people.

The Abkhaz People's Council was replaced by the Soviet bodies of power when Abkhazia became a part of the Soviet Union in 1921.

### **2. Was Abkhazia a state during the Soviet period?**

In the 20<sup>th</sup> century, within the Soviet framework, the statehood of Abkhazia is declared in all Abkhaz and in Georgian constitutions. On 31

March 1921 Abkhazia was proclaimed a Soviet Republic, and the Georgian Revolutionary Committee (*Revkom*), then the highest organ of power of Georgia, recognized the independence of the Soviet Socialist Republic of Abkhazia. Though in the same year Abkhazia was compelled to become associated with the Georgian SSR on the basis of a confederal "Treaty of Union", its 1925 Constitution stipulated a very high level of political autonomy, including the right to secession from the USSR.<sup>1</sup> Only on 19 February 1931, at Stalin's behest, did Abkhazia lose its SSR status, when it was downgraded to that of an Autonomous Republic within the Georgian SSR. Notwithstanding this, within the Soviet constitutional framework, the Abkhazian ASSR was regarded as a State: it had its Constitution, state symbols, a government, elected parliament and ministries.

### **3. Did the Abkhazian ASSR have the right of secession from the Georgian SSR?**

The Soviet law on secession, adopted on 3<sup>rd</sup> April 1990 and called "The Law of the USSR on the procedure of the settlement of questions connected with the withdrawal of a union republic from the USSR", allowed the Autonomous republics and Autonomous Regions to decide independently whether or not to join the secession of the Union republic in which they were situated.

At the all-Union referendum held on 17 March 1991, 52.4% of the electorate of Abkhazia took part in the referendum, 98.6% of whom voted for the preservation of the reformed USSR. At the same time the non-Georgian population of Abkhazia did not take part in the all-Georgian referendum on independence from the USSR held on 30 March 1991. This means that on the results of the 1991 referendum Abkhazia had the legal right to separate from Georgia, whereas Georgia on 9 April 1991, on the basis of its own referendum, declared the restoration of the independent Republic of Georgia.

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<sup>1</sup> The Article 5 of the 2nd Chapter read: "The SSR Abkhazia is a sovereign state exercising the state power on its territory on its own and independently from any other power. The sovereignty of the SSR Abkhazia, given its voluntary entrance the ZSFSR and the Union of SSR, - is limited only in the boundaries and on the matters designated in the Constitutions of these Unions. The citizens of the SSR Abkhazia, retaining their republican citizenship, are citizens of the ZSFSR and the Union of SSR. The SSR Abkhazia reserves for itself a right of a free secession both from the ZSFSR and from the Union of SSR. The territory of the SSR Abkhazia cannot be changed without its consent".

Thus, despite some claims to the contrary (cf. p. 10 below) according to the Soviet law of 1990, Abkhazia had a legal right to secession from Georgia, although it did not get a chance to realize it because of the disbanding of the Soviet Union.

#### **4. Did Abkhazia have any legal inter-relations with Georgia in the post-Soviet period prior to its recognition?**

No, there is not a single legal document co-signed by Abkhazia and Georgia which would in any way bind these two polities within a common state framework. This fact was indirectly acknowledged in the Moscow Agreement of 4 April 1994 signed by Georgia, Abkhazia, Russia, the UN and OSCE called “Declaration on measures for a political settlement of the Georgian/Abkhaz Conflict”, whose Article 8 read: “A phased action programme will be worked out and proposals on the *reestablishment* of state- and legal relations will be elaborated”. Abkhazian politicians point out that the need to *reestablish* state- and legal relations between Abkhazia and Georgia could mean only one thing: that such relations were non-existent.

#### **5. Did Abkhazia manage to establish itself as an independent polity before its recognition by Russia and Nicaragua?**

After 1993, following the victory over the invading Georgian forces, Abkhazia formed itself as a virtually independent state with a democratic form of rule. The constitution of sovereign Abkhazia was adopted in 1994 and reaffirmed in an all-Abkhazia referendum in 1999. The same year, in 1999, the “Act of State Independence of Abkhazia” was adopted.

Prior to its recognition in 2008, Abkhazia had a Constitution, flag, national anthem and other state symbols. It had an elected parliament, a President, its own independent foreign policy, a small but efficient army, interior and border control troops, a judicial system and state-supervised social and economic institutions.

Economically, even under the conditions of a harsh embargo, Abkhazia managed to reach a level of economic development exploiting its lucrative tourist infrastructure, subtropical agriculture and rich natural resources (forestry, coal mining, fishery, etc.).

Politically, it has held since the end of the war of 1992-1993 parliamentary and presidential elections. The presidential elections in 2005 were won by the opposition. Abkhazia has a comparatively high level of political pluralism, a multiparty system, a developed civil society and a vibrant NGO community.

From the point of view of civil liberties, even before recognition Abkhazia was indexed by Freedom House as “partly free”, on the same level as Georgia, and higher than quite a number of internationally recognized states. It has free media, the guaranteed freedom of expression of religious beliefs and state-sponsored cultural and educational institutions (e.g. schools) catering for the needs of various ethnic groups residing in the republic (Abkhazians, Armenians, Russians, Georgians).

#### **6. Does Abkhazia meet internationally accepted criteria for qualification as a State?**

From the point of view of international law, Abkhazia meets all the criteria laid down for being qualified as a State.

According to article I of the 1933 Montevideo Convention on Rights and Duties of States, “The State as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) a government and (d) capacity to enter into relations with other States”.<sup>2</sup>

The US State Department outlined in its statement of November 1976 its conception of statehood in the following terms: “effective control over a clearly-defined territory and population; an organized governmental administration of that territory; and a capacity to act effectively to conduct foreign relations and to fulfil international obligations”.<sup>3</sup>

Opinion No. 1 of the Badinter Arbitration Commission on Yugoslavia defines a State “as a community which consists of a territory and a population subject to an organized political authority; that such a State is characterized by sovereignty”.<sup>4</sup>

Abkhazia meets all these conditions. It has a permanent population, a defined territory, clearly defined and undisputed borders, an elected parliament and a stable government, which solely exercises effective control and administration over the whole territory of the Republic of Abkhazia. Abkhazia is sovereign and is not controlled by any foreign power. It has its own Constitution, flag, national anthem and other state symbols, as well as its own army and judicial system.

Abkhazia is capable of engaging in international relations, as enshrined in Articles 47 (8) and 53 (4) of its Constitution. It has its own independent foreign policy and a Foreign Ministry, which is engaged in broad interna-

<sup>2</sup> Cited from: Greig (1976: 93).

<sup>3</sup> Cited from: von Glahn (1996: 69).

<sup>4</sup> «International Legal Materials», 31 (1992), pp. 1494-1497.

tional contacts. Abkhazia is a signatory to politically binding international documents, agreements and treaties.

James Crawford (1979: 70) points out that “As a matter of general principle, any territorial entity formally separate and possessing a certain degree of actual power is capable of being, and *ceteris paribus*, should be regarded as, a State for general international law purposes. The denomination *sui generis* often applied to entities which, for some reason, it is desired not to characterise as States is of little help”. He also asserts that “the criterion for statehood of seceding territories remains in substance that established in the nineteenth century: that is, the maintenance of a stable and effective government over a reasonably well defined territory, to the exclusion of the metropolitan State, in such circumstances that independence is either in fact undisputed, or manifestly indisputable” (Crawford 1979: 266).

### 7. What can be said about Abkhazia’s (non-)recognition in the light of international law?

There are two schools of thought regarding the issue of recognition of new states. According to the more liberal, so-called declarative theory, “recognition of a new State is a political act which is in principle independent of the existence of the new State”.<sup>5</sup>

The declarative theory is reflected in a number of authoritative judicial documents. Thus, article 3 of the Montevideo Convention, which has been set as basis of Article 12 of the Charter of the Organisation of American States (1948), reads: “The political existence of the State is independent of recognition by other States. Even before being recognized, the State has the right to defend its integrity and independence, to provide for its preservation and prosperity, and consequently to organize itself as it sees fit, to legislate concerning its interests, to administer its services, and to determine the jurisdiction and competence of its courts”.<sup>6</sup>

The definition of a state by the American Law Institute also does not include any reference to external recognition, it being “an entity that has a defined territory, and a permanent population, under the control of its own government, and that engages in, or has the capacity to engage in, formal relations with other such entities”.<sup>7</sup>

The same opinion is held by quite a number of well-known specialists in international law. Thus, as noted by D.W. Greig (1976: 97, 122), recognition is more a political fact of international life than a fundamental legal

<sup>5</sup> Cf. Crawford (1979: 20).

<sup>6</sup> Cf. Kapteyn et al. (1984: 188).

<sup>7</sup> Cited from: Gotlieb (1993: 131).

principle. Gerhard von Glahn (1996: 66) also points out that “despite much reasoned argument to the effect that the recognition of new states (and new governments) is a legal matter, the majority of writers as well as the practice of states agree that it is, rather, a political act with legal consequences”.

Indeed, “A new state comes into existence when the community involved acquires the basic characteristics associated with the concept of a state: a defined territory, an operating and effective government, and independence from outside control, etc. Because all these aspects of statehood involve ascertainable facts, the dating of the beginning of a new state is mainly a question of fact and not law. The new state exists, regardless of whether it has been recognised by other states, when it has met the factual requirements of statehood” (von Glahn 1996: 68-69).

Furthermore, “in most cases the establishment (even the violent establishment) of a new state or government is not a breach of international law; there is no general rule of international law which forbids a group of people ... to break away and form a new state, if they have the strength to do so. In such cases the existence of a state or government is simply a question of fact, and recognition or non-recognition usually have no legal effects” (Malanczuk 1997: 84).

“If world-wide recognition does not exist, the seceding territory may still constitute a State in the light of international law, for recognition is generally not considered a *conditio sine qua non*” (Duursma 1996: 92).

Opinion 1 of the Badinter Commission reads: “the existence or disappearance of the State is a question of fact; that the effects of recognition by other States are purely declaratory”.<sup>8</sup>

As noted in this connection by Bart Driessen (1997: 6), “The recognition of a state by other states would seem to be no more than evidence that the four above-mentioned criteria are fulfilled; formal recognition by the Government of Georgia, the United Nations, or third states would not *create* the state of Abkhazia. At the same time, non-recognition may be an expression of disapproval with some aspect pertaining to the new state”.

Another dominant theory of recognition, the so-called constitutive theory, considers recognition as an important trait of a State; according to it, “the rights and duties pertaining to statehood derive from recognition only” (Crawford 1979: 4).

The constitutive theory does not specify how many states should recognize the country to be qualified as a State. Therefore, even according to

<sup>8</sup> «International Legal Materials», 31, 1488 (1992); cited from: Driessen (1997: 6, fn 12).

this more conservative and restrictive theory, Abkhazia, having been recognized by two UN member states, must be regarded as a state under international law, as it fulfils all the formal criteria needed for statehood, including diplomatic recognition by other states.

However, irrespective of the choice of theory, be it declarative or constitutive, any objective analysis of the current internal and international position of Abkhazia will ascertain the fact that it is a sovereign polity, which, as it is, meets all formal requirements needed for its recognition as a State.

The current non-recognition *de jure* of the independence of Abkhazia by the major world powers except Russia is used by them as a form of their disapproval of, or objection to, the existence of an independent Abkhaz State. It can be suggested that this disapproval is not based on international law, but rather on political and/or geopolitical considerations, despite the fact that the arguments drawn against the recognition of Abkhazia and the characterization of its statehood as “illegitimate” are expressed by them in juridical terms.

Thus, in the second volume of the detailed report of the *Independent International Fact-Finding Mission on the Conflict in Georgia* (September, 2009) its authors claim: “South Ossetia should not be recognised because the preconditions for statehood are not met. Neither should Abkhazia be recognised. Although it shows the characteristics of statehood, the process of state-building as such is not legitimate, as Abkhazia never had a right to secession.” (p. 135).

However, these arguments cannot be regarded as convincing or well substantiated. As I pointed out earlier, in fact the Soviet law of 3<sup>rd</sup> April 1990 “On the procedure of the settlement of questions connected with the withdrawal of a union republic from the USSR” did allow the Autonomous republics and Autonomous Regions to secede from a Union republic in which they were situated in case of the latter’s secession from the USSR. On the basis of this law and on the results of the referendum of 1991 Abkhazia had the right to secede from Georgia.

The arguments adduced by the authors of this report differ also from opinions on these issues held by quite a number of specialists on international law. Thus, Georges Abi-Saab (2006: 474) argues that “[t]here is no international norm prohibiting secession and therefore it is difficult to see an actual need for such a norm. [...] still it would not make much sense to speak about a ‘right to secession’”<sup>9</sup> (see more on this in the next chapter).

On the question of “legitimacy” and “illegitimacy” of a State cf. the opinion of D. Anzilotti (1929: 169), the author of the textbook on international

<sup>9</sup>Cited from Gazzini (2009).

law: “There are no legitimate States or illegitimate States; the legitimacy of a State resides on the very fact of its existence”<sup>10</sup> (cited from Gazzini 2009).

The legitimacy of the statehood of Abkhazia is being rejected not only by the authors of the cited report,<sup>11</sup> but also by quite a number of governments, who object to the existence of an independent Abkhazia.<sup>12</sup> Despite this, there is no doubt that the most important source of the legitimacy of a State is the recognition of its legitimacy first of all by its people, and not some external factors, including the diplomatic recognition by other states or the declarations made by some governments or international organizations.

The only and most important source of legitimacy of the State of Abkhazia is its people, who chose the way of independent development and who proved that they were ready, if needed, to endure sacrifices in order to defend their independence. The non-recognition by some countries or organizations cannot be a factor which in any way seriously affects the legitimacy of the Republic of Abkhazia in the eyes of its people.

It is quite obvious that the current (temporary) non-recognition of the statehood of Abkhazia by the majority of countries of the world cannot possibly either deprive it of its legitimacy, or nullify the existence of the Abkhaz State, inasmuch as *de jure* recognition by Georgia or by any other government will not create the Abkhaz State or give it any additional legitimacy: *it exists independently of these factors*.<sup>13</sup>

## 8. Is the international position of Abkhazia undermined because of its violent secession from Georgia?

The UN Secretariat, at least in the past, maintained the following position on Abkhazia’s recognition, as expressed in the words of the then Secre-

<sup>10</sup> “il n’y a pas d’Etats légitimes et d’Etat illégitime; la légitimation de l’Etat réside dans son existence même”; cited from Gazzini (2009).

<sup>11</sup> It is interesting that one of the experts who participated in the work on the report of the Mission, the German professor of Law Otto Luchterhandt, thinks that the recognition of Abkhazia by European countries, unlike the policy they pursue currently, “would contribute to the reducing of tension and would make possible the reconciliation with the Georgians”. This testifies to the substantial differences in opinions between the members of the Mission on the issue of the recognition of Abkhazia. See Luchterhandt’s interview on: <http://derstandard.at/fs/1254310467832/derStandardat-Interview-Anerkennung-Abchasiens-wuerde-zur-Entspannung-beitragen>.

<sup>12</sup> See the eloquent collection of international reactions on the recognition of Abkhazia by various countries on [http://en.wikipedia.org/wiki/International\\_recognition\\_of\\_Abkhazia\\_and\\_South\\_Ossetia](http://en.wikipedia.org/wiki/International_recognition_of_Abkhazia_and_South_Ossetia).

<sup>13</sup> Of course, nobody would challenge the importance of external recognition for the normal functioning of a state. In certain cases, recognition can consolidate the independence of a new state, especially in doubtful, controversial, or unstable situations, whereas non-recognition can sometimes lead to the proclaimed state’s failure to establish itself.

tary-General Boutros Ghali: "It has been made clear to the Abkhaz side in the negotiations that independence achieved by force of arms is unacceptable to the international community".<sup>14</sup> Yet, despite this position, one can argue that the independence of Abkhazia cannot be undermined by the fact that its secession from Georgia was the result of a military conflict with the armed forces of the former metropolis. At least three arguments can be adduced in support of this view.

Firstly, the secession of Abkhazia can be justified by "the oppression theory", according to which "the severity of a State's treatment of its minorities ... may finally involve an international legitimation of a right to secessionist self-determination, as a self-help remedy by the aggrieved group".<sup>15</sup>

There is undisputed and abundantly documented evidence which testifies to the harshness of Georgia's treatment of the Abkhazians both during the Soviet and in the early post-Soviet periods.

In the Soviet period, especially between 1936 and 1953, the Abkhazian population was subjected by the Georgian government under Lavrenty Beria and then by his successors to forced assimilation policies. The Abkhaz language was forbidden in schools and official use and, instead, the Georgian language, unknown to the majority of the Abkhazians, was imposed.<sup>16</sup> A large-scale resettlement policy was carried out, moving tens of thousands of Georgians from Georgia proper to Abkhazia, in order to shift the demographic balance in Abkhazia in favour of ethnic Georgians. Many place-names in Abkhazia were Georgianised or replaced by newly coined Georgian ones.

A large majority of the Abkhaz intellectuals, politicians and public figures were killed on fabricated accusations. In 1941-1942 and again in 1949-1951 there existed plans to exile the entire Abkhaz nation to Siberia, following the Chechens and Ingush, though they were not realized.<sup>17</sup> A special "theory" was designed in Tbilisi to substantiate the claim that Abkhazians were not native to Abkhazia, which would justify their deportation. To sum up, in the words of the American historian Darrel Slider (1985: 53), "Beria launched a campaign apparently designed to obliterate the Abkhaz as a cultural entity".

<sup>14</sup> Cf. UN document S/1994/253, p. 6.

<sup>15</sup> Cf. Buchheit (1978: 222).

<sup>16</sup> The Georgian First Secretary of the Abkhaz regional party Committee A. Mgeladze asserted that "Such language as Abkhazian does not exist. The Abkhazians are speaking a corrupt Georgian, and energetic measures are currently being taken to correct it" (quoted from: *Juridičeskaja gazeta*, No. 3, Sukhum, 1996, p. 4).

<sup>17</sup> Cf. Nekrich (1978: 42, 104-105).

After the collapse of the Soviet Union, the ultra-nationalist government led by Zviad Gamsakhurdia proclaimed the slogan of "Georgia for the Georgians". The leaders of the State Council of Georgia, which came to power in Tbilisi after the violent deposition of President Gamsakhurdia in a military coup, declared that there would be no autonomies in Georgia. Despite the Abkhaz proposals to establish federal relations with Georgia, the State Council headed by Eduard Shevardnadze started on 14 August 1992 a full-scale war against Abkhazia. During this war four per cent of the entire Abkhaz population, among whom were many civilians, were killed. Abkhaz cultural institutions, museums and libraries, were pillaged and destroyed. On 22 October 1992 the Georgian security forces and army deliberately burned to the ground Abkhazia's National Archives and the Institute of Language, Literature and History, with their priceless linguistic, folklore and historical documents, containing the historical memory of the Abkhaz people.<sup>18</sup>

Congressman Tom Lantos, Member of United States Congress, Co-Chair of the Congressional Human Rights Caucus and Vice-Chair, Foreign Affairs Sub-Committee on Europe and Middle East, in his press release of 2 July 1993 wrote: "human rights reports indicate that Georgian troops have been carrying out in the areas of Abkhazia they control a reign of terror against all non-Georgian ethnic groups, and that Georgian forces have methodically destroyed virtually every cultural institution in Sukhumi of the indigenous Abkhazian minority".<sup>19</sup>

The Statement by the International Federation for the Protection of Rights of Ethnic, Linguistic, Cultural and All Other Minorities to the UN Commission On Human Rights (50th session) stated that "there were reports of serious, if not massive, violations of human rights by Georgian troops... During the first year of the war thousands of refugees fled from Georgian controlled areas and reports of gross human rights violations by Georgian troops and authorities augmented. The evidence also pointed to systematic destruction of Abkhazian cultural and historical heritage by Georgians".<sup>20</sup>

<sup>18</sup> Cf. Amkuab (1993: 68, 108).

<sup>19</sup> "Congressman Lantos praises the work of Amnesty International. News from Congressman Tom Lantos, Twelfth District, California. For immediate release" July 2, 1993.

<sup>20</sup> Statement by the International Federation for the Protection of Rights of Ethnic, Linguistic, Cultural and All Other Minorities to the UN Commission On Human Rights, 50th session, Item 11. Ethnic Cleansing. 1992, p.3.

The Georgian top military commander and the Head of the Georgian civilian administration of the occupied part of the territory of Abkhazia publicly threatened the Abkhaz nation with genocide. The Commander-in-Chief of Georgian forces in Abkhazia colonel Georgi Karkarashvili warned in a televised address to the population of Abkhazia, shown on the Sukhum TV on 25 August 1992, that “even if of the total number 100,000 Georgians were killed, then all 97,000 [of Abkhazians] will be killed” and that “the Abkhazian nation will be left without descendants”. Note that 97,000 was the approximate number of the entire Abkhazian population of Abkhazia.

The State Minister of Georgia on Abkhazia Georgi Khaindrava in the interview given in the occupied Sukhum to the correspondent of *Le Monde Diplomatique* (April 1993) said that the Abkhazians “are only 80,000, which means that we can easily and completely destroy the genetic fund of their nation by killing 15,000 of their youth. And we are perfectly capable of this”.<sup>21</sup>

All this, in the eyes of the Abkhaz people, represents a consistent policy designed at the destruction of their nation in order to render unchallenged the Georgian possession of Abkhazia’s territory.

Secondly, from the Abkhaz perspective, neither the Georgian government of President Gamsakhurdia nor the government of the State Council of Georgia, which replaced the government of Gamsakhurdia, represented the Abkhaz people (and indeed the other non-Georgian communities of Abkhazia). Under the Georgian election law of 1990, the participation of Abkhaz or South Ossetian political parties in the pan-Georgian elections was banned with the argument that they represented ‘regional’, rather than pan-Georgian parties. The Abkhaz and large sections of the remaining non-Georgian population of Abkhazia did not participate in the all-Georgian referendum on independence from the Soviet Union held on 31 March 1991.

The military coup in Tbilisi, which coincided with the dissolution of the Soviet Union, deposed President Gamsakhurdia. The junta dissolved the Georgian parliament and established a Military Council, which soon gave over power to a State Council headed by Eduard Shevardnadze.

All these new structures, which had no legal basis whatsoever in the Georgian Constitution, were non-representative for the population of Abkhazia. The war against Abkhazia was initiated by these political forces.

Thirdly, as a people, the Abkhazians are entitled to the right of self-determination, including external self-determination.

<sup>21</sup> Cf. Amkuab, Ilarionova (1992: 127-128) and Chirikba (1998: 50, fn 1).

One can argue that these three considerations (oppression by the majority; illegitimate authority of the Georgian leadership in 1992; right to self-determination) override the principle of ‘non-use of force’, adduced by the UN against recognition of Abkhazia.

Moreover, the secession, even violent secession (i.e. via the use of force) of a part of the territory of a state aiming at establishing another state, is not prohibited by international law. The UN International Law Commission limited the principle of non-recognition of territorial acquisition by illegal force to acquisition ‘by another State’, but did not consider it as a valid principle in the case of secession (cf. Crawford 1979: 267). One can cite as an example the violent secession in March 1971 of East Pakistan and its unilateral declaration of independence under the name of Bangladesh, which was soon recognized by many states (see on this case also below).

Both international law and practice prove that secession “is a domestic matter, and therefore a legally neutral act in international law”. “An ethnic group in one state is at liberty, from the standpoint of international law, to secede and form its own nation-state” (Musgrave 1997: 210, 211).

This position is shared by a wide range of scholars. Thus, Hersch Lauterpacht (1948: 8) emphasised that “international law does not condemn rebellion or secession aiming at the acquisition of independence”. Michael Akehurst (1987: 53) asserts that “there is no rule of international law which forbids secession from an existing state; nor is there any rule which forbids the mother-state to crush the secessionary movement, if it can. Whatever the outcome of the struggle, it will be accepted as legal in the eyes of the international law”.

Jorri Duursma (1996: 99-100) points out that “Contrary to what some distinguished writers have maintained, international State practice does accept a right of secession. Secession is inherent in the right of self-determination.”

Some authors point out that the international acceptance of secession is more easily obtainable if the seceding group constitutes a people, who occupy a territory already delimited by internal administrative borders. Thus, according to Duursma (1996: 99-100), “It is not prohibited by international law to seek secession if one constitutes a people and/or fraction of a people and if in addition one inhabits a certain territory delimited by international and/or internal administrative borders.”

Paradoxically, in the condition of absence of any rules of international law managing the balance between the right of self-determination and the



principle of territorial integrity, “the present international legal situation encourages the use of force in order to make demands for secession successful”. Furthermore, “if the State authorities are the first to use violence, breaching fundamental human rights or even the prohibition of genocide, then the secessionists may offer armed resistance. In the absence of international recognition of the seceding State, the civil war, once started, will continue until a *de facto* solution has been imposed by force. Either the metropolitan State has regained control over the seceding territory, or the secessionists have stabilized their authority and have managed to secure the exercise of all elements of statehood, that is, they have created an independent State” (cf. Duursma 1996: 104, 426).

### **9. Is Abkhazia a subject of international law?**

Even before its recognition, following its establishment as an independent state, Abkhazia acquired a separate international legal personality. The international legal status of Abkhazia is declared in its 1994 Constitution. The non-recognition of Abkhazia *de jure* has not changed this situation. As stated by the American Law Institute, “An entity not recognized as a State but meeting the requirements for recognition has the rights of a State under international law in relation to a non-recognizing State.”<sup>22</sup>

Crawford also points out that “States do not in practice regard unrecognized States as exempt from international law, and they in fact do carry on a certain, often quite considerable amount of, informal intercourse”. He suggested that “The tentative conclusion is that the international status of a State ‘subject to international law’ is, in principle, independent of recognition” (Crawford 1979: 24). Moreover, as asserted by Duursma (1996: 101), “If the secessionists have vanquished the central State authorities ..., the seceded territory will have acquired an international status”.

As pointed out while discussing the question of the legitimacy of the independence of Abkhazia by Tarcisio Gazzini (2009), “An entity becomes a subject of international law through an incremental process leading to the creation of an effective and independent government. However difficult is to establishing when the process is completed, the existence of the international subject is a question of fact.”

After the recognition of Abkhazia by six UN member-states, its international legal personality is now beyond any doubt, and any assertions to the contrary can be argued against on legal arguments adduced above.

<sup>22</sup> Cited from: Crawford (1979: 74).

### **10. Did Russia violate international law by recognizing the independence of Abkhazia?**

In the preceding paragraphs I showed that after the war of 1992-1993 Abkhazia was not tied to Georgia by any legally binding document within one state structure.

In the post-war period, Abkhazia evolved as a fully-fledged state with all state structures and institutions, with democratic presidential and parliamentary elections, a stable political system and a viable economy.

Georgia, though it claimed the territory of Abkhazia, was not in a position to recover it by political or military means. There was thus a situation of political impasse, which could have been perpetuated indefinitely, as the situation in cases like Taiwan or Northern Cyprus proves. The recognition of Abkhazia and South Ossetia by the Russian Federation came after Georgia’s military assault on South Ossetia and a threat to attack Abkhazia. This recognition came as a political means to save these two small nations from military attacks and oppression by Georgia.

Thus, the need to save the oppressed minority justifies the political act by Russia, just as the Western powers justified their recognition of the independence of the former Serbian province of Kosovo by the necessity to protect its Albanian population.

The most important factor is that the territorial integrity of Georgia within its Soviet borders could not be maintained and was in practice unattainable by either political or military means.

The separation of Abkhazia and South Ossetia was a *fait accompli* long before their formal recognition by Russia. *By the time of the recognition of Abkhazia and South Ossetia by Russia, Georgia effectively represented a disintegrated state.*

### **11. What can serve as legal precedents for the recognition of Abkhazia?**

There are at least four cases in modern history which can be considered similar to the situation obtaining with regard to the recognition of Abkhazia: Bangladesh, Slovenia, Croatia and Kosovo.

Bangladesh, formerly the province of Eastern Pakistan, separated from Pakistan in March 1971 and declared its independence under the name of Bangladesh. Its independence was recognized as of February 1972 by 47 countries, despite the fact that this separation was reached ‘by force of arms’ and with foreign military help, and despite the protests of Pakistan

(UN member since 1947), which insisted that Eastern Pakistan/Bangladesh was its inalienable territory. Among the reasons for the recognition of Bangladesh were the failure of Pakistan to suppress the secessionist movement (largely due to military assistance given to the rebels by India) and, on the diplomatic level, the lobbying activity of such influential sponsors of Bangladesh's independence as India and the Soviet Union (cf. Dugard 1987:75-76).

Similar situations can be seen in the recognition of Slovenia and Croatia. After the Communist Party of Yugoslavia collapsed in 1990, the US and European states publicly supported the preservation of the Yugoslav federation. However, at the end of June 1991, Slovenia and Croatia unilaterally declared their independence. In December 1991, Germany unilaterally recognised the independence of the two separatist republics. The states of the European Community (predecessor of the European Union) had no option but to follow. This stimulated the speedy disintegration of the Yugoslav Federation.

The European Community-negotiated Brioni agreement, of July 1991, and acceptance, in December 1991, of the German policy of 'preventative recognition' together ended the effective sovereignty and territorial integrity of the Yugoslav state. The European Community had abandoned its previous support for the federal government. The EC established the framework for the disintegration of the federal state, calling into existence new states along the lines of the republican boundaries.<sup>23</sup>

The freshest case is that of the Serbian province of Kosovo, populated by the Albanian majority, whose separation from Serbia, aided by NATO bombardments of this former Yugoslav republic, ended on 17 February 2008 with the declaration of independence. This declaration was met, despite the Serbian government's energetic protests against the violation of its territorial integrity, with speedy recognition, starting from 18 February 2008, by the USA and many European and other countries. This was the last accord in the drama of the dismemberment of Yugoslavia.

<sup>23</sup> Cf. Chandler (2000: 19-30).

## Conclusions.

The main conclusions that can be drawn from this discussion are:

1. Abkhazia has a long history of statehood, either independent or autonomous, before it became in 1931 a part of the Georgian SSR within the framework of the Soviet Union.

2. During the Soviet period, Abkhazia maintained its statehood: first (between 1921 and 1931) as a union republic on an equal footing with Georgia, and from 1931 until 1991 – as an Autonomous republic within the Georgian SSR.

Within the Soviet constitutional system an Autonomous republic was regarded as an autonomous State. Thus, according to the article 79 of the Chapter 8 of the Constitution of the Georgian SSR of 1978, "The Autonomous republic is a Soviet socialist state, which is in the composition of the Georgian Soviet Socialist Republic". The article 81 of the same Chapter stipulates that the territory of the Abkhazian ASSR could not be changed without its consent.

The Abkhazian ASSR should thus not be regarded as a regular Georgian province populated by an ethnic minority, as holds with Megrelia, Svanetia or Dzhavakheti, but rather as an autonomous State, having such state symbols as a Constitution, flag and state emblem, as well as an elected parliament, cabinet of ministers, police force and courts.

3. According to the Soviet law on secession of April 1990, Abkhazia had a legal right to secede from Georgia in case the latter wanted to secede from the USSR, and it was only the sudden dissolution of the Soviet Union on 26 December 1991 that prevented this from happening.

4. Given that during the last years of the USSR Georgia abolished all Soviet laws, including those by which Abkhazia was attached to it, Georgia lost any legal basis of its possession of Abkhazia. In the post-Soviet period prior to Abkhazia's recognition, there has been not a single legal document co-signed by Abkhazia and Georgia which would in any way bind these two entities within a common state framework. The virtual lack of any such legal document was implicitly indicated by the 1994 Moscow agreement, which spoke of the future plans on the *reintegration* of Abkhazia and Georgia.

5. In the light of international law, already in the post-war period (1993-2008), before its recognition by Russia and Nicaragua in 2008, Abkhazia met all internationally accepted criteria to be qualified as a State. Even under the conditions of non-recognition and blockade, over a period of 15 years it was effectively a self-governed independent polity and subject of international law.

6. The diplomatic recognition of Abkhazia by Russia, Nicaragua, Venezuela, Nauru, Vanuatu and Tuvalu cannot be regarded as a breach of international law, contrary to what has been asserted by many governments.

Firstly, this recognition can be justified by the oppressive policy of Georgia against the South Ossetian and Abkhazian peoples, which manifested itself in the Georgian treatment of Abkhazians and South Ossetians during the Soviet period and in the wars waged by Tbilisi in 1991-1993 against South Ossetia and Abkhazia, and most recently, in 2008, against South Ossetia.

Secondly, since 1993 Georgia has lost any control whatsoever over Abkhazia's territory. Politically, negotiations under the UN aegis aimed at re-integration of both states in a single state structure initiated in 1993 and continued over 16 years completely failed.

Militarily, several attempts by Georgian military forces to invade Abkhazia and re-establish its control there – in 1998 and 2006 – also failed.

Economically, the harsh embargo imposed in 1996 on Abkhazia at Georgia's insistence by the CIS countries and maintained essentially by Russia and Georgia, also did not produce any political fruits; on the contrary, this inhuman blockade against war-ravaged Abkhazia, which added to the human sufferings of the population of Abkhazia, even further separated Abkhaz and Georgian societies.

*It is quite obvious that by August 2008 Georgia represented effectively a disintegrated state, and its territorial integrity within the former borders of the Georgian SSR was not attainable by political, economic or military means. The recognition of Abkhazia by Russia, Nicaragua, Venezuela, Nauru, Vanuatu and Tuvalu only formalized the factual disintegration of the former Georgian SSR.*

7. In view of the *declarative theory* of statehood, at the moment of its recognition Abkhazia had already been for a period of 15 years a self-governed independent polity outside of any Georgian jurisdiction and control. In the view of the *constitutive theory*, Abkhazia became a fully-fledged state from the date of its recognition by the Russian Federation on 26 August 2008. This recognition only formalized and acknowledged the fact of the effective existence of this independent polity.

8. There are serious reasons to believe that the non-recognition of Abkhazia by other states, despite their declarations, is not based on international law, but rather on political and geopolitical considerations.

9. In the light of international law, after its recognition by six UN member-states, Abkhazia can be regarded as a fully-fledged independent State and subject of international law. Its broad international recognition, which, in my view, is imminent, will undoubtedly serve the achieving of political stability in Western Transcaucasia and will create more favourable conditions for the economic and social development of this part of Europe.

#### References.

**Abi-Saab, Georges.** 2006. "Conclusions", in M. Kohen (ed.), *Secession – International Law Perspectives*. Cambridge: Cambridge University Press, p. 470-476.

**Akehurst, Michael.** 1987. *A Modern Introduction to International Law*. London: Allen and Unwin.

**Amkuab, Guram, Ilarionova, Tatyana.** (eds). 1992. *Abxazija: xronika neobjavljenih vojny. Chast' I. 14 avgusta - 14 sentiabria 1992 goda* [Abkhazia: the chronicle of an undeclared war. Part I. 14 August-14 September 1992]. Moskva.

**Anzilotti, Dionisio.** 1929. *Cours de droit international*, vol. I. Paris.

**Broms, Bengt.** 1991. States. In: Mohammed Bedjaoui (ed.). *International Law: Achievements and Prospects*. Dordrecht/Boston/London: Martinus Nijhoff Publishers.

**Buchheit, Lee C.** 1978. *Secession*. New Haven: Yale University Press.

**Chandler, David.** 2000. Western Intervention and the Disintegration of Yugoslavia, 1989-1999. In: Philip Hammond, Edward S. Herman (Eds.). *Degraded Capability: The Media and the Kosovo Crisis*. London, Pluto Press, pp. 19-30.

**Chirikba, Viacheslav.** 1998. The Georgian-Abkhazian Conflict: In Search for Ways out. In: Bruno Coppieters, Ghia Nodia, Yuri Anchabadze (eds). *Georgians and Abkhazians. The Search for a Peace Settlement*. — Bundesinstitut für ostwissenschaftliche und internationale Studien. Sonderveröffentlichung. Oktober 1998. Köln, p. 49-61.

**Crawford, James.** 1979. *The Creation of States in International Law*. Oxford: Clarendon Press.

**Driessen, Bart.** 1997. *Legal Opinion on the Validity and Interpretation of the 4 April 1994 Georgian-Abkhaz Agreements*. Unpublished paper, 15 pp.

**Dugard, John.** 1987. *Recognition and the United Nations*. — University of Cambridge Research Centre for International Law. Hersch Lauterpacht Memorial Lectures. Cambridge: Grotius Publications Limited.

**Duursma, Jorri.** 1996. *Fragmentation and the international relations of Micro-States. Selfdetermination and statehood.* Cambridge: Cambridge University Press.

**Gazzini, Tarcisio.** 2009. Criteria for Statehood as Applied by the EU's Independent Fact-Finding Mission on the Conflict in Georgia. In: *European Journal of International Law* on the site: <http://www.ejiltalk.org/criteria-for-statehood-as-applied-by-the-eus-independent-fact-finding-mission-on-the-conflict-in-georgia/>.

**Glahn, Gerhard von.** 1996. *Law Among Nations. An Introduction to Public International Law.* Boston. London. Toronto. Sydney. Tokyo. Singapore: Allyn and Bacon.

**Gotlieb, Gidon.** 1993. *Nation Against State. A New Approach to Ethnic Conflicts and the Decline of Sovereignty.* New York: Council of Foreign Relations Press.

**Greig, Donald.** 1976. *International Law.* London: Butterworths.

**Independent International Fact-Finding Mission on the Conflict in Georgia. Report.** Vol. II. September, 2009. [cited in the text as Report II]. Placed at: <http://www.ceiig.ch/Report.html>.

**Kapteyn, P.J.G. (Jos). et al.** 1984. *International Organization and Integration. Documentenverzameling, betrekking hebbende op de Verenigde Naties, de aan haar gelieerde organisaties en anderen internationale organisaties en overeenkomsten.* Studenteneditie. 2e druk. 's Gravenhage: Interuniversitair Instituut voor Internationaal Recht. T.M.C. Asser Instituut.

**Lauterpacht, Hersch.** 1948. *Recognition in International Law.* London.

**Malanczuk, Peter.** 1997. *Akehurst's Modern Introduction to International Law.* London and New York: Routledge.

**Musgrave, Thomas D.** 1997. *Self-Determination and National Minorities.* Oxford: Clarendon Press.

**Nekrich, Alexandr.** 1978. *The Punished Peoples: The Deportation and Fate of Soviet Minorities at the End of The Second World War.* New York: Norton.

**Slider, Darrel.** 1985. Crisis and Response in Soviet Nationality Policy: The Case of Abkhazia. In: *Central Asian Survey*, Vol. 4, No. 4, p. 51-68.

## ANNEX I.

### REPUBLIC OF ABKHAZIA

#### TERRITORY

Located in the northwest of the South Caucasus.

**North-western and northern border:** The Psou River, the Main Caucasus Ridge (borders with the Krasnodar Region and with the Karachay-Cherkess Republic of the Russian Federation).

**Eastern border:** the Sakyan Ridge, the southern ridges of the Kodor (Panayu) range and lower reaches of the Ingur River (borders with the Republic of Georgia).

**Total area:** 8.6 thousand sq. km.

**The average length of the territory:** from west to east – 160 km, from south to north - 54 km.

**The length of the coastline:** 240 km.

#### CLIMATE

Climate on the sea coast is humid, subtropical. In the mountains: altitude zonation.

#### Rivers

- Kodor (170 km)
- Bzyp (110 km)
- Kyalasur (23 km)
- Gumsta (27 km)
- Psou (57 km)

**Potential hydropower resources:** over 3.5 million kilowatt.

**Flora:** more than 3,500 species of plants.

**Endemics of the Caucasus:** about 400 plants species.

**Found only in Abkhazia:** over 100 species.

**Forests:** more than 52% of the Republic's territory.

**Fauna:** bear, wolf, fox, jackal, lynx, wild boar, red deer, roe deer, chamois, Caucasian black grouse.

**Fish:** trout, salmon, carp, perch and other fish species.

**Reserves:** Ritsa, Gumsta, Pitsunda.

## NATURAL RESOURCES

**Oil stocks on the shelf:** up to 500 million tons. Gas deposits.

**Black coal reserves:** more than 5.3 million tons.

**Other natural resources:** peat, dolomite, marble, granite, limestone, gabbro-diabase, chalk, tufa, barite, lead.

## POPULATION

**Total population (2011):** 240 705 people

**Ethnic composition:**

Abkhazians	122 069	50,71 %
Georgians/Megrelians	46 367	19,26 %
Armenians	41 864	17,32 %
Russians	22 077	9,17 %
Greeks	1 380	0,57 %

## RELIGIONS

**Confessional composition of the population (2003):**

60% - Christians;

16% - Muslims;

8% - adherents of the Abkhaz traditional religion;

8% - atheists (non-believers);

2% - other confessions.

**Orthodox churches:** more than 10 functioning churches (Sukhum, Michaylovsk, Ilyr, Bedia, Kaman, Mokva, Dranda, Novy-Afon, etc.).

**Total number of Orthodox churches on the territory of Abkhazia:** 144 churches, 2 monasteries, 2 rock monasteries.

**Sanctuaries of the traditional Abkhazian religion:** 7 sanctuaries (Dydrypsch-nykha, Lykh-nykha, Ldzaa-nykha, Inal-Quba, Adagua-nykha, Lashchkendar, Ilyr-nykha).

**In the Republic there are also:** 2 mosques (Sukhum, Gudauta), a Synagogue (Sukhum), Roman Catholic Church (Sukhum), Lutheran Church (Sukhum), Armenian Church (Gagra).

## LANGUAGES

**Official language:** Abkhazian.

**Languages of public institutions:** Abkhazian, Russian.

## ADMINISTRATIVE DIVISION

**The territory of Abkhazia includes:**

**7 districts:** Gagra, Gudauta, Sukhum, Gulrypsch, Ochamchyra, Tkuarchal, Gal.

**8 cities:** Gagra, Pitsunda, Gudauta, Novy Afon, Sukhum, Ochamchyra, Tkuarchal, Gal.

**4 urban villages:** Tsandrypsch, Bzyp, Mysra, Gulrypsch.

**512 villages.**

## STATE SYSTEM

**Legislative power:** National Assembly — the Parliament (35 members, elected for 5 years).

**Executive power:**

**President** Alexander Ankvab

**Vice-President:** Mikhail Logua

**Cabinet of Ministers:**

**Prime Minister:** Leonid Lakerbaya

Ministry of Finance

Ministry of Healthcare

Ministry of Defense

Ministry of Culture

Ministry of Security

Ministry of Labor and Social Development

Ministry of Interior

State Customs Committee

Ministry of Foreign Affairs

State Committee for Property Management and Privatization

Ministry of Taxes and Duties

State Committee on Resorts and Tourism

Ministry of Justice

State Committee for Repatriation

Ministry of Education

State Committee for Youth and Sports

Ministry of Economy

State Committee on Ecology and Nature

## Management

### Judicial power:

The Supreme Court;  
The Court of Arbitration;  
The Military Court;  
9 local courts of towns and regions.

**Supervision over the activities of the courts:** the Attorney General of the Republic of Abkhazia and local prosecutors.

## EDUCATION

**Secondary schools:** 169 schools (129 rural and 40 urban)

**Number of students:**

**Secondary schools:** 25 840.

**Preschools:** 2294.

**Universities:** Abkhazian State University, Sukhum Open Institute.

## AGRICULTURE

**Main crops:** corn.

**Also grows:** walnut, hazelnut, grapes, tea, citrus fruits, tobacco.

**Livestock:** dairy and beef products.

## INDUSTRY

**The bulk of industrial production for 2011:** 2 126 865,6 thousand rub. (6.6% increase).

**Main types of production:** construction materials, road metal, roofing material, reinforced concrete products, fish meal and fish oil, wines and other alcoholic beverages, soft drinks.

## TOURISM

More than 200 guest houses, holiday homes, resorts, hotels, children's camps.

**The Republic is annually visited by:** more than 1 million tourists.

**Share of budget revenues from the tourism industry:** about 35%.

**The bulk of services of the tourism industry (2011):** 1 169 453,8 thousand rubles.

## BANKING SYSTEM

**Currency:** Russian ruble.

**Banks:** National Bank of the Republic of Abkhazia (the Bank of Abkhazia) and 14 commercial banks.

**Scope of services in the credit and finance industry:** 2,031,643.0 thousand rubles (increase in comparison with 2010 by 77%).

**MACRO-ECONOMIC INDICATORS of GDP for 2011:** 21.9 billion rubles.

### GDP composition by sectors (2011):

Sectors	Gross value added (million rubles)	Gross value added (%)
Industry	3625,2	1973,7
Agriculture	2363,6	1531,3
Forestry	0,4	0,3
Transport	633,7	256,3
Communication	1583,9	1103,8
Construction	11098,8	6695,8
Trade and public catering	7714,0	4632,4

## FOREIGN TRADE

**Foreign trade turnover:** 15 642.163 million rubles (2011), including:

**Export:** 1 941, 080 million rubles.

**Import:** 13 701.082 million rubles.

**Balance of foreign trade turnover (2011):** negative, import prevails over exports by 11 760.002 million rubles.

**Coverage ratio of import by export:** 0.14.

**Growth of the foreign trade turnover (2011):** 24,6%

Indicator	Data in millions of rubles						To the previous year (%)				
	2010	2009	2008	2007	2006	2005	2010	2009	2008	2007	2006
Foreign trade turnover	12550.4	8530.4	7096	4695.7	3897.1	3341.1	47%	20%	51%	20%	17%
Export	2130.3	1089.7	889.9	548.1	627.2	783.2	95%	22%	62%	-13%	-20%
Import	10420.1	7440.7	6206	4147.6	3270.2	2557.9	40%	20%	50%	27%	28%
Foreign trade balance of the country	-8289.8	-6351.0	-5316.1	-3599.5	-2643	-1774.7	31%	19%	48%	36%	49%

**Share of exports 12.4%:** raw materials (gravel, coal, timber, scrap) and unprocessed agricultural products (citrus, hazelnut, fruit, tea). The proportion of exports of industrial goods increases (“Wines and Beverages of Abkhazia”, the Bzyp woodworking plant).

**Share of imports 87.6%:** non-food product group – 56.5%, food product group – 17.9%, fuel – 13.0%.

**Balance of services:** has positive character (5,991.0 mln. rubles).

**Export of services:** 9565.0 mln. rub. (30.5% increase).

**Import of services:** 3573,8 mln. rub. (174.9% increase).

**Structure of exports of services:**

Resort, tourist and excursion services – 75.1%;

Telecommunications services – 3.7%;

Transport services – 2.8%; insurance services – 0.8%.

**Structure of imports of services:**

Freight forwarding services – 70.2%;

Construction services – 22.6%;

Telecommunication services – 6.2%.

**Foreign economic relations:** with more than 20 countries. Main trading export partners of the Republic for exports – Russia (71%), Turkey (27%); for imports – Russia (48%), Turkey (22%).

#### SOCIO-ECONOMIC INDICATORS

**Working-age population:** 119,926 people.

**GDP per capita (2012):** 3,400 US dollars (in Georgia - \$ 3,280).

**Average number of employees:** 40583 people (+2290 people).

**Average monthly salary for 2011:** 7 552.4 rubles (increase of 27% compared with 2010).

**Highest salary:** in constructions (21,773 rubles) and credit and financial sector (16 278 rubles).

**Inflation rate for 2011:** 9.2%.

#### ANNEX II.

### CONSTITUTION OF THE REPUBLIC OF ABKHAZIA

We, the people of Abkhazia, exercising our right to self-determination, aspiring to promote general welfare, internal tranquillity, respecting human rights and freedoms, establishing civil peace and harmony, solemnly proclaim and institute the Constitution of the Republic of Abkhazia.

#### CHAPTER I

##### PRINCIPLES OF THE CONSTITUTIONAL SYSTEM

**ARTICLE 1.** The Republic of Abkhazia (Apsny) is a sovereign, democratic state, established historically under the right of a people to free self-determination, and functioning in accordance with law.

The names «The Republic of Abkhazia» and «Apsny» are interchangeable.

**ARTICLE 2.** Democracy shall be the basis of state authority in the Republic of Abkhazia.

The bearer of sovereignty and the only source of authority in the Republic of Abkhazia shall be its people - the citizens of the Republic of Abkhazia. The people shall exercise authority directly or through their representatives.

**ARTICLE 3.** The Republic of Abkhazia which is subject of international law, enters into treaty-based relations with other states. The rules of conclusion, promulgation, ratification and denunciation of international treaties shall be established by the law.

**ARTICLE 4.** The Republic of Abkhazia consists of the historical provinces of Sadz, Bzyp, Guma, Dal-Tsabal, Abzhywa, Samyrzakan which are the present day Gagra, Gudauta, Sukhum, Gulryphsh, Ochamchyra, Tkvarchal and Gal districts within which the cities of Gagra, Gudauta, New Afon, Sukhum, Ochamchyra, Tkvarchal and Gal are located.

The territory of the Republic of Abkhazia is indivisible, inviolable and inalienable.

**ARTICLE 5.** In the Republic of Abkhazia the land and other natural resources are the property of the people and shall be used and protected as a basis for life and activity of the citizens of the Republic of Abkhazia.

The issues of ownership, use and disposal of natural resources shall be governed by the laws of the Republic of Abkhazia.

**ARTICLE 6.** The official language of the Republic of Abkhazia is Abkhazian. The Russian language as well as the Abkhazian language shall be recognized as the language of the government, public and other institutions. The state shall guarantee all ethnic groups living in Abkhazia the right to use freely their own languages.

**ARTICLE 7.** The state exercises its authority on the basis of a separation of legislative, executive and judicial powers. The legislative, executive and judicial branches of power shall be independent.

**ARTICLE 8.** In the Republic of Abkhazia, local governments, independent within their jurisdiction, shall be recognized and ensured. These local governments shall not be part of the system of state administration.

**ARTICLE 9.** The present Constitution shall have supreme legal authority. The laws and other legal instruments, adopted in the Republic of Abkhazia, shall comply with this Constitution.

**ARTICLE 10.** The Republic of Abkhazia shall have its own symbols: the state flag, national emblem and national anthem. The description of these symbols shall be established by constitutional law.

The capital of the Republic of Abkhazia is the city of Sukhum (Aqua) .

## CHAPTER 2

### HUMAN RIGHTS AND FREEDOMS OF A CITIZEN

**ARTICLE 11.** The Republic of Abkhazia shall recognize and guarantee the rights and freedoms proclaimed in the Universal Declaration of Human Rights, the International covenants of economic, social, cultural, civil and political rights and other universally recognized international legal instruments.

**ARTICLE 12.** Basic rights and freedoms are the birthright of human beings. Everyone is born free. All are equal before the law and the court without distinction of race, nationality, sex, language, origin, property status or position, domicile, religion, beliefs, ideology or other considerations.

**ARTICLE 13.** Inalienable human rights and freedoms are the right to life, freedom, immunity and to ownership of private property.

**ARTICLE 14.** Everyone has the right to freedom of private life, personal and familial confidentiality, freedom to protect one's honour and dignity, freedom of conscience, of religion, creativity, thought, speech and belief.

**ARTICLE 15.** No-one can be subjected to torture, violence or other cruel or degrading treatment or punishment.

**ARTICLE 16.** Everyone shall have the right to freedom of movement and choice of domicile, confidentiality of correspondence and other forms of communication.

**ARTICLE 17.** All people shall have the right to freedom of association and to hold peaceful rallies, assemblies, marches and demonstrations.

**ARTICLE 18.** Prohibited shall be the formation and activities of non-governmental associations, parties and movements whose aims and operations include the forceful transformation of the constitutional system, the undermining of state security, the creation of armed groups, the incitement of social, racial, ethnic and religious discord.

**ARTICLE 19.** Everyone shall have the right to a home, economic freedom, and freedom of labour, the right to education and leisure, medical care and social welfare.

**ARTICLE 20.** A person's home is inviolable. No-one shall have the right to enter a person's home against his will, except in cases prescribed by the law or on the basis of a court order.

**ARTICLE 21.** Everyone shall be guaranteed state and judicial protection of his rights and freedoms.

**ARTICLE 22.** In the Republic of Abkhazia the principle of presumed innocence shall hold sway. All accused persons shall be presumed innocent until proven guilty and their offence established by a judicial verdict having the force of law. The accused shall not be obliged to prove his innocence.

**ARTICLE 23.** Every person detained or arrested shall be entitled to the assistance of a lawyer from the moment of detention or arrest and shall have the right not to make any statements in the absence of a defence lawyer.

**ARTICLE 24.** No-one shall be tried a second time for an act for which he has already been found guilty by a final court judgement.

**ARTICLE 25.** Laws which establish or aggravate guilt shall have no retrospective effect.

**ARTICLE 26.** Everyone shall be entitled to reimbursement by the state for damage caused by illegal actions of state organs and their officials.

**ARTICLE 27.** No citizen of the Republic of Abkhazia shall be deprived of his citizenship, expelled from the country or extradited to another state.

The Republic of Abkhazia shall guarantee its citizens protection and support beyond its frontiers.



**ARTICLE 28.** Any citizen of the Republic of Abkhazia having reached 18 years of age shall be entitled to all rights and be subject to all obligations set forth in this Constitution and the laws of the Republic of Abkhazia.

**ARTICLE 29.** All citizens and residents of the Republic of Abkhazia must pay taxes as required by the law.

**ARTICLE 30.** Everyone who happens to be in the territory of the Republic of Abkhazia must abide by its Constitution and its legislation.

**ARTICLE 31.** Everyone shall respect the rights and freedoms of others.

**ARTICLE 32.** Everyone shall respect and protect the environment.

**ARTICLE 33.** Defence of the Motherland is the duty and responsibility of each citizen of the Republic of Abkhazia.

**ARTICLE 34.** The listing of certain rights in this Constitution shall not be interpreted as a denial or impairment of other rights universally recognized by international legal instruments.

**ARTICLE 35.** No law abolishing or impairing human rights and freedoms shall be adopted or promulgated in the Republic of Abkhazia. Certain limitations of rights and freedoms can be introduced only by the constitutional laws whenever this might be necessary for the protection of the constitutional system, for security and public order, protection of health and morality as well as in the event of natural disasters, a state of emergency or martial law.

**CHAPTER 3  
LEGISLATIVE POWER**

**ARTICLE 36.** All legislative authority established by this Constitution shall be exercised by the People's Assembly - the Parliament of the Republic of Abkhazia.

**ARTICLE 37.** The Parliament of the Republic of Abkhazia shall consist of 35 elected members, called Deputies. Parliamentary elections shall be universal, equal, direct and shall be conducted by secret ballot.

The term of office of the Parliament is limited to five years. The procedure for the election of Deputies shall be established by constitutional law.

**ARTICLE 38.** Any citizen of the Republic of Abkhazia who has reached 25 years of age and has the right to vote shall qualify to be elected as a Deputy.

Holding office as President of the Republic of Abkhazia or as a member of the Cabinet, being employed in state organs and in the judicial system, as well as the holding of any other paid job, apart from teaching, scientific research and artistic pursuits, shall be incompatible with the membership in the Parliament of the Republic of Abkhazia.

For their work, Deputies shall receive a monetary remuneration paid by the Republic of Abkhazia.

**ARTICLE 39.** Deputies shall enjoy personal immunity for the whole term of their office. They shall not be detained, arrested or searched unless they are caught in crime and shall not be examined, except in instances when this is prescribed by law, for the purpose of guaranteeing the security of other people. The issue of divesting a Deputy of his immunity is within the competence of the Parliament.

**ARTICLE 40.** Deputies shall not be bound by an imperative mandate.

**ARTICLE 41.** The first session of the newly-elected Parliament shall be called by the President of the Republic of Abkhazia within a month from the day of election.

**ARTICLE 42.** The Parliament shall elect from among its members the Speaker, the Speaker's deputies and other officers and form parliamentary commissions and committees.

The Speaker shall preside over parliamentary sessions, assist Deputies in the discharge of their duties, provide them with necessary information and sign Parliamentary resolutions .

Before the Speaker is elected, the first session of the newly elected Parliament shall be presided over by its eldest Deputy.

**ARTICLE 43.** From the moment the newly elected Parliament starts its work, the term of office of the preceding Parliament shall expire.

The Parliament shall hold its sessions not less than twice a year (spring session and autumn session).

The order of work of the Parliament shall be determined by regulation.

**ARTICLE 44.** Any decision by the Parliament shall require a quorum. The adoption of legislative acts, with the exception of cases specifically provided for by the Constitution, shall require a simple majority of all the Deputies. For the adoption of Constitutional Law and when a qualified majority is necessary two-thirds of all the Deputies' votes shall be required.

**ARTICLE 45.** Each Bill passed by the Parliament shall be submitted to the President of the Republic of Abkhazia. If the Bill is signed by the President it shall be promulgated within fifteen days from the date of its approval by the Parliament. The law shall come into effect from the moment of its promulgation, except in cases where a later date is specified by the law itself.

In the event that the Bill is not approved by the President, it shall be returned, with the President's objections, to the Parliament. If on second consideration thereof the Bill is passed by a qualified majority, the President shall be obliged to sign and promulgate it.

If the Bill is not returned by the President within ten days after submission, the Bill shall become a law, as it would if it had been signed by the President. The Bill shall not become a law if, due to the adjournment of a meeting, it could not be returned to the Parliament.

**ARTICLE 46.** The right to initiate legislation in the Parliament of the Republic of Abkhazia belongs to its Deputies, the President of the Republic, the Supreme Court and the General Prosecutor of the Republic of Abkhazia.

**ARTICLE 47.** The Parliament of the Republic of Abkhazia shall:

- 1) adopt the Constitution and the laws of the Republic of Abkhazia;
- 2) decide upon changes in administrative-territorial divisions;
- 3) hear the President's address on the situation in the country, the principal aspects of domestic and foreign policy of the state and methods of their implementation;
- 4) consider and approve the state budget and exercise control over its execution;
- 5) adopt a criminal code and criminal judicial procedure, corrective labour law, civil code and civil judicial procedure, arbitration and other legislation, as well as laws on the judicial system and prosecution laws;
- 6) provide the interpretation of the Constitution and the laws of the Republic of Abkhazia;
- 7) establish state decorations, honourable titles and army ranks of the Republic of Abkhazia;
- 8) ratify and denounce the interstate treaties and agreements of the Republic of Abkhazia;
- 9) elect the Speaker of the Parliament of the Republic of Abkhazia and the Speaker's deputies;
- 10) dismiss or appoint, on the nomination of the President the General Prosecutor, the Chairman of the National Bank and other officials in accordance with the law;
- 11) take decisions on any vote of no-confidence in individual Cabinet members;
- 12) impeach the President of the Republic of Abkhazia with a view to his dismissal;
- 13) grant amnesties;
- 14) decide upon the declaration of war and the conclusion of peace;
- 15) determine the immunities of Deputies of the Parliament of the Republic of Abkhazia;
- 16) decide upon the legality of the imposition of a state of emergency and martial law;

17) exercise other powers entrusted to it by the Constitution and the laws of the Republic of Abkhazia.

#### **CHAPTER 4 EXECUTIVE POWER**

**ARTICLE 48.** The Executive Power in the Republic of Abkhazia shall be vested in the President of the Republic of Abkhazia.

The President of the Republic of Abkhazia shall be the Head of State.

**ARTICLE 49.** The election of the President shall be universal, direct, equal and secret ballot. He shall hold office for a term of five years.

Any person of Abkhazian nationality who is a citizen of the Republic of Abkhazia and who is not younger than 35 years and not older than 65 years and has the right to vote, is eligible to be elected President of the Republic of Abkhazia.

The same person shall not hold office as President for more than two consecutive terms.

**ARTICLE 50.** The President of the Republic of Abkhazia shall assume his duties the moment he is sworn in and cease the discharge of his duties upon the expiry of his term of office, the moment a newly elected President of the Republic of Abkhazia is sworn in.

The order and terms of presidential elections in the Republic of Abkhazia shall be established by constitutional law.

**ARTICLE 51.** On assuming office, the President of the Republic of Abkhazia shall in the presence of the members of the Supreme Court in the Parliament take the oath approved by the Parliament of the Republic of Abkhazia.

**ARTICLE 52.** Throughout the term of his office, the President of the Republic of Abkhazia shall suspend his membership of political parties and non-governmental organizations.

The President of the Republic of Abkhazia shall not be a Deputy or hold any other position in state organs, non-governmental organizations or business structures.

At the appointed time the President shall receive an emolument, allocated by the Republic of Abkhazia, for his services.

**ARTICLE 53.** The President of the Republic of Abkhazia shall:

- I) ensure the observance of human rights and freedoms, of the Constitution and laws of the Republic of Abkhazia and its international obligations;

- 2) determine the principal direction of domestic and foreign policy;
- 3) officially represent the state in international affairs;
- 4) sign international instruments and interstate treaties;
- 5) take measures to ensure the security and territorial integrity of the Republic of Abkhazia, form and head the Security Council, the status of which shall be determined by law;
- 6) approve the military doctrine of the Republic of Abkhazia;
- 7) serve as Commander-in-Chief of the Armed Forces of the Republic of Abkhazia;
- 8) appoint and recall diplomatic representatives of the Republic of Abkhazia in foreign states and international organizations;
- 9) approve programmes in the field of state, economic, social, cultural and national development;
- 10) ensure the implementation, in the territory of the Republic of Abkhazia, of the financial and credit policy as well as policy in the fields of science, education, culture, health-care, environmental protection and social welfare;
- 11) ensure consistency in the legislative regulation of issues of citizenship, property, budget and financial system, taxation, environmental protection and civil service;
- 12) have the right to attend sessions of the Parliament and be given the floor at any time on his demand;
- 13) impose in accordance with the law a state of emergency or martial law in the Republic of Abkhazia in the interests of the security of its citizens, with the subsequent approval of Parliament;
- 14) present in accordance with his powers, to the Parliament of the Republic of Abkhazia nominations for the election to the posts of the Chairman of the National Bank, General Prosecutor and other officials, as well as submit to the Parliament his proposals for their dismissal;
- 15) set dates for Parliamentary elections;
- 16) appoint and dismiss heads of executive authorities in the cities and districts of the Republic of Abkhazia;
- 17) consider issues of organizational structure and the work of executive authorities;
- 18) abrogate any orders, instructions or regulations of ministries and departments, heads of executive authorities of cities and districts, as well

as of organs of local government which contradict the Constitution and the legislation of the Republic of Abkhazia;

19) call a referendum on his own initiative, or on the demand of the Parliament, or on the demand of the Supreme Court of the Republic, in accordance with the rules and procedures established by the law;

20) address the Parliament with annual reports on the situation in the country, on the principal direction of state domestic and foreign policy, present the draft of the state budget and report on its execution;

21) have the right to demand extraordinary sessions of the Parliament;

22) resolve in accordance with the law, the issues of citizenship of the Republic of Abkhazia;

23) grant pardons;

24) award state decorations, confer honourable titles, military and special ranks;

25) establish standards, units of weights and measures;

26) discharge other duties and responsibilities entrusted to him under the Constitution and laws of the Republic of Abkhazia.

**ARTICLE 54.** The Vice-President of the Republic of Abkhazia shall be elected simultaneously with the President of the Republic. The nomination of the Vice-President is made by the nominee for the Presidential post.

Any citizen of the Republic of Abkhazia, not younger than 35 and not older than 65, having the right to vote, can be elected Vice-President.

Throughout his term of office, the Vice-President of the Republic of Abkhazia shall suspend his membership of political parties and non-governmental organizations.

The Vice-President of the Republic of Abkhazia shall not be a Deputy, nor hold any other posts in state, non-governmental organizations, or business structures.

At the appointed time the Vice-President shall receive an emolument, allocated by the Republic of Abkhazia, for his services.

**ARTICLE 55.** The Vice-President of the Republic of Abkhazia shall carry out on the instruction of the President his assignments, deputize in the event of the President's absence or his inability to discharge his duties.

**ARTICLE 56.** To provide general guidance for the executive branch, throughout the country, the President of the Republic of Abkhazia shall direct the Cabinet of Ministers of the Republic of Abkhazia.

The Cabinet shall be formed by the President of the Republic and shall be accountable to him.

The Cabinet shall consist of Prime Minister, Deputy Prime Ministers, Ministers, and other officials as provided for by the law.

**ARTICLE 57.** The Cabinet of Ministers of the Republic of Abkhazia shall have the right to resign either collectively or individually.

The resignation shall be submitted to the President of the Republic, who shall have the right to accept or to decline it.

**ARTICLE 58.** The Parliament of the Republic of Abkhazia can express its lack of confidence in an individual Cabinet member and refer it to the President of the Republic, whose decisions on such issues shall be final.

The organization and order of work of the Cabinet of Ministers of the Republic of Abkhazia shall be determined by Constitutional Law.

**ARTICLE 59.** The authority vested in the President of the Republic shall not be used to alter the constitutional system, or to dismiss other legitimately elected institutions of state power or suspend their function.

**ARTICLE 60.** Within his powers the President of the Republic on the basis and in pursuance of the laws in force, shall issue orders and edicts which shall be mandatory throughout the territory of the Republic of Abkhazia.

**ARTICLE 61.** Decisions of the President which do not comply with the Constitution and laws of the Republic of Abkhazia can be abrogated by decision of the Supreme Court of the Republic.

**ARTICLE 62.** During a state of emergency, natural disaster or hostilities the President of the Republic shall have the right to issue mandatory decrees with full legislative force for immediate execution with simultaneous notification of the Parliament of the Republic of Abkhazia thereof.

**ARTICLE 63.** The President shall enjoy personal immunity. His dignity and honour shall be protected by law.

**ARTICLE 64.** Should the President violate his oath or breach the Constitution and the laws of the Republic of Abkhazia, he can be relieved of his duties. Such decisions are taken by the Parliament of the Republic of Abkhazia - on the basis of Supreme Court findings - by a two-thirds majority of its Deputies voting by secret ballot.

**ARTICLE 65.** The President of the Republic of Abkhazia may tender his resignation at any time. The question of his resignation shall be resolved by the Parliament of the Republic of Abkhazia. The decision shall be taken by a qualified majority.

**ARTICLE 66.** If the President is relieved of his duties, dies, resigns or becomes incapable of discharging the President's duties, his responsibilities shall be assumed by the Vice-President of the Republic. In the event that both the President and the Vice-President are relieved of their duties, die, resign or become incapable of discharging the President's duties, they shall be assumed by the Prime-Minister of the Republic of Abkhazia. Should none of the above be capable of attending to the President's duties they shall be taken over by the Speaker of the Parliament.

**ARTICLE 67.** The authority of the Acting President shall remain in effect until the reasons for the President's inability to discharge his duties are removed, or a new President is elected.

The election of a new President shall be conducted within a three month period.

The Acting President shall have no right to hold a referendum or to suggest amendments or revisions of clauses and provisions of the Constitution of the Republic of Abkhazia.

## **CHAPTER 5 JUDICIAL POWER**

**ARTICLE 68.** In the Republic of Abkhazia justice shall be administered only through the courts. Economic disputes shall be settled by the Court of Arbitration. The judicial system in the Republic of Abkhazia shall be established by Constitutional Law.

**ARTICLE 69.** Citizens of the Republic of Abkhazia, 27 years of age and above, with higher legal education and no less than five years experience in the legal profession can qualify as judges.

The Chairman and members of the Supreme Court of the Republic of Abkhazia, judges of lower level courts, the Chairman and judges of the Arbitration Court shall be elected by the Parliament on the nomination of the President of the Republic.

**ARTICLE 70.** The discharge of a judge's duties is incompatible with any other official post in state institutions as well as any other paid job, apart from teaching, scientific research and artistic pursuits.

For their work, judges will receive a monetary remuneration paid by the Republic of Abkhazia at the appointed time.

**ARTICLE 71.** Judges shall be elected for a term of five years. Judges are inviolable, independent and subordinate only to the Constitution and laws of the Republic of Abkhazia.

Criminal proceedings against a judge cannot be instituted other than under the procedure established by law. A judge's term of office can be terminated or suspended only under the procedure of, and on grounds established by, law.

**ARTICLE 72.** Court examinations in all courts shall be open to the public except in cases established by the law. The legal procedure shall be adversarial with both sides having equal rights.

**ARTICLE 73.** The Supreme Court of the Republic of Abkhazia shall be the highest judicial authority.

The Supreme Court of the Republic of Abkhazia shall:

- 1) examine cases of all issues concerning the compliance of decisions taken by the President, the Parliament and other organs of state power or local administration with the Constitution;
- 2) examine cases of disputes between the state and local governments;
- 3) examine cases concerning the results of elections and electoral procedures;
- 4) have the right to settle any disputes concerning the Constitution or express its opinion thereon;
- 5) execute legal proceedings in criminal, civil and administrative actions;
- 6) supervise the legality of the settlement of cases by all the courts in the Republic of Abkhazia;
- 7) provide all courts with guiding clarification on the issues of judicial proceedings.

**ARTICLE 74.** The courts of the Republic of Abkhazia shall pronounce judgements in the name of the Republic of Abkhazia.

**ARTICLE 75.** The General Prosecutor of the Republic of Abkhazia and local Prosecutors subordinate to him, shall supervise the legality of criminal investigations, support the public prosecutor in court proceedings, bring suits to protect the interests of the Republic and its citizens, appeal against unlawful decisions and acts of state institutions, local governments and officials.

The prosecuting institutions in the Republic of Abkhazia constitute a single system and shall discharge their duties independently of any government bodies whatsoever.

**ARTICLE 76.** The General Prosecutor of the Republic of Abkhazia shall be appointed and dismissed by the Parliament at the proposal of the President.

Other Prosecutors shall be appointed by the General Prosecutor of the Republic of Abkhazia.

**ARTICLE 77.** The authority, organizational structure and the functions of the prosecuting offices shall be established by law.

## **CHAPTER 6 LOCAL GOVERNMENT**

**ARTICLE 78.** Local governments shall be established in districts, cities and other settlements.

**ARTICLE 79.** Local government shall be exercised by citizens by way of direct expression of their will and through the elected institutions of local government.

Heads of executive authorities in the cities and districts of the Republic of Abkhazia shall be appointed by the President of the Republic from among the members of local government institutions.

The composition, organizational structure and powers of local government institutions shall be established by the law.

**ARTICLE 80.** Local governments shall approve the local budget, local taxes and dues; own, use and manage municipal property; ensure the maintenance of public order; establish their own internal structures and settle economic, social and other matters that are not excluded from their competence or relegated to state organs.

**ARTICLE 81.** State institutions shall not curtail the rights of local governments established by this Constitution and the laws. Any interference in the legitimate activities of local governments shall be inadmissible.

**ARTICLE 82.** Local governments shall have the right to a legal defence to ensure free and unimpeded discharge of their duties.

## **CHAPTER 7 CONSTITUTIONAL AMENDMENTS AND REVISION PROCEDURE**

**ARTICLE 83.** Suggestions concerning the amendments and revision of the Constitution of the Republic of Abkhazia can be made by the President of the Republic, the Parliament, the Supreme Court and the General Prosecutor of the Republic of Abkhazia.

**ARTICLE 84.** Amendments to the Constitution of the Republic of Abkhazia shall be adopted by a two-thirds vote of the total number of Deputies.

**CONSTITUTIONAL LAW OF THE REPUBLIC OF ABKHAZIA  
ON THE PROCEDURE OF BRINGING THE CONSTITUTION  
INTO EFFECT**

The Supreme Council of the Republic of Abkhazia resolves that:

I. The Constitution of the Republic of Abkhazia shall come into effect on the day it is adopted, except for Article 44, which shall take effect after the election of a new Parliament of the Republic of Abkhazia.

2. Laws and other enactments, which have been in force in the territory of the Republic until this Constitution comes into effect shall be applied in the parts that do not contradict the Constitution of the Republic of Abkhazia.

3. From the day the Constitution comes into effect, the Supreme Council of the Republic of Abkhazia and its officers shall be called according to the Constitution of the Republic of Abkhazia as follows:

Supreme Council of the Republic of Abkhazia - People's Assembly - Parliament of the Republic of Abkhazia;

Chairman of the Supreme Council - Speaker of the Parliament of the Republic of Abkhazia;

First Deputy Chairman of the Republic of Abkhazia - First Deputy of the Speaker;

Deputy Chairmen of the Supreme Council of the Republic of Abkhazia - Parliament Speaker's Deputies;

Commissions of the Supreme Council - Commissions of the Parliament of the Republic of Abkhazia.

4. The Parliament of the Republic of Abkhazia shall discharge its duties in accordance with the Constitution of the Republic until a new Parliament is elected. Any decisions of the Parliament shall be taken by a majority vote of the Deputies.

5. The first President of the Republic of Abkhazia and the first Vice-President shall be elected by the Parliament of the Republic.

6. The Council of Ministers (the Government) of the Republic of Abkhazia and all other functioning structures of power shall continue to discharge their duties until new institutions are established in accordance with this Constitution.

7. Under this Constitution the election of a new Parliament of the Republic of Abkhazia shall be conducted on the basis of the appropriate law in 1995.

8. Once the Constitution of the Republic of Abkhazia comes into effect all types of courts shall retain their authority until the expiry of the term for which they were elected. All vacancies shall be filled in accordance with the procedures established by this Constitution.

9. This law shall come into effect on the day of its adoption.

**VLADISLAV ARDZINBA  
CHAIRMAN OF THE SUPREME COUNCIL  
OF THE REPUBLIC OF ABKHAZIA**

**CITY OF SUKHUM  
26 NOVEMBER 1994  
NO. 188-C**

ANNEX III.

**STATE STRUCTURE OF ABKHAZIA  
IN HISTORICAL PERSPECTIVE  
(6TH C. B.C. – 21ST C.).**

Date	Event
6 <sup>th</sup> – 2 <sup>nd</sup> c. B.C.	The Greek city-state Dioskuria on the territory of contemporary Sukhum and other Greek colonies in Abkhazia.
First centuries A.D. – end of 8 <sup>th</sup> c.	The “Kingdoms” of Saniga, Abasgia, and Apsilia ruled by “kings”, who were in nominal dependency on Rome and then on Byzantium.
8 <sup>th</sup> – 10 <sup>th</sup> c.	Abkhazian kingdom ruled by the kings of the dynasty of Leonids, with the capital in Anakopia, and then in Kutaisi.
10 <sup>th</sup> – 13 <sup>th</sup> c.	“The Kingdom of the Abkhazians and the Kartvelians”, with its capital initially in Kutaisi, and then in Tbilisi, formed by the merger of the Abkhazian Dynasty of the Leonids and the Georgian Bagratids.
12 <sup>th</sup> c.	The beginning of the rule in Abkhazia of the princely dynasty of the Chachbas (Shervashidzes).
1245 – 1293	The disintegration due to the Mongol invasion of the united Kingdom of the Abkhazians and Kartvelians.
2 <sup>nd</sup> half of the 13 <sup>th</sup> c.	Abkhazia becomes a separate Principality.
First half of the 14 <sup>th</sup> c.	Megrelia occupies a part of Abkhazia until Anakopia; the residence of the Chachba princely family is transferred from Sukhum to Lykhny in the west of the country.

16 <sup>th</sup> c.	As a result of military efforts of the Abkhazians, the border of Abkhazia with Megrelia was fixed on the Kodori River.
1555	The Abkhazian Principality falls under the nominal suzerainty of the Ottoman Empire.
The 80-s of the 17 <sup>th</sup> c.	The restoration as a result of the “reconquista” of the south-eastern border of the Abkhazian Principality on the river Ingur, which has since remained unchanged as the eastern border of Abkhazia.
17 <sup>th</sup> – begin. of 19 <sup>th</sup> c.	The independent Abkhazian Principality with its capital Sukhum under the nominal suzerainty of the Ottoman Empire.
1810 – 1864	The Abkhazian autonomous Principality with the capital city of Sukhum under the protectorate of Russia, ruled by the princes Chachba.
1864 – 1883	The abolition by Russia of the Abkhazian Principality, transforming it into the Sukhum Military Department, headed by the chief of the Department under the authority of the Kutais Governor-General.
1883	Abkhazia is renamed “The Sukhum Military District”, subordinated to the Administration of the Kutais military governorship.
1903	The Sukhum District (Abkhazia) was separated from the Kutais province and subordinated to the Supreme Commander in the Caucasus.
1906	The Sukhum District (Abkhazia) was subordinated to the Viceroy of the Caucasus.
10 March, 1917	The local organ of the Provisional Government – “The District Committee of Public Security” – was formed in Sukhum.

1 May, 1917	Abkhazia entered the Union of the United Mountain Peoples of the Caucasus.
20 October, 1917	Abkhazia joined the South-Eastern Union of Cossack Forces, the Caucasus Mountain Peoples and Free Peoples of the Steppes.
8 November, 1917	The formation of an independent authority of Abkhazia - the Abkhazian People's Council, which aimed at the self-determination of the Abkhazian people.
16 November, 1917	Abkhazia joined the South-Eastern Union of the Don, Kuban, Terek, Astrakhan and Ural Cossack troops, of Mountain Peoples of the North Caucasus, of Daghestan, the Zakatala region and the Free Steppe Peoples of Astrakhan and Stavropol provinces.
11 May, 1918	Proclamation in Batum of the independence of the Mountain Republic, consisting of Daghestan, Chechnia-Ingushetia, Ossetia, Karachay-Balkaria, Kabarda, Adygeia and Abkhazia.
8 – 11 June, 1918	The establishment of allied relations between the Abkhaz People's Council and the Democratic Republic of Georgia.
20 March, 1919	The Abkhaz People's Council adopted, without conducting a popular referendum, "The Act on the autonomy of Abkhazia", according to which Abkhazia "entered the Georgian Democratic Republic as its autonomous unit."
4 March, 1921	The establishment of Soviet power in Abkhazia.
31 March, 1921	The proclamation of a Soviet Socialist Republic of Abkhazia, independent of either Georgia, or Russia.
22 February, 1922	The First Congress of Soviets of Abkhazia ratified the "Special treaty of alliance" between the Abkhazian and Georgian Soviet Socialist Republics.

12 March, 1922	The formation of the Union of Soviet Socialist Republics of the Transcaucasia, which the Abkhazian SSR entered via the Georgian SSR.
30 December, 1922	"The Treaty" SSR of Abkhazia was included in the USSR as part of the Transcaucasian Socialist Federative Soviet Republic, which she entered through Georgia.
19 February, 1931	The Abkhazian SSR was transformed into an Autonomous Soviet Socialist Republic and was included into Georgia. Mass protests of Abkhazians followed.
26 December, 1991	As a result of the disintegration of the Soviet Union, Georgia became an independent state, while the political status of Abkhazia was not defined.
23 July, 1992	Abkhazia temporarily returned to the Constitution of the Abkhazian SSR of 1925, by which it was united with Georgia on the basis of a Treaty of Union.
14 August, 1992 – 30 September, 1993	The military aggression of Georgia against Abkhazia, which on 30 September 1993 ended with a decisive Abkhaz victory.
4 April, 1994	The "Declaration on Measures for a Political Settlement of the Georgian-Abkhaz conflict," signed by Georgia and Abkhazia, stated the lack of any state and legal relations existing between them.
26 November, 1994	The new Constitution proclaimed the Republic of Abkhazia a sovereign democratic state.
3 October, 1999	A national referendum confirmed the Constitution of Abkhazia of 1994.
12 October, 1999	The "Act of State Independence of the Republic of Abkhazia" is adopted.
26 August, 2008	The Russian Federation recognized Abkhazia as a sovereign independent state and subject of international law.



**POLITICAL STATUS  
OF ABKHAZIA IN HISTORICAL  
PERSPECTIVE (6<sup>TH</sup> C. B.C. – 21<sup>ST</sup> C.).**

Date	Event
First centuries A.D. – end of 8 <sup>th</sup> c.	Separate “kingdoms” formed by Abkhazian sub-ethnic groups of Sanigians, Abasgians and Apsilians, under nominal suzerainty of Rome and then Byzantium.
8 <sup>th</sup> – 10 <sup>th</sup> cc.	Independent Kingdom of Abkhazia.
10 <sup>th</sup> – 13 <sup>th</sup> cc.	Autonomous part of The Kingdom of the Abkhazians and Kartvelians.
13 <sup>th</sup> – 15 <sup>th</sup> cc.	A separate Principality under the nominal suzerainty of the Kingdom of Imereti.
16 <sup>th</sup> c.	A separate Principality under the suzerainty of Megrelian Principality.
17 <sup>th</sup> c. – 1810	Independent Abkhazian Principality under nominal Ottoman suzerainty.
1810 – 1864	Autonomous Abkhazian Principality under the protectorate of Russia.
1864 – 1883	Sukhum Military Department of the Russian Empire.
1883 - 1903	Sukhum Military District of the Russian Empire.
1903 – 1917	Sukhum District within the Russian Empire.
1918 - 1919	Federal unit “Abkhazia” in the Mountain Republic.
17 June, 1919 – 4 March, 1921	The territory occupied by Democratic Republic of Georgia under the guise of «Autonomy».

31 March, 1921 – 22 February, 1922	Independent Soviet Socialist Republic of Abkhazia.
22 February, 1922 - 19 February, 1931	«Treaty» SSR Abkhazia in union with the Georgian SSR and the federal part of the Transcaucasian Socialist Federative Soviet Republic.
19 February, 1931 - 26 December, 1991	Abkhazian Autonomous SSR within the Georgian SSR.
26 December, 1991 – 23 July, 1992	“Abkhazian (A)SSR” within The Republic of Georgia.
23 July, 1992 - 14 August, 1992	“The Republic of Abkhazia” within The Republic of Georgia.
14 August, 1992 – 30 September, 1993	<i>De facto</i> independent Republic of Abkhazia in the state of war with its former metropolis – The Republic of Georgia.
30 September, 1993 - 26 August, 2008	Independent, but not recognized state The Republic of Abkhazia.
26 August, 2008	The recognized sovereign state The Republic of Abkhazia, the subject of international law.

## CHANGES IN THE ETHNIC AND DEMOGRAPHIC SITUATION IN ABKHAZIA (1886 – 1989)

### Changes in ethnic composition of Abkhazia in 1886-1989 (population in thousands).<sup>24</sup>

Year	1886	1897	1926	1939	1959	1970	1979	1989
Population total	68,8	106,179	212,033	311,9	404,7	487,04	486,082	524,161
Abkhazians	58,963	58,697	55,918	56,19	61,193	77,276	83,097	93,267
Kartvelians	4,166*	25,875**	67,494	91,967	158,221	199,595	213,322	242,304
Armenians	1,049	6,552	34,7,524	49,7	64,4	74,9	73,350	76,524
Russians***	971	5,135	20,456	60,201	86,715	92,889	79,730	74,416
Greeks	2,149	5,393	27,0	34,6	9,1	13,1	13,6	14,7
Others	1,702	4,527	6,0	19,2	25,0	29,2	23,5	25,8

\* From this number 3,558 were Megrelians and the Laz, 608 were Georgians.

\*\* From this number 23,810 were Megrelians, 2,065 were Georgians.

\*\*\*Including Ukrainians and Byelorussians.

### Changes in ethnic composition of Abkhazia in 1886-1989 (population in percentage).

Year	1886	1897	1926	1939	1959	1970	1979	1989
Population total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Abkhazians	85.7	55.3	26.4	18.0	15.1	15.9	17.1	17.8
Kartvelians	5.8	22.4	31.8	29.5	39.1	41.0	43.9	45.7
Armenians	1.9	6.1	16.4	15.9	15.9	15.4	15.1	14.6
Russians*	1.4	4.8	9.6	19.3	21.4	19.0	16.4	14.3
Greeks	3.0	5.0	12.8	11.1	2.3	2.7	2.8	2.8
Others	2.1	2.9	2.9	6.2	6.2	6.0	4.7	4.7

\* Including Ukrainians and Byelorussians.

<sup>24</sup> Cf. S. Lakoba (1990: 99; 1993: 208, 209), G. Lezhava (1989: 25-26) и V. Shariya (1994: 12). The number of the indigenous population as of 1886 represents the situation after the expulsion of Abkhazians to the Ottoman Empire.

## Ethnic composition of cities and regions of Abkhazia according to the census of 1989 (population in thousands).

	Sukhum	Gagra	Gu- dauta	Sukhum	Gul- rypsh	Ocham- chyra	Tquar- chal	Gal
	city	region	region	region	region	region	city	region
All population	119,2	77,0	57,5	39,5	55,0	75,4	21,7	78,8
Abkhazians	14,9	7,0	30,5	2,0	1,3	27,6	9,2	0,3
Kartvelians	49,4	21,6	7,9	17,5	29,0	34,8	5,1	74,2
Armenians	12,2	22,9	8,9	1,6	13,9	6,2	0,3	0,5
Russians	29,7	21,6	8,8	3,4	8,6	5,3	6,1	3,1
Greeks	7,4	0,9	0,6	4,1	1,1	0,2	0,1	0,2
Others	5,4	3,2	1,0	0,9	1,1	1,6	0,9	0,5

### References:

**Lakoba, Stanislav** (ed.). *Istoriya Abkazi. Uchebnoe posobie* [The History of Abkhazia. A Textbook]. Gudauta: Alashara, 1993.

**Lezhava, Grigoriy**. *Izmenenie klassovo-natsional'noy struktury nasele-niya Abkazi (konets XIX – 70-e gg. XX v.)*. [The Changes in the Class and Ethnical Composition of the Population of Abkhazia (the end of 19<sup>th</sup> c. – the 70-ies of the 20<sup>th</sup> c.)]. Sukhum, 1989.

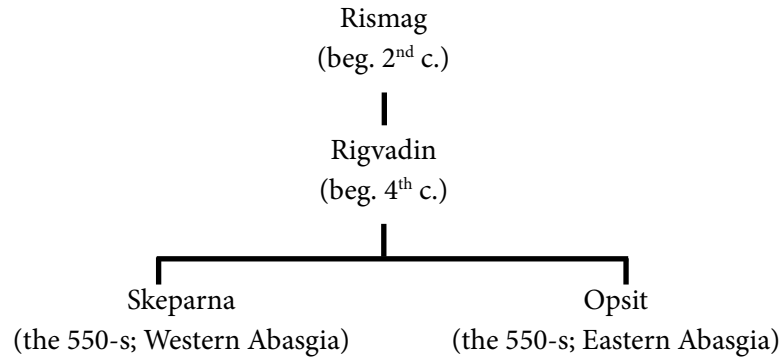
**Shariya, Vitaliy**. *Abkazytskaya tragediya* [The Abkhazian Tragedy]. Sochi, 1994.

ANNEX IV.

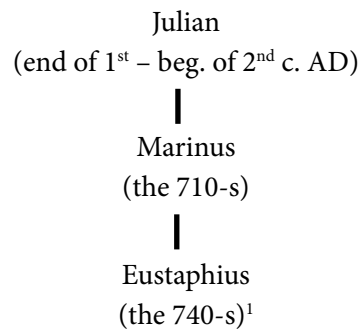
**ABKHAZ ROYAL AND PRINCELY DYNASTIES**

(2ND – 10TH CC.)

**Kings of Abasgia**



**Kings of Apsilia**

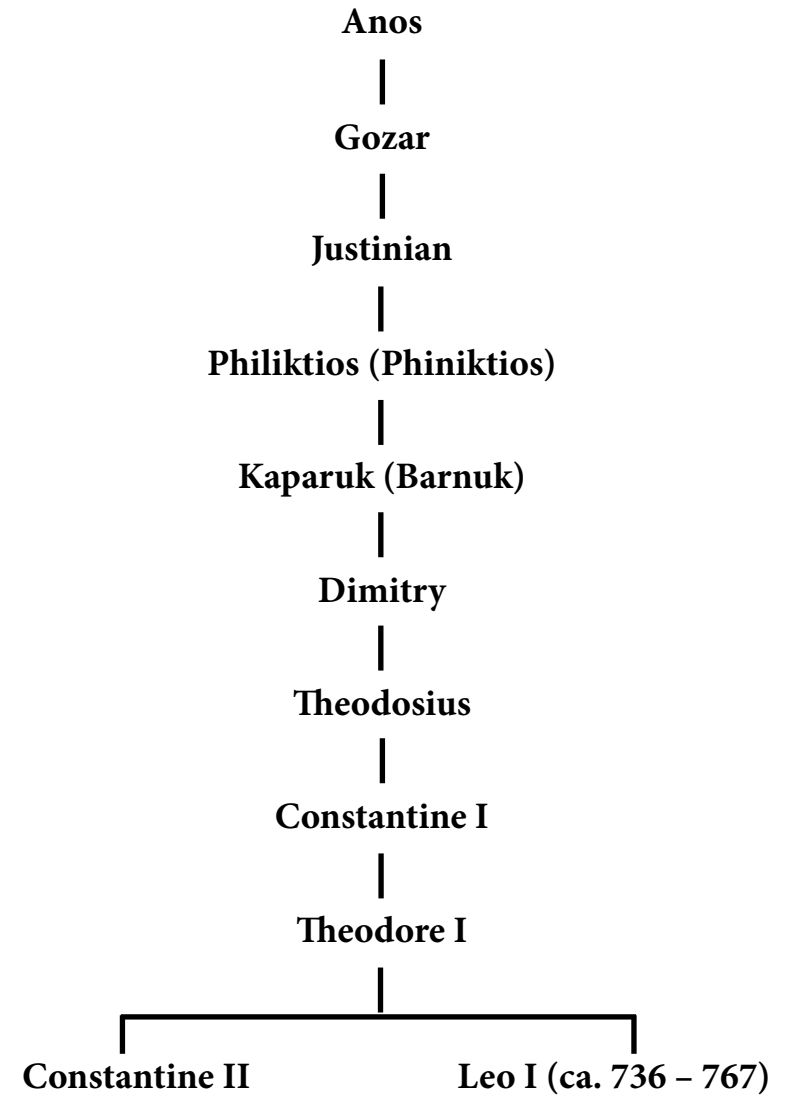


**Kings of Sanigia**

Spadag (beg. of 2<sup>nd</sup> c. A.D.)

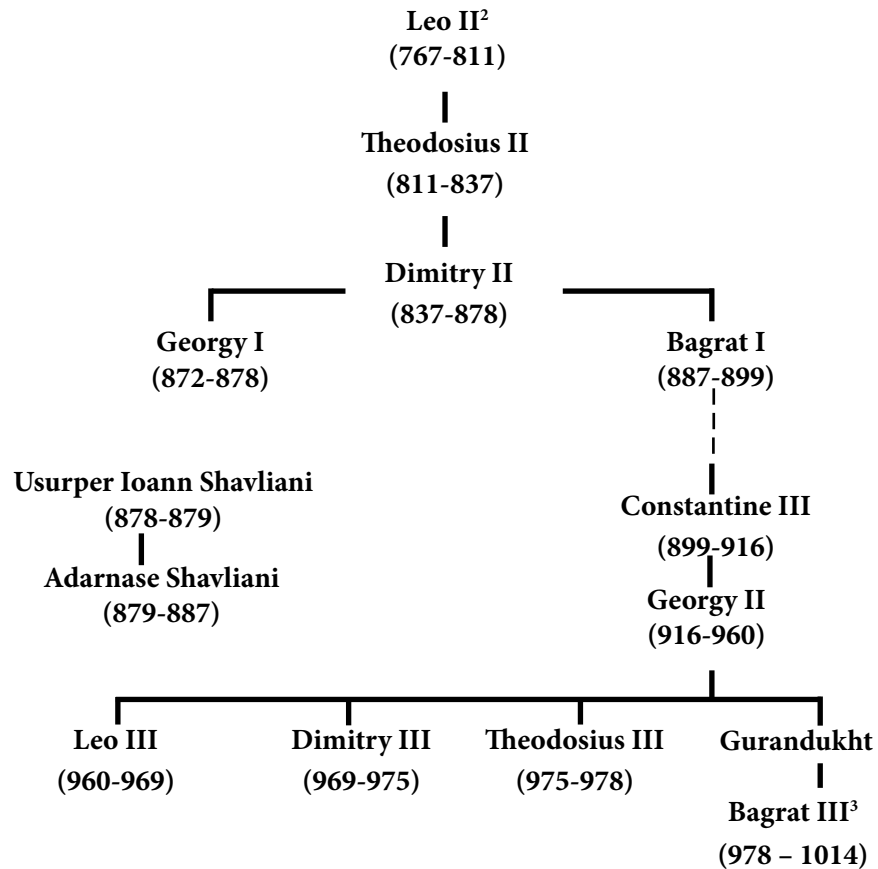
<sup>1</sup> Son of Marinus; captured and executed by the Persians, recognized as a saint by the Orthodox Church.

**THE DYNASTY OF THE ANOSIDES**



## KINGS OF THE ABKHAZIAN KINGDOM

### Dynasty of the Leonides<sup>1</sup>



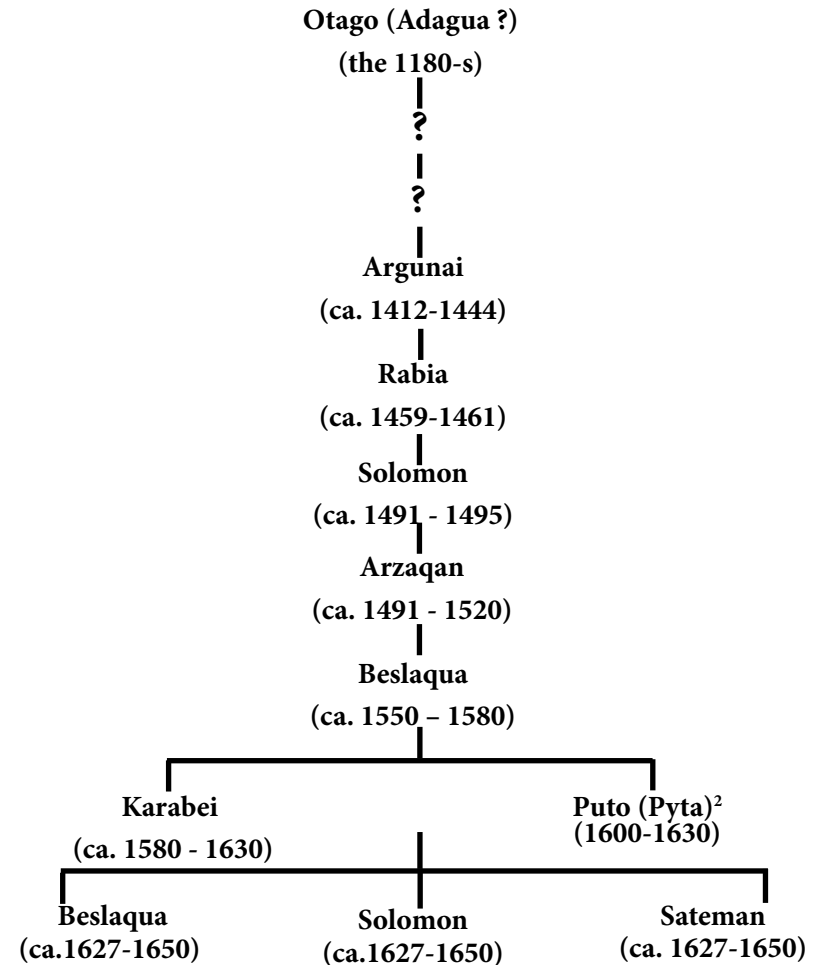
<sup>1</sup>The periods of the reign of the kings of the Leonid dynasty are calculated differently by historians. I took as a basis the chronology proposed by C. Toumanoff ("Chronology of the Kings of Abasgia and Other Problems". In: *Le Muséon. Revue d'études orientales*. Louvain, No. LXIX, 1956, p. 73-82).

<sup>2</sup> The nephew of Leon I, the son of Constantine II and the daughter of the Khazar king (Hakan), Bihar (reigned in the 730-s.), cousin of the Byzantine Emperor Leo IV The Khazar (reigned 775-780).

<sup>3</sup> The founder of «the Abkhazian» branch of the Georgian-Armenian royal dynasty Bagratids (among his descendants - the kings of Georgia David IV the Restorer and Queen Tamar), the unifier of Georgia, whose reign marked the beginning of the «golden age» of the Georgian history.

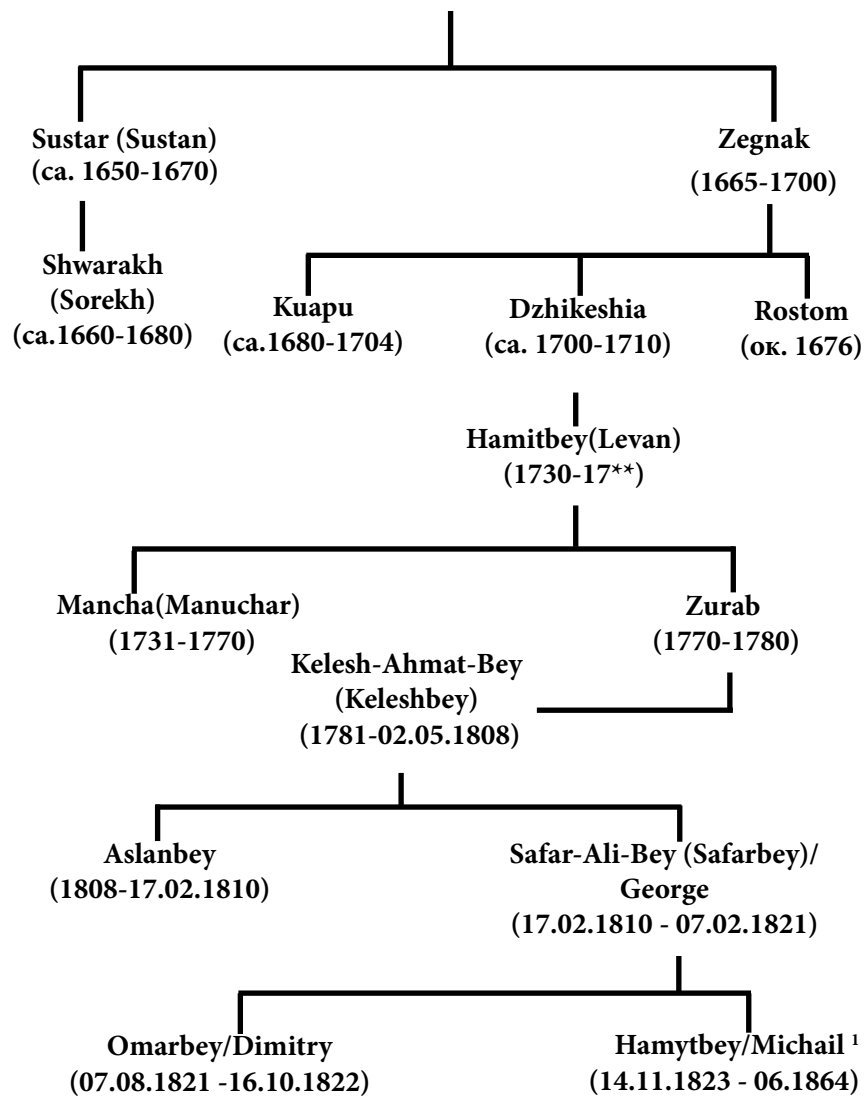
## THE ABKHAZIAN PRINCIPALITY. THE DYNASTY OF THE RULING PRINCES CHACHBAS (SHERVASHIDZES) (12<sup>TH</sup> – 19<sup>TH</sup> cc.).

### Periods of Rule.<sup>1</sup>



<sup>1</sup> The scheme is made by the author, drawing on the work of: Yu. Chikovani. *The Clan of the Abkhazian Princes Shervashidze. (An Historical-Genealogical Study)*. Tbilisi: Universal, 2007, p. 25.

<sup>2</sup>Co-rulers.



<sup>1</sup> Born 16.10.1822, died in exile in Voronezh 16.4.1866.

ANNEX V.

PORTRAITS OF STATESMEN  
OF ABKHAZIA (8<sup>th</sup> – 21<sup>st</sup> c.)



THE ABKHAZIAN KING LEON II  
(Ruled ca. 786 – 806)



**THE ABKHAZIAN KING LEON III**  
(Ruled in 957-967)



**QUEEN GURANDUKHT, REGENT**  
(Ruled in 975-978, till accession of her son BAGRAT III)



**THE ABKHAZIAN KING BAGRAT III,  
SON OF GURANDUKHT**  
(Ruled in 978-1014)



**SOVEREIGN PRINCE BESLAQUA CHACHBA**  
(Ruled in the first half of the 17<sup>th</sup> century)





**SOVEREIGN PRINCE SATEMAN CHACHBA**  
(Ruled ca. 1627-1650)



**SOVEREIGN PRINCE  
SAFARBAY/GEORGE CHACHBA**  
(1775-1821)  
(Ruled in 1810-1821)





**THE LAST SOVEREIGN PRINCE OF ABKHAZIA  
MIKHAIL CHACHBA**  
(1806-1866)  
(Ruled in 1823-1864)



**MIKHAIL CHACHBA**  
IN TRADITIONAL CLOTHES



**SIMON BASARIA (1884-1941)**

THE FIRST CHAIRMAN OF THE ABKHAZIAN PEOPLE'S COUNCIL  
(NOVEMBER 1917-APRIL 1918)



**EFREM ESHBA (1893-1939)**

HEAD OF THE MILITARY AND REVOLUTIONARY  
COMMITTEE OF ABKHAZIA (1921-1922)  
CHAIRMAN OF THE CENTRAL EXECUTIVE COMMITTEE OF  
THE ABKHAZIAN SSR (1922)



**NESTOR LAKOBA (1893-1936)**

CHAIRMAN OF THE COUNCIL OF PEOPLE'S COMMISSARS  
OF THE ABKHAZIAN SSR (1922-1930)  
CHAIRMAN OF THE CENTRAL EXECUTIVE COMMITTEE  
OF THE ABKHAZIAN ASSR (1930-1936)



**VLADISLAV ARDZINBA (1945-2010)**

CHAIRMAN OF THE PRESIDUM OF THE SUPREME COUNCIL OF  
THE ABKHAZIAN ASSR (1990-1992)  
CHAIRMAN OF THE SUPREME COUNCIL OF THE REPUBLIC OF  
ABKHAZIA (1992-1994)  
THE FIRST PRESIDENT OF THE REPUBLIC OF ABKHAZIA  
(THE FIRST TERM: 1994-1999; THE SECOND TERM:1999-2005)



**SERGEY BAGAPSH (1949-2011)**

PRESIDENT OF THE REPUBLIC OF ABKHAZIA  
(THE FIRST TERM:2005-2009;THE SECOND TERM: 2009-2011)



**ALEXANDER ANKVAB (born 1952)**

PRESIDENT OF THE REPUBLIC OF ABKHAZIA (2011-2014)



**RAUL KHAJIMBA (born 1958)**  
PRESIDENT OF THE REPUBLIC OF ABKHAZIA (2014 - )

**ANNEX VI.**  
**NATIONAL FLAGS AND SYMBOLS OF ABKHAZIA**  
**(13<sup>TH</sup> – 21<sup>ST</sup> cc.).**



**MEDIEVAL FLAG OF SEBASTOPOLIS (SUKHUM) (14<sup>TH</sup> century)**



**MEDIEVAL FLAG OF SEBASTOPOLIS (SUKHUM) (14<sup>TH</sup> century)**

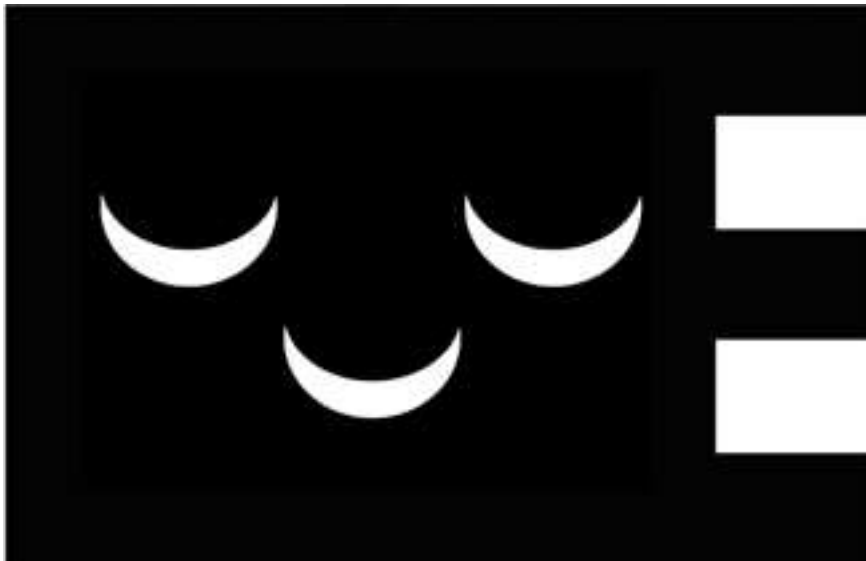




MEDIEVAL FLAG OF ABKHAZIA (1400-1577)



FLAG OF ABKHAZIA (19<sup>TH</sup> century)



FLAG OF ABKHAZIA (16<sup>TH</sup> -17<sup>TH</sup> centuries)



FLAG OF THE MOUNTAINOUS REPUBLIC (1918-1921)



FLAG OF THE ABKHAZIAN SSR (1925-1931)



FLAG OF THE ABKHAZIAN ASSR (1937-1938)



FLAG OF THE ABKHAZIAN ASSR (1931-1937)



FLAG OF THE ABKHAZIAN ASSR (1951-1978)







NATIONAL EMBLEM OF THE ABKHAZ SSR (1925)



NATIONAL EMBLEM OF THE ABKHAZ SSR (1926)



NATIONAL EMBLEM OF THE ABKHAZ ASSR (1936)



NATIONAL EMBLEM OF THE ABKHAZ ASSR (1937)



NATIONAL EMBLEM OF THE ABKHAZ ASSR (1953)



NATIONAL EMBLEM OF THE ABKHAZ ASSR (1978-1992)

## THE POST-SOVIET PERIOD



NATIONAL EMBLEM OF THE REPUBLIC OF ABKHAZIA-APSNY (1992)



FRAGMENT OF THE MAP OF THE BYZANTINE EMPIRE PUBLISHED IN AMSTERDAM (1742)

HISTORICAL MAPS OF ABKHAZIA



FRAGMENT OF THE MAP PUBLISHED IN ITALY (1692)







**POLITICAL MAP OF THE MOUNTAINOUS REPUBLIC PUBLISHED IN LAUSANNE (1919)**

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**Вячеслав Андреевич  
ЧИРИКБА**

**Международно-правовой статус  
Республики Абхазия**

**VIACHESLAV A. CHIRIKBA  
THE INTERNATIONAL LEGAL STATUS  
OF THE REPUBLIC OF ABKHAZIA**

*Верстка Ашуба А. Г.*

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