

ABKHAZIA'S LIBERATION AND INTERNATIONAL LAW

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REFERENCES

The essay “Abkhazia’s Liberation and International Law” is devoted to the part of International Law that focuses on the right of nations to self-determination. In line with basic documents of international law, the essay discusses the struggle of the nation of Abkhazia against colonial dependence on Georgia – for the right of its people to political self-determination and the creation of an independent state, following its liberation as the result of the Abkhazians' victory in the war imposed from Tbilisi.

V.Mikadze, Candidate of Law

E. Adzhindzhal’s work “Abkhazia's Liberation and International Law” discusses questions which are not limited to Abkhazia. Discussion of the contradictions between the basic principles of the modern international law: the “right of nations to self-determination” and “territorial integrity of a state”, attracts great attention at the beginning of XXI century. Undoubtedly, E. Adzhindzhal’s work will appeal to international lawyers, political researchers, practitioners in the field of international relations and policy studies as well as specialists in conflict resolution. It will give an opportunity to understand the essence of different processes connected with the problems of conflict settlement, especially in regard to the Georgian-Abkhaz conflict and possible paths to its resolution.

Sergey Shamba, Ph.D. in History

Minister of Foreign Affairs of the Republic of Abkhazia

**The essay is dedicated to the memory of Thomas Jefferson, author of the Declaration
of Independence of the United States of America**

ABKHAZIA'S LIBERATION AND INTERNATIONAL LAW

“Those who refuse freedom to others do not deserve it themselves and, thank God, are not able to preserve it for a long time”.

A. Lincoln.

Certainly there is a view that the right of nations to self-determination is the corner stone of democracy. When we speak about democracy we first of all mean the power of the people. But power does not exist without rights. Thus, to deny the nation its rights obviously can lead to the deprivation of power. T. Frank, a professor at New-YorkUniversity, is absolutely right when he says that self-determination is the basis for democracy and for the fully fledged international status of a state.[\[1\]](#) It is necessary to emphasize that self-determination has gained particular importance in the system of power relations between peoples and states. Ignorance of this natural and lawful right of nations by some governments of the UN member-states (those that try to keep other nations in servitude) has resulted in conflicts and wars in many regions of the world.

It is well known that Woodrow Wilson, one-time president of the United States of America, *formally expressed theoretical and practical support for the principle of national self-determination* on the basis of the fundamental principles of the American Constitution at the end of World War I, and also during the post-war peace negotiations. He presented a programme for the post-war peace settlement known as the *Fourteen points* in his speech to Congress on 18th January 1918. He concluded that the subject of power is a nation that has the right to self-determination.[\[2\]](#)

The concept of a nation's right to self-determination (NRS) dates back to the Enlightenment. It is connected with the names of such thinkers as John Locke, Hugo Grotius, Jean-Jacques Rousseau and others. This idea was implicit not only in the US Declaration of independence of 1776 (“the Consent of the Governed”), and in the French revolutionary Declaration of the Rights of Man in 1789 (“the divine right of people”), but also in national liberation movements in Poland, Greece, Israel, Germany, and Spain and many others. The idea of self-determination also helped the Bolsheviks to strengthen their power, although class struggle was given primacy over national self-determination in the theory of Marxism-Leninism - “there are two nations in each modern nation, two national cultures in each culture”.[\[3\]](#)

The term “self-determination” was used for the first time in relation to a nation at the Berlin Congress in 1878. Since then the concept of the “right of nations to self-determination” has undergone a thorough test of history. It also maintains high political relevance in the contemporary world. Some historical examples illustrate the use of the concept in the practice and theory of international relations. First of all, the very idea of the right of nations to self-

determination in relationship to international law came into use with the following: the Declaration of 1776 (Thomas Jefferson); other basic acts of the young American states; historical documents of the French revolution; the outcomes of World War I and II. The UN Charter in 1945 fixed it as one of the general, compulsory, imperative, and basic principles of modern international law. If all the other principles are about the legal personality (the sovereignty) of a state, then this principle is about the legal personality (the right to self-determination) of a people. On the basis of this principle, a separate branch of law, a special system of standards has been developed in international law – the International law of peoples. Interest of politicians and lawyers in the use of this concept has sharply increased since this problem was included in the “Program XIII” of the United Nations Educational, Scientific and Cultural Organization (UNESCO). In 1985 the national Australian commission of UNESCO held two symposia on people’s rights. These two scientific forums served as turning points in the history of western thought after Woodrow Wilson. Once again they faced up to this serious problem. Such thinkers as the American R. Falk and Englishman Ian Brownlie took part in the symposia. Both of them devoted their latest books to the rights of nations in modern international law.[4] Materials from these two Australian symposia were published in 1988.[5]

The UN Charter Chapter 1, Article 1, paragraph 2, states the following: “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace”. [6] Chapter 9, article 55, of the Charter speaks of the principle of equal rights and self-determination. [7] The International Covenant on Economic, Social and Cultural Rights adopted in 1966 clearly defined the principles of equal rights as well as the right of nations to self-determination. Article 1, paragraph 1 says: “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” [8] One can also read about the right of peoples to self-determination (RNS) in the “Final Act on Security and Cooperation in Europe”, 1975: “By virtue of the principle of equal rights and self-determination of peoples, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development.” [9] Also, the idea was expressed in the Universal Declaration of the Rights of Peoples, adopted by the Algerian Convention of 1976. Article 5 states: “Every people has an imprescriptible and unalienable right to self-determination. It shall determine its political status freely and without any foreign interference.” [10] There are many other international documents and theoretical works on the subject existing today. We will limit ourselves to the above-mentioned.

The consequent policy of progressive powers supporting the Right of Nations to Self-determination (RNS) worldwide led to the appearance of many small and large states. They represent a significant factor in contemporary international relations. The appearance of these states has played an important stabilizing role in furthering of peace and stability of the whole of mankind. [11] If the principle of national self-determination is ignored, the UN will become the centre of the global metropolis. Up until today the RNS principle has somehow softened international power relations. If it weakens then the wars for the world metropolis will begin. Unfortunately this process has already started.

Undoubtedly the RNS is an internationally recognized basic law relevant to all nations and their political rights. However, it is important to note that national political self-determination is rarely achieved in the modern inter-dependent world. In fact, a nation can expect to receive support from the international community only providing it lives under colonial rule, wishes to be liberated and moves toward independent statehood, and if it fulfils certain necessary political, judicial and other preconditions, providing, let me reiterate, that

this nation is under colonial rule and wishes to be liberated. In effect, this means that only a dependent nation can count on recognition of its self-determination. Having said that, it is also important to note that the international community is not always interested in providing one or another nation with the status of an independent state. The nation that wishes to form its own independent statehood should not express its aspirations only, but it also needs to satisfy the necessary political, legal and other prerequisites. Only then can it get approval from the international community. However, the international community sometimes refuses to recognize the right to self-determination of nations that were incorporated in the territory of UN-member states. As one Abkhazian author has noted, many of the present governments of the UN member-states are locked in a neo-colonial mindset.^[12] This is the main reason for them to resist the secession of a nation from a state and to deny recognition of its independence. These UN member-states are primarily concerned with territorial integrity, and they are afraid of its alteration. Does this mean that the right to self-determination is buried alive by the present political community and that in future no nation will establish its right to independence and will never form its own state? On the contrary, there is growing confidence that many nations will achieve independence in the future and a large number of new independent states will be formed.

The Wilsonian idea of the RNS is related to the struggle against colonial rule. According to the literature on the subject, the international community still somehow supports this struggle.^[13] It is particularly important that some international agreements look at the struggle against colonialism from the point of view of human rights. These international documents establish the relationship between RNS, the struggle against colonialism and human rights: Article 1 of the 1960 “Declaration on the granting of independence to colonial countries and peoples” adopted by the UN General Assembly, is one example. It states: “The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.”^[14] Article 4 of the same paper states: “All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence and the integrity of their national territory shall be respected.”^[15] The Declaration of Social Progress and Development adopted in 1965 by the UN General Assembly in part 2, paragraph “a” says: “The immediate and final elimination of all forms of inequality, exploitation of peoples and individuals, colonialism and racism, including Nazism and apartheid, and all other policies and ideologies opposed to the purposes and principles of the United Nations”.^[16] Further it states that one of the primary conditions of social progress and development is “National independence based on the right of people to self-determination”.^[17] African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, Article 20, point 2 is written: “Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.”^[18] Section II, Article 6 of Universal Declaration of the Rights of Peoples adopted by the **Algiers** conference in 1976 states, “Every people has the right to break free from any colonial or foreign domination, whether direct or indirect, and from any racist regime.”^[19] Further reference should be made to the declaration on the principles of international law, related to friendship and cooperation between states. The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, chapter on “The principle of equal rights and self-determination of peoples” says: “Every State has the duty to promote, through joint or separate action, realisation of equal rights and self-determination of peoples ... Every State has the duty to refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination

and freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and receive support in accordance with the purposes and principles of the Charter.”^[20] There is a specific document in international law that protects participants of the struggle for the right of nations to self-determination and independence (unfortunately governments of some countries call them “aggressive separatists” and even “band formations” or recently “non-state armed actors”) it is the UN General Assembly resolution 3103 (XXVIII), adopted on 12 December 1973: “Basic Principles of the Legal Status of the Combatants Struggling Against Colonial and Alien Domination and Racist Regimes” that says: “The struggle of peoples under colonial or alien domination and racist regimes for the implementation of their right to self-determination and independence is legitimate and full accordance with the principles of international law.”^[21] Further it continues: “Any attempt to suppress the struggle against colonial and alien domination, or racist regime, is incompatible with the Charter of the United Nations”.^[22] Finally, we may cite the Vienna Declaration and Action Programme adopted in 1993 by the World Conference on Human Rights. Point 2 states: “Taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, the World Conference on Human Rights recognizes the right of peoples to take any legitimate action, in accordance with the Charter of the United Nations, to realize their inalienable right of self-determination. World Conference on Human Rights considers the denial of the right of self-determination as a violation of human rights and underlines the importance of the effective realization of this right”.^[23] In my opinion this document is particularly important because there is a correlation between human rights and the RNS. This document recognizes the survival of colonial regimes to the present day, while arguing that colonialism is an element of the past.^[24]

In conclusion to the argument on the relationship between self-determination and decolonization it is important to note that the dominant view of the community of international lawyers is that the principle of self-determination is acceptable only in cases of decolonization! One prominent international lawyer asserts: “Self-determination, as an internationally recognized standard, is applicable to the nations under colonial rule only, because this concept was developed in the system of lawful acts in relationship to the decolonization process.”^[25] Does this mean that, according to modern international law, no nation can be granted recognition of its independence, unless it is publicly proven that the nation was under actual colonization?!

In light of this discussion, it is natural to ask what is the nature of the Abkhazian Autonomous SSR was within the former Georgian Soviet Socialist Republic. It is necessary here to look briefly at the main historical events of the argument between Abkhazia and Georgia, although history may generally be considered unhelpful in the international law.

According to Greek and Roman written sources the statehood in Abkhazia appeared in the II century AD under the power of Basileoses.^[26] Thereafter historical sources recorded 19 Kings (Potentates) of Abkhazia (Abasgia) and other leaders of the state up to the VIII century A.D.^[27] The territory of present-day Western Georgia was conquered and ruled by Abkhazian Kings from the Bagratid (Pancratid) dynasty, with support of Byzantine forces, in the VIII-X centuries.^[28] From the Xth to XIIIth century most of Georgiawas under the influence of Abkhazian kings from the dynasty of the Bagratids.^[29] This is why many original sources refer to Georgia as 'Abkhazia' (Abasgia).^[30] Following the fall of Constantinople and the formation of the Ottoman Empire in the XVth century, Abkhazia was under the protectorate of Turkey until 1810.^[31] From 1810 to 1917 Abkhazia was under the protectorate of the Russian Empire.^[32] After the disintegration of Russia (1917), in 1918 Georgia occupied Abkhazia using the remnants of local units of the former Russian imperial army in the Transcaucasus and the participation of regular German troops. It is

important to underline here that this occupation was nothing other than invasion by Georgia of alien territory.^[33] At the time there were no state-legal relations between Georgia and Abkhazia.^[34]

Furthermore regional self-government in Georgia was eliminated between 1801 and 1810 by the Russian Empire, but Abkhazia continued to preserve its own self-government until 1864, over half a century after the abolition of self-government in the neighbouring Georgia.^[35] In the context of the argument it is important to note that a distinct Abkhazian independent government was formed after the collapse of the Russian Empire in 1917.^[36] At that time the Abkhazian National Congress was established. The Declaration of the Abkhaz National Congress and the Constitution of the National Council were adopted at its first session.^[37] Thus, the government and people of Abkhazia quite democratically formed a distinct independent state, on the basis of common norms and the principles of international law, after the communist coup in Russia. On the 20 October 1917, the Abkhazian government signed a “Treaty Union” on the creation of a new state: “South-eastern Union”.^[38] On 16th November 1917 a joint government of the state was formed with the participation of the Abkhazian leadership.^[39] At a later stage, this state was transformed in to the Mountain Republic. It comprised Abkhazia, Adyghea, Kabarda, Chechenya, Ossetia, Daghestan and others.^[40] Georgia did not join this union.

When Georgian troops later invaded Abkhazia in 1918, the White Russian General Denikin stated: “Immediately declare Abkhazian neutrality, withdraw Georgian troops behind the Ingur river and make the Abkhazian authorities responsible for maintaining order, while the latter should be freely elected by the Abkhazians themselves.”^[41] C. Bechhofer, an English diplomat, characterized the government of the “democratic” Georgian state that had already occupied Abkhazia at that moment as follows: “The free and independent social-democratic State of Georgia will always remain in my memory as a classic imperialist body, that is characterized with territory-snatching outside and bureaucratic tyranny inside; its chauvinism is beyond all bounds”.^[42]

A.S. Avtonomov, the head of the sector of Legal Problems of Federalism, Regionalism and Integration of the Institute of State and Law of the Russian Academy of Sciences, makes reference to the above-mentioned political acts regarding the self-determination of Abkhazia in 1917, when he states: “...the independent formation of state-institutions in Abkhazia began in December 1917. Abkhazia was not considered a part of Georgia at that time. On the contrary it had processes in place to establish its own official government and legislature.”^[43]

Pan-Georgian geo-political expansion in the XXth century was based on Stalin’s researches into the ethnic and nationality question, which he developed from 1913. This resulted in legal discrimination against all non-Kartvelian neighbours of the Georgians (including the Ossetians and Abkhazians).^[44] The leaders of the Georgian nation developed an “ideological justification” for the Georginisation of all the nations of the Caucasus and their incorporation into its domain. They invented even a code name for this plan - “**chechevitsa**” (Eng. - Lentil).^[45] Another “academic school”, called “Iberian-Caucasian philology and mythology”, was developed as well to serve this strategy.^[46] Moreover, one of the most famous academic adherents of Georgian mythical and political schizophrenia dared to propose that all Indo-European nations are descendants of proto-Georgian civilization!^[47]

The Georgian occupation of Abkhazia in 1918 created a regime of terror for the local population.^[48] A treaty between Soviet Russia and Georgia was signed on 7 May 1920. According to this treaty the territory of Abkhazia was handed over to Georgia.^[49] However, this treaty should not be considered lawful because the paper was signed without the consent of anyone in Abkhazia. Dr. S. Shamba, Minister for Foreign Affairs of Abkhazia, stated that the agreements of that period are not legal because they were created under conditions of

occupation in Abkhazia. This is relevant to both the agreements between Georgia and other countries, as well as between Georgia and Abkhazia.^[50] Even during that time of occupation the Abkhazian national liberation struggle did not stop.

After the *coup d'état* and the establishment of communist dictatorship in Russia in 1917 the relationship between Georgian Mensheviks and Russian Bolsheviks became hostile. Thus, coincidence of mutual interests led to joint actions on the part of the Abkhaz national liberation detachment "Kiaraz" and the Russian Bolsheviks.^[51] The capital of Abkhazia, Sukhum, was freed of occupying forces on 4th March 1921. Independence in Abkhazia was proclaimed on 31st March 1921.^[52] After that the Bolshevik Party in the Transcaucasus subordinated the members of the communist party of Abkhazia to the communist party of Georgia. This arbitrary move on behalf of the communists was based on its interpretation of the vague doctrine of "internationalism"^[53] and against the will of the people, who had devoted their lives to the freedom and independence of their homeland. Despite the fact that from 1921 to 1931 Abkhazia was a sovereign republic with a relationship to Georgia that was based on a union treaty, communist party organizational units of Abkhazia were subordinated to Georgia. This was the reason in 1931 (under pressure from Stalin) for Abkhazia to be incorporated forcibly as an autonomous republic within the Georgian Soviet Socialist Republic.^[54] Vladislav Ardzinba, first president of Abkhazia, stated: "In 1931 Abkhazia was transformed into an autonomous republic within the Georgian SSR. Seemingly it was the only republic whose political status changed under pressure from Stalin not upwards but downwards".^[55] (See Pravda, newspaper, 14 July 1989).

It is important to note that Soviet Georgia included two autonomous republics (Abkhazia and Ajaria) as well as the autonomous district of South Ossetia. Despite this, Georgia remained a unitary republic without any contemporary sense of federalism. This was because the "Father of all nations" was its compatriot. In reality the Abkhazian SSR within the unitary republic of the Georgian SSR was a *communist colony*.

Amongst all autonomous Soviet republics, Abkhazia was the most subordinated and colonial in status. The USSR consisted of 15 union republics, which included 20 autonomous republics, 16 of which were within the RSFSR (the Russian Federation)! Three republics were assigned to republics ethnically "related" to them: Kara-Kalpak was within Uzbekistan, Nakhichevan within Azerbaijan, and Ajaria within Georgia.

The incorporation of Abkhazia within the Georgian SSR, however, was not determined by any ethno-political factors.^[56] Because of this constitutional aberration, a colonial aspect entered into and dominated the relations between Georgia and Abkhazia.^[57] From 1931 till 1992, in the so called Abkhazian Autonomous Soviet Socialist Republic, many of the formal attributes that define state institutions such as the administration of borders, council of ministers, Supreme Court, parliament and so on, continued to function. However, the activities of these official structures were operated through the communist dictatorship which extended through both Georgia and the USSR. In short, it was a non-self-governing territory, having the attributes typical of a colony where power and administration were under the control of a central authority (as in an empire).^[58] Abkhazia was run by the power of a *communist dictatorship operating through the USSR and the Georgian SSR*. Abkhazian "power" resided only in the context of the obedient execution of laws and directives from the higher organs of (real) power.

There are many academic sources by Euro-American and former Soviet authors on the discrimination against, and the colonization of, many Soviet (particularly Caucasian) autonomous republics of the former USSR. Among them are: A. Bennigsen, C. Bechhofer, R. Pipes, F. Berkham, W. Colors and others.^[59] One of these authors wrote that the whole communist ideology was formed on the basis of the colonial system. W. Kolars in his work "Communism and Colonialism" wrote that the USSR was a colonial empire.^[60] V.

Ponomoryov, a member of the editorial board of Central Asian Survey, wrote: “The USSR is a colonial empire and differs little from the classical empires of the British, French or Chinese; the struggle of national movements of most of the regions of the former USSR may be considered as anti-colonial struggles!”[\[61\]](#) Perhaps this is the essence of the argument.

It is this colonial relationship between Georgia and Abkhazia that led to the physical, legal and cultural genocide of the Abkhazian people. The Abkhaz script (once based on the roman script) in 1938 was altered against the will of the Abkhazians to one based on Georgian characters. All Abkhazian schools were closed and transformed into Georgian ones in 1945. An accelerated policy of the Georinisation of culture and history was implemented; toponymy and family-names were changed. A great number of the Abkhazian political and intellectual elite were persecuted and killed. An assimilatory policy was pursued to distort the ethno-demographic structure of the Abkhazian people. A special organization called “Abkhazpereselenstroj” (the state house building company for immigrants into Abkhazia) was created, and a mass-migration of Kartvelians (notably Mingrelians) into Abkhazia took place.[\[62\]](#) As a result of these policies, by the time of the 1989 census Abkhazians numbered just about 18% of the entire population of Abkhazia, while in 1886 they had made up 85% (in other words, the Abkhazian people were reduced to a minority in their own homeland).[\[63\]](#) This was the reason for periodic mass-demonstrations in Abkhazia, which was considered to be one of the conflict zones of the Soviet Union! In 1957, 1967, 1978 and 1989 mass-demonstrations and strikes took place, as Abkhazia struggled against the colonial policy of Georgia and the communist system.[\[64\]](#) The regime in Abkhazia was presented as an example of the “friendship of nations” by official communist ideology, but the historical evidence clearly shows that Abkhazia was a communist colony of Georgia.

Vladislav Ardzinba, President of the Republic of Abkhazia at that time, in a letter to the UN Secretary-General K. Annan in February 2000 wrote: “In a legal sense Abkhazia has no relationship to Georgia. The claims of Georgia on Abkhazia can be explained by the intention of the metropolis to preserve power over its colony.”[\[65\]](#) In his interview of December 2001 to the magazine “Russian Federation Today” Dr. Ardzinba says: “In 1931 Abkhazia was forcibly incorporated into Georgia. Since then the Georgian authorities have conducted a policy of colonization and aggressive nationalism toward our people”. [\[66\]](#)

The colonial policy of Georgia towards Abkhazia is a topic for extended discussion. This paper looks briefly at some examples in the spheres of economics and state administration. For instance the Council of Ministers of the Abkhazian Autonomous Soviet Socialist Republic was allowed to control only 9% of Abkhazian industry, whilst the rest were subordinated to Tbilisi. Management of landed property was under the total control of Tbilisi. Any person in Abkhazia seeking to get a small empty piece of land or to build a new shed was obliged to have permission from Georgia. Up to 70% of the generated income in Abkhazia was taken to Georgia. The health resort town of Gagra was subordinated directly to Tbilisi; the industrial town of Tkvarchal was subordinated to Georgia's second city of Kutais, and the tea industry and some scientific research institutes were subordinated to various institutions in Georgia. Abkhazia was considered to be a subtropical district of Georgia.[\[67\]](#)

There were some attempts at democratization and reform during the *Perestroika* period. In particular, the law “On the matter of the secession from the USSR by the Union Republics” was adopted on 3rd of April 1990. This legislative act gave autonomous republics the right formally to consider their legal status as a state. For the first time since 1931 Abkhazia had the chance to liberate itself from the colonial regime of Georgian socialism.[\[68\]](#)

In 1998 the Institute of State and Law of the Academy of Sciences of the Russian Federation, by order of the Ministry of Foreign Affairs of the Russian Federation, conducted

research on the nature of state-legal relations between Georgia and Abkhazia. According to this expert report, at 21st of December 1991, the date of the disintegration of the USSR, Abkhazia cannot be considered as a subject of state-legal relations with Georgia.

In the above-mentioned interview Ardzinba also says: “In accordance with the law of the USSR ‘On the matter of the secession from the USSR by the Union Republics’ of 3rd of April 1990, which was adopted while Georgia was still a part of the USSR, the autonomous republics were granted the right to consider independently whether to remain within the USSR and all matters regarding the state-legal status and secession of their republic. Accordingly Abkhazia took part in the referendum on 17th March 1991, when the majority of the population voted for the preservation of the USSR. Georgia did not participate in the referendum. However, on 31st March a referendum on the restoration of Georgian independence was held in Georgia, in which Abkhazia did not participate. On 9th April 1991, in accordance with the results of that referendum, Georgia adopted an act on the restoration of Georgian independence. Thus the Georgian SSR, with which Abkhazia had state-legal relations, *de jure* ceased. In this way two non-linked states appeared on the territory of the former Georgian SSR – Abkhazia and Georgia. Consequently the state-legal relations between Abkhazia and Georgia, which were created and regulated by Soviet legislation, ceased according to that selfsame Soviet legislation. Abkhazia continued to be a subject of the USSR until its demise on 21st December 1991 and in this capacity took part in the negotiations on the reformation of the Soviet Union. I was the chairman of the Abkhazian Supreme Soviet (Council) and a member of the Presidium of the Supreme Soviet (Council) of the USSR and took part in the Novo-Ogaryov process. During this period Abkhazia did not participate in the presidential elections in Georgia or in any activity of its official structure. It is obvious that Abkhazia could not have been subject of both the USSR and of independent Georgia.^[69] It follows that at the moment of the admission of the Georgia to the UN it had no relationship with Abkhazia and hence the recognition on 21st December 1991 by the UN of Georgia within the borders of the former Georgian SSR had no legal basis. On the eve of Georgia’s admission into the UN in my letter to the Secretary-General of the UN I informed him that there was no state-legal relationship between Abkhazia and Georgia and that therefore the admission of Georgia into the UN in the borders of the former Georgian SSR was not legal.” In short, Abkhazia seceded from Georgia in the same way that Georgia left the USSR.^[70] So it is neither correct nor just to accuse Abkhazia of separatism.

Unfortunately, the factual situation, grounded in the laws of the former USSR and democratic principles common to all mankind, were ignored by Russia, the UN, and Georgia. When Georgia achieved its independence, its governing bodies attempted to liquidate even the smallest amount of Abkhazian autonomy that had existed under its communist fiction. On 14th of August 1992, Georgia undertook armed aggression against Abkhazia under the code name “Sword”.^[71] Thus, at the end of the 20th century, without any attempt at political dialogue, Abkhazia was forced into one of the most barbaric wars at the end of XX-th century. The Georgian army fired at peaceful citizens, burnt down houses and villages, and even shot down a helicopter on a humanitarian mission as it conveyed women and children from the besieged town of Tkvarchali with the loss of over 50 lives. They also committed an unprecedented act of cultural vandalism. On 22nd October 1992 in the centre of Sukhum, without any military necessity and to destroy purposefully historical memory and national identity of Abkhazian nation Georgian troops torched the Abkhazian Institute of Humanitarian Research and the Abkhazian National Archive. This was in line with their policy of cultural genocide. There is a view widespread in the public in Abkhazia that this crime should be marked in some way, for example by UNESCO declaring the 22nd day of

October the Day of Genocide of Scholarship and that those responsible for this cultural crime be brought to an international trial.[\[72\]](#)

One of the prevailing factors in the war against Abkhazia was that of the exclusive chauvinism manifested by Georgian side. This war aimed to destroy and exile from Abkhazia representatives of all non Kartvelians ethnic groups. Before the war, Kartvelians (Mingrelians, Svans and Georgians, as well as some Laz) lived and worked everywhere in Abkhazia. Unfortunately, at the time of the war, especially after the meeting in Sukhum organized on the initiative of Shevardnadze about the “inadmissible” return of ethnic Abkhaz to their own capital, the major part of Abkhazia's Kartvelian population either voluntarily or forcibly performed the role of “5th column”, killing and looting their neighbours, colleagues, or acquaintances and taking part in the policy of genocide against civilian all non-Kartvelians, Abkhazians first and foremost! This immoral “neighbour-killing” war continued for a period of some 14 months, until it ended on 30th September 1993.[\[73\]](#)

On 28th September 1993, when Abkhazian soldiers entered Sukhum, they did not take any systematic action against Kartvelian civilians. Those who had fought against the Abkhazians chose to flee from Abkhazia. According to some assessments, up to 80 thousand Kartvelians remained in Abkhazia after the end of war.[\[74\]](#) Their migration from Abkhazia after the war was primarily related to economic reasons, and it was equally relevant to all ethnic groups in Abkhazia. Though a degree of tension on ethnic ground contributed to this process there was no discrimination of Kartvelians on behalf of authorities in Abkhazia. Ethnic Kartvelians can be found throughout Abkhazian establishment since the end of hostilities to the present.

When the Abkhazian army came close to the civilian Kartvelian population at the end of war, Commander-in-Chief Vladislav Ardzinba ordered them to stop, in order to avoid direct contact with the mass of people encouraged by Shevardnadze to remove to the airport, seaports and mountains. Towards the end of war the Georgian authorities declared a general mobilization on the territory of Abkhazia under their control. According to the 1951 UN Convention on Refugees, those who use arms in an armed struggle and then flee do not fall under the international definition of refugees.[\[75\]](#) The responsibility for these people fell and falls solely on the Georgian authorities. It is important to note here that a great many of those who fled from Abkhazia were recent immigrants. They were partly victims of the compulsory resettlement organized by Stalin and his Abkhazian-born Mingrelian lieutenant Lavrenti Beria. David Galaridze expressed well-founded doubts about the mass-return of these Kartvelians to Abkhazia in the newspaper “Akhali Taoba”: “What do we want in Abkhazia, to kill everyone and live there?” From the Abkhazian point of view, there are grave doubts concerning the legitimacy of UN Security Council Resolution № 876, (19 October 1993) paragraph 5 and also Resolution 1 898, (31 January 1994) paragraph 2, and other international resolutions on the so-called IDPs relating to the Republic of Abkhazia.[\[76\]](#)

Another important fact to consider on the question of Kartvelian displaced persons is that their number is regularly exaggerated by the Georgian authorities. Some of them have never left Abkhazia and others never lived here. The Georgian authorities have engineered a home-aspect to the conflict in Abkhazia by establishing a so-called “government in exile of the Autonomous Republic of Abkhazia”. Through the deliberate exaggeration of the number of IDPs, Georgia is able to win support and money from international humanitarian organizations.

Experienced Abkhazian expert Liana Kvarchelia writes that Abkhazian society can allow the return only of those Kartvelians who did not fight on the Georgian side and only after they recognize Abkhazia as an independent state. She also says that the same right for return should be given also to descendants of Abkhazian refugees from the Caucasian War of the XIX century, who live mostly in Turkey.[\[77\]](#)

What happened in Abkhazia in 1993 was classic *liberation*. Abkhazia gained its freedom from the dominating regime, as many other countries in the world have done. The *liberation* (decolonization) was definitive and consequently led to the political self-determination of Abkhazian nation. Indeed, we already have centuries of experience of independent statehood. “It is given by nature itself, flowing from the natural aspiration of a people to self-determination, akin to the search for an ecological niche, an aspiration to live independently, and to be masters of their homes, their families.”[78]

The political self-determination of Abkhazia was declared on 23rd July 1992 peacefully and democratically when the Supreme Soviet proclaimed Abkhazia as sovereign independent republic. A State Emblem, flag, and a new name — the Republic of Abkhazia, were established.[79] Unfortunately this peaceful democratic initiative on the part of Abkhazia did not receive support from Georgia but was instead answered with a full-scale war. The Georgian authorities’ refusal to recognize the decision of the Supreme Soviet of the Republic of Abkhazia is clear evidence that they treated Abkhazia as a subordinate colony. But Abkhazia liberated itself from foreign domination through victory in war and legal procedures, without violating the territorial integrity of any state.[80] In this case the emergent state has the absolute right to seek support from the UN member-states.[81]

In my opinion, one more matter that needs to be taken into consideration. This is the “Declaration on Criteria of Recognition of New States in Eastern Europe and Soviet Union”. [82] Our foreign policy diplomats do not pay enough attention to this important document which clearly states: “The European Council and its member-states will not recognize new formations as the result of aggression.” This new legal directive is often cited when our Georgian opponents accuse us of aggressive separatism in their diplomatic statements or in their mass-media. It is for this reason that I firmly declare that Abkhazian politicians have never used military methods in order to achieve independence. During the communist *coup d’etat* in Russia in December 1917 Abkhazia tried to gain independence from the Russian empire (Abkhazia was a part of Russia for 107 years post-1810, and at that time Georgia had no state-legal relations with Abkhazia). The Parliament of Abkhazia, the National Council, was formed and a National Constitution was adopted in 1917. However, Georgia trampled on this civilized path to independence when it attacked Abkhazia in 1918. And Georgia pursued the same action in 1992.

I discussed above legislation from Gorbachev’s time, specifically how Abkhazia followed international norms democratically and peacefully. It took part in the USSR referendum and withdrew from Georgia before the collapse of the USSR. Unfortunately, the peaceful legal aspiration of Abkhazia was drowned in blood by aggressive Georgian nationalism. The question is: who is the aggressor? Does Abkhazia fall into the category of “new formations that appear as the result of aggression”? The facts speak for themselves, and there is no need for further comment.

In brief, according to the logic of international relations, Abkhazia is an independent state. This is confirmed in the expert conclusion given by the international non-governmental organization “Lawyers for Cooperation”. The conclusion runs as follows: “The statement on the political settlement of the Georgian-Abkhazian conflict is a matter of international agreement. Both sides have equal status under international law, and there are no binding state-legal relations between them.”[83]

It has already been mentioned above, but it is important to say a few more words about genocide. The history of genocide in Abkhazia can be divided into four periods. The first one took place during the Russo-Caucasian wars in the 19th century when 80% of the Abkhazians became refugees and settled in the Ottoman Empire and other areas. The second was during the Georgian occupation of Abkhazia in 1918 under the command of General Mazniashvili. The third was in the 1930s during the time of Beria and Stalin when the best representatives

of the Abkhazian nation were killed. Shevardnadze's war against Abkhazia from 1992 to 1993 was the fourth. The true purpose of this war was to uproot the Abkhazian nation. General Qarqarashvili (former captain of the Soviet Army), Commander in Chief of the armed forces of the State Council of Georgia, stated on local TV in Sukhum on 25th August 1993: "I warn supporters of Mr. Ardzinba that as of today the Georgian side will be ordered not to take prisoners of war. I assure these separatists that, even if 100,000 Georgians perish, then all 97,000 Abkhazians who support Ardzinba will perish too..." This statement was made when Georgia had already become a member of the UN and the OSCE. For such a "civilized" manner in conducting the war in Abkhazia Shevardnadze appointed Qarqarashvili General and awarded him the most prestigious state medal of Georgia – The Order of Vakhtang Gorgasal![\[84\]](#) Is further comment necessary?

According to the International Convention of 1948 on the Crime of Genocide and its punishment, it is the intentional killing of any ethnic, racial, or religious group, completely or partially pursuant to the following: a) killing of members of such a group; b) premeditated creation of living conditions for such a group that are intended for their complete or partial physical destruction. The actions of the Georgian leadership against Abkhazia in 1918-1921 and 1931-1993 fell also under the above definition.[\[85\]](#)

As for the words of the current politicians of Georgia that "Abkhazia was always a part of Georgia", they are intended for the ears of the ignorant. After the XVth century there is no internationally recognized document concerning Abkhazia's existence as a part of Georgia. According to the Iranian-Turkish treaty, Amaze, 29th May 1555, the territory of Abkhazia was included in the Ottoman Empire. 84 years later, on May 17th 1639, an Iranian-Turkish peace treaty concluded that Eastern Armenia, Eastern Georgia, Azerbaijan, and Dagestan will be under the influence of the Iranian Shahs. According to this treaty Western Georgia, western Armenia, Abkhazia, and the territories of the Adygheans on the Black Sea were to be under the control of the Ottoman Sultans. The Kuchuk-Kainardzhi (Küçük Kaynarca) Treaty (1774), the subsequent Bucharest Treaty (1812), as well as other International documents prove that Abkhazia at that time did not have state-territorial relations with Georgia.[\[86\]](#)

Above we have set out the documents of prime importance related to the independence of Abkhazia. The questions remaining to be answered concern the relationship between human rights and self-determination and the territorial integrity of the state. In the legal domain this subject has become so "nightmarish" and "untouchable" that some politicians and political scientists seldom mention it.

According to the UN documents every state shall assist every other state in exercising its right to self-determination. One of the UN Declarations says: "Nothing in the given points must be interpreted as punitive sanctions or as encouraging any actions that could lead to the partial or full violation of the territorial integrity or political unity of sovereign and independent states that are following the principles of the equal rights and self-determination of a people."[\[87\]](#) However current International Law provides no direct link between the principle of territorial integrity and that of a nation's right to self-determination. So are today's Georgia and its government observing the implementation of the principle of equal rights and self-determination of a nation?! Politicians and ordinary citizens alike must clearly see that the principle of territorial integrity concerns only the governments of states which are upholding the right of a nation to self-determination. Hence, as written, even though Georgia is denying the Abkhazian nation the right to self-determination, this law does nothing to alter the situation. The Brussels Declaration states: "The European Council and other states support adherence to the final act adopted in the Helsinki and Paris Charters, particularly the principle of self-determination". They support their readiness to recognize those new states after historical changes in the region take place which are founded on a democratic base, are supported by international commitments, and after the state is ready

voluntarily to participate in the peace process and resolve any problems concerning the legal heritage of the state and regional disagreements through negotiation, including arbitration if necessary. The state must also recognize neighbouring states.” Evidently, “recognition of neighbouring states” means recognizing their political interests, which clarifies the discussion on the recognition of Abkhazia in the State Duma of the Russian Federation. The important point to bring out in this document concerns arbitration, the ambiguity of its proper use with regard to independent nations, and the differences of opinion to which this has given rise.

Pursuant to the national referendum held on 3rd October 1999, the Abkhazian Parliament passed an act on the independence of the Republic of Abkhazia on 12 October 1999. A legally viable and democratic state was created, and reforms followed. The values common to mankind: “Liberty, Property, Law” began to prevail.[\[88\]](#)

Despite the peaceful and legal moves towards the formation of a democratic state, a policy of structural violence is still pursued toward the Abkhazians. One of the greatest violations of human rights took place when Abkhazian passports were declared invalid. In addition, the blockade of Abkhazia has led to a humanitarian disaster. Abkhazia is locked in a political dungeon. The population is struggling to exist and to maintain its cultural life. If the international community will not assist Abkhazia’s economy, politics and culture, Abkhazians will become a hungry and desperate people, disillusioned not only with Georgia but with the entire world.[\[89\]](#) The arguments and proofs presented in this essay show that due to the aggression of Georgia and the policies of Stalin, the problem of Abkhazia remains unresolved to the present day. The so-called “Abkhazian factor” should not be regarded as a precedent for Russia and other UN member-states, if the problem is to be resolved.

Finally, I would like to point out that it is the international community's ignorance of Abkhazia’s de-colonization and self-determination that has led to the current deadlock in the Georgian-Abkhazian negotiating process. I am convinced that only a legal reassessment of the causes of animosity between these two nations will lead to their mutual understanding and peaceful, neighbourly relations in the future. The resolution of this conflict will serve as guarantee of peace and security in the Caucasus region, which is important because of the strategic role this region plays in the balance of military and economic interests for many countries in the world.

I would like to draw the reader’s attention to one interesting idea in political science concerning the balance of powers in the system of international relations. The point is that a relatively small country, situated between two or more large states, is able, thanks to its geographical location, to create a balance of power between the states contiguous to it. Annexation or seizure of it by one of the nearby countries will immediately lead to a violation of the status quo and challenge the general interests of the others. Such countries are called in political science “relic” or “neutral”. Traditionally, the international community holds peaceful events in such countries: conferences, symposiums, festivals etc. Today, Switzerland is the classic country of such a kind. The current situation in Abkhazia suggests that it could also be included in this category of nations. However, its safety, both in the past and in the future, is always rooted in its domestic, spiritual and intellectual potential (from a verbal communication by the professional conflictologist and political scientist Beslan Kamkia).

P.S.

When this work was already completed a full-page piece by Professor L. Aleksidze entitled “On the bankruptcy of attempts by Abkhazia legally to substantiate its right to self-determination and secession from Georgia”.[\[90\]](#) This article is written in typical Georgian

style: tendentiously and with blatant misrepresentation of facts. This becomes clear immediately after reading the first sentence of the first paragraph of the article — “In the course of the armed conflict imposed on Georgia in 1992-1993...” This sentence gives clear evidence of a point of view which is both false and contrary to historical fact. It was the Georgian government which initiated the war against Abkhazian statehood, which was being created in a peaceful, democratic, and parliamentary way. Aleksidze repeats in his article the well-known *casus belli* of the “imposing by Georgia of order on the railway in Abkhazia”. However, the Georgian plan of military operation under the code name “Sword”, prepared by Russian generals Patrikeev and Beppaev and Georgian colonel Adamiya, a map of troops reconnoitring the territory of Abkhazia, and a three-meter symbolic plaster cast of a sword on the first tank of the occupying expedition suggest the contrary, as did the tearing down of the Abkhazian flag from the administration building of Ochamchira and the hoisting of the Georgian one. Aleksidze’s article only serves to strengthen the main idea of this work, namely that the rights of nations to self-determination relate only to nations that have been the colonies of others.

The above-essay has been devoted to the legal de-colonization of Abkhazia and its population, and thus its main thesis has been argued on the basis of international legal documents. Abkhazia was a communist colony of Georgia, and, as the result of the war imposed from Tbilisi, it *de facto* attained its freedom from colonial dependence. In its de-colonization and liberation from Georgia, Abkhazia asserted and claimed its right to self-determination. All of this corresponds to the aims and arrangements of the UN Charter and other international legal documents.

Having finished the basic text of the present work, and being deeply convinced that the now *de facto* Abkhazian state will sooner or later be recognized by the world community, I will say a few words about the procedure of recognition. Let us first note that in nomenclature of law, this is called “international-legal recognition”. This is the recognition of new states by existing states or other bodies, which allows those governments or bodies to establish formal or informal, complete or incomplete, permanent or temporary relations with them. Different kinds of “international-legal recognition” are recognition by states, governments, bodies of national emancipation, *de facto* or *de jure*. 'De facto' means that the recognizing side acknowledges the fact of the existence of the state and is able to enter into interactions with it on a number of issues. In Article 13 of the Charter of the Organization of the American States it says: “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. The exercise of these rights is limited only by the exercise of the rights of other States in accordance with international law.”^[91] The implementation of these laws has no limits aside from the respect for the laws of other states.^[92] Based on these stipulations, it may be appreciated that Abkhazia is already recognized today as a *de facto* state. With regard to *de jure* recognition, it is first necessary to form a political-legal memorandum (from the Abkhazian side) with the participation of a lawyer-arbiter representative of the UN member-states. It is also possible to work through the International League for the Rights and Emancipation of Nations or the Lelio Bosso Fund.

In addition to these measures, it must be noted that today the right of nations to self-determination has been transformed by practical considerations. In the case of Abkhazia this means that the primacy of international law prevails over the local situation, that the principles of liberal democracy are enacted (with legitimate elections), market laws will be working (this has already begun to take place), and Abkhazia will naturally be recognized. In order to do this, it is first of all necessary to remove the economic blockade imposed on

Abkhazia because of its status as an unrecognized country, and to provide all citizens of Abkhazia with normal, at least temporary, international passports for free entry and departure to and from their country. The alternative, the implementation of Shevardnadze's plan, a military operation by a group of UN member-states for the suppression of Abkhazia, would mean the forced reversion of Abkhazia into a Georgian colony.

I would like also to draw attention to the lack of real legal texts with solid theoretical underpinnings composed by the Abkhazian scientific community. This hampers the ability of the international community to judge objectively the Abkhaz-Georgian situation. To some extent, this gap has been filled by the interview quoted above with the first Abkhazian President, V. Ardzinba. In any case, unilateral information that reflects the point of view of only one participant in negotiations only aggravates the process of peaceful resolution.

In conclusion of this essay I would like to raise few more arguments as well as to highlight the above mentioned ones in support of Abkhazian rights to self-determination.

Abkhazians constitute an independent nation with their own territory, culture and history of statehood, independent government. This corresponds with criteria of Montevideo Convention 1933 regarding independent nations. [\[93\]](#)

The river Phasis – Rion used to be the border between Abkhazia and Georgia from early Middle Ages (Procopius of Caesarea, I Sabanisidze, Constantine Porphyrogenitis, Dzhuansher). From the XVIIIth century the border shifted to the river Ingur (V Bagrationi, S Baratov and others). It is illegitimate for the international community to recognise Georgia within frontiers extending beyond the river Ingur to the river Psou.

Although historical background is not always important for international law, Georgian historians and politicians constantly repeat that Abkhazia was always part of Georgia. In reality, at least since 1555 (Iranian-Turkish peace treaty) till 1920 (7th May, agreement between Georgia and Lenin's Soviet Russia) there is every evidence of Abkhazia and Georgia being separate countries.

The Abkhazian nation was moving towards freedom and independence in a peaceful and lawful manner. The war with Georgia was imposed on Abkhazia by Shevardnadze's Georgia in 1992. Abkhazia was a part of the Russian Empire from 1810 until the coup d'état in Russia in 1917. After that, Abkhazians urgently elected their own parliament (the Abkhazian People's Assembly), adopted a constitution and declared their independence. But in 1918 Georgia occupied Abkhazia using remnants of the Russian imperial army with assistance of German troops. A very similar situation occurred immediately after the collapse of the USSR when Abkhazians urgently created their own Constitution and adopted their State Emblem, Flag and the National Anthem. And once again, as in 1918, the leadership of Georgia resorted to war.

In 1993 the victory of Abkhazia in the war, imposed by Georgia, resulted in the decolonization of Abkhazia. Abkhazia was integrated into Georgia by communists, who did not ask the opinion of the Abkhazian nation about it. As a result, Abkhazia became part of Georgia, which remained a unitary state without any sign of a true federation. There was a certain hierarchy of nations in the USSR. There were 15 nations, who constituted their own "sovereign" republics (full member of the Union) and 20 nations, who were allowed to constitute only autonomous republics. Sixteen of these autonomous republics were integrated into the Russian Federation. Three of them were integrated into ethnically related states: Ajaria was integrated into Georgia, Nakhichevan into Azerbaijan, and the Kara-Kalpak republic into Uzbekistan. But the integration of Abkhazia into Georgia was not determined by any ethno-political necessity. That is why the pressure from Georgians on Abkhazians was so severe, reaching sometimes the ultimate brutality of genocide. The response of the Abkhazians was natural. Given Soviet norms, the strikes and demonstrations in Abkhazia in 1957, 1967, 1978 and 1989 were grandiose events. The entire story took place in the Soviet

Union, where any strike or demonstration was strictly prohibited. Communistic propaganda continued describing the colonial regime in Abkhazia as an example of the “friendship of nations”. And the world-famous health-resorts of Abkhazia were the shop window of the socialist empire.

Regarding the refugees: according to the Tashkent Agreement (15 May 1992), Georgia received a quota of Soviet weapons — tanks, artillery systems, helicopters etc...[\[94\]](#) The leaders of Georgia elaborated a military plan for conquering Abkhazia. The code-name of the plan was “Sword”. They even forged a symbolical 3 metre long sword that was brought into the capital of Abkhazia by Georgian troops on one of the vanguard tanks. These, as well as many other facts, lead to the inevitable conclusion that Georgia planned in advance a war against Abkhazia, which, on the contrary, had chosen the path of peaceful self-determination. Unfortunately, the majority of the Kartvelian population of Abkhazia, which bore direct witness to all of those unlawful actions, supported the criminal perpetrators. I still fail to understand why the Kartvelians, many of whom at that moment had lived in Abkhazia for almost 60 years, were unable to overcome the vilest instincts and with such deep motivation participated in crimes against Abkhazia and the Abkhazians. Nevertheless, when our army was liberating the capital, Sukhum, and the rest of the eastern part of the country, our army had no direct contact with the fleeing civilian Kartvelian population. They left Abkhazia of their own volition, full of fear for the crimes that they had committed against their neighbours, relatives, colleagues, classmates or simple acquaintances. In terms of jurisprudence, together with their “government in exile”, they are perceived as criminals who escaped punishment and not as refugees, who have the right to expect help from the UNHCR.

The concept of the right of nations to self-determination was stated in the “Declaration On Principles Of International Law Friendly Relations And Co-Operation Among States In Accordance With The Charter Of The United Nations” (New York, 1970). In this international legal document the preamble is followed by a chapter entitled “The principle of equal rights and of self-determination of nations”. It is clearly expounded here that “The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people. Every State has the duty to refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter.” [\[95\]](#) Following this the principle of equal rights and self-determination of nations has priority and the principle of territorial integrity only follows.

Georgians committed an unprecedented barbarous crime in the occupied town of Sukhum in the full light of day on 22nd October 1992. Their military personnel deliberately burnt to ashes the National Archive of Abkhazia and the Abkhazian Institute of History, Language and Literature. The leadership of Georgia tries to convince the international community that Abkhazians themselves burnt their scientific centres. I am sure that, when the international community establishes by whom, how and why these institutions were torched, the world will know the truth about Abkhazia.

The international community has everything at hand to recognize the results of the referendum in Abkhazia of 3rd October 1999 and the decision of the parliament of the country of 19th October of the same year on the State Independence of the Republic of Abkhazia.

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[24] Ibid.

[25] Hanauer L. S. The Irrelevance of self-determination law to Ethno-national conflict: A new look at the Western Sahara case \ Emory international law, vol. 9(1995), pp.132-133, at 132 117.

[26] E.K.Adzhindzal, «Iz istorii abkhazskoj gosudarstvennosti» (From the history of Abkhazian statehood), Sukhum, Abkhazia, 1996, p.7-8. It is necessary to emphasize that Georgian historians have been denying for decades the existence of any early written primary sources which attest to the political independence of Abkhazian society in the past. This has been done on the basis of the notorious principle of «socialist realism» in Marxist historiography. The argument goes as follows: if today Abkhazia is within the state of Georgia, so in the past its political standing should have corresponded to its current states. Thus professor N. Lomouri, responding to my brochure «Iz istorii abkhazskoj gosudarstvennosti» (From the history of Abkhazian statehood), Sukhum, Abkhazia, 1996, suggested in his lampoon (published in the newspaper “Svobodnaya Gruzia” February 20, 1998) that Arrian's term “basileos” be translated as “tribal leader” or the word “king” be put in quotation marks, with a note “tribal leader” afterwards. All this is based on the mistaken notion that a “king” can govern only a large state. The fact is that, whenever this term is defined, either theoretically or scientifically, there is no mention of “large” or “small.” Rather, as in the classical definition by Aristotle: “A society consisting of several settlements is a fully complete state”.”

[27] Ibid.

[28] Ibid

[29] Ibid, pp.12-13. Here I would like to note that the opinion prevailing among Abkhazian historians, that the policies of the Georgian authorities brought Bagrat II to the Abkhazian (Abasgian) throne, is not correct. This error comes from Georgian historians. In fact, at that time Bagrat and his father Gurgen had an audience with the Byzantine Emperor Basil II Bulgaroktonos. He granted Bagrat the title of King of Abkhazia (Abasgia), while to his father he gave the title Prince of Georgia. Thus he appreciated Abkhazia's true value and status! Abkhazia was not within the state of Georgia in the XI-XIII centuries. On the contrary, at that period, Abkhazia gradually absorbed Georgia. Vakhusht Bagrationi writes: “Beginning with Bagrat these Abkhaz kings have been ruling in Abkhazia for 199 years”. As for Bagrat's numbering he is Bagrat II according to his Abkhazian dynastic line. This is according to the Georgian historian E. Taqaishvili. In his article “The throne of the Abkhazian kings” published in the monthly magazine “Art and Literature” (Tiflis, 1918, p.65) one can read the following: “In the list of Abkhazian kings he is Bagrat II and in the list of Georgian or Kartvelians kings, he is Bagrat III”. (See: Vakhusht Bagrationi - History of the principality of Georgia. Tbilisi, 1976, p.224). (See also Asokhik, General history by Stepan Toronsky, a writer of the 11th century. M., 1864, pp. 117-118).

[30] G.D. Gumba. “Terminy “Abkhazia”, “Sakartvelo”, “Gruzia” v srednevekovykh istochnikakh. Aktual'nye problemy istorii narodov Kavkaza” The terms “Abkhazia”, “Sakartvelo”, and “Georgia” in medieval sources. The relevant problems in the history of the nations of Caucasus. Sukhum, 1994, p. 10-13.

- [31] K. Kudryavtsev. «Sbornik materialov po istorii Abkhazii» (Compilation of materials on the history of Abkhazia). Sukhum, 1990, p. 65.
- [32] «Istoria Abkhazii» (History of Abkhazia). Sukhum, 1986, p. 72-136.
- [33] Stanislav Lakoba. «Ocherki politicheskoi istorii Abkhazii» (Studies of political history of Abkhazia) Decree. Comp., p. 65.
- [34] Stanislav Lakoba. Decree. Comp., p. 62. See: «Sojuz ob'jedinjonnykh gortsev Severnogo Kavkaza i Dagestana» (The Union of Mountain peoples of the Northern Caucasus and Daghestan) (1917-1918), «Gorskaja respublika» (The Mountain Republic) (1918-1920). Dokumenty i materjaly (Documents and materials). Compilers: Gadzhiev A-G. C., Asildarov S. Ch., Kamarazova L.G., Musaev I.M. Mahachkala. 1994, p.4, 73.
- [35] «Sojuz ob'jedinjonnykh gortsev Severnogo Kavkaza i Dagestana» (The Union of Mountain peoples of the Northern Caucasus and Daghestan), p. 6.
- [36] Stanislav Lakoba. Decree. Comp., p. 63.
- [37] Stanislav Lakoba. Ibid. p. 63. Ruslan Hodzhaa. Ibid. p. 3.
- [38] Stanislav Lakoba. Decree. Comp., p. 62. See: «Sojuz ob'jedinjonnykh gortsev Severnogo Kavkaza i Dagestana» (The Union of Mountain peoples of the Northern Caucasus and Daghestan) (1917-1918), «Gorskaja respublika» (The Mountain Republic) (1918-1920). Dokumenty i materjaly (Documents and materials). Compilers: Gadzhiev A-G. C., Asildarov S. Ch., Kamarazova L.G., Musaev I.M. Mahachkala. 1994, p.4, 73.
- [39] «Sojuz ob'jedinjonnykh gortsev Severnogo Kavkaza i Dagestana» (The Union of Mountain peoples of the Northern Caucasus and Daghestan), p. 6.
- [40] Ibid. p. 73.
- [41] Stanislav Lakoba. Decree. Comp. p. 71. Alekseev S.A. «Denikin-Yudenitch-Wrangel». M.-L., 1927 p. 96-97.
- [42] C.E. Bechhofer. In Denikin's Russia and the Caucasus. 1919-1920. London. 1921, p. 14.
- [43] A.S. Avtonomov. «O gosudarstvenno-pravovykh otnoshenijakh mejdu Gruzijej i Abkhazijej v nastojasheje vremja» (On the present state-legal relationship between Georgia and Abkhazia). Magazine «Natsjonal'nye interesy» (National interests). 1 (6), M.2000. p. 30.
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- [45] E.K. Adzhindzal. «Anneksija Abkhazii: doktrina i praktika» (The Annexation of Abkhazia: doctrine and practice). Newspaper «Narodnaja Partia Abkhazii» July, 1992.
- [46] Ibid.
- [47] Zviad Gamsakhurdia. «Dukhovnaja missija Gruzii» (The Spiritual mission of Georgia). Tbilisi, 1990, pp. 8-12. Among his “discoveries”, the author tries to convince the reader that the whole ancient Mediterranean ancient civilization is built on protogeorgian basis!!! For example, his Akhill, Demetra and others are Georgians!!! The Trojan war was a battle between Georgians and Greeks!!! Medicine comes from Medea...!!! According to him how St. George kills the dragon, thus Georgia will vanquish all the evil of the world and free humanity. This is the spiritual mission of Georgia.
- [48] «Istoria Abkhazii» (History of Abkhazia). Sukhum, 1986, p. 147.
- [49] L. Toidze. «Interventsija, okkupatsija, nasil'stvennaja sovjetizatsija, prakticheskaja anneksija» (Intervention, occupation, violent sovietization, practical annexation). Tbilisi, 1991, p. 217. See: Georgian Archive. Harvard University. Reel 112, box 37, book 12 17.
- [50] S.M. Shamba. «K voprosu o pravovom, istoricheskom i moral'nom obosnovanii prava Abkhazii na nezavisimost» (On the question of the legal, historical and moral substantiation of the right of Abkhazia to independence). Journal «Natsjonal'nyj interes» (National interests) № 11 (6), Moscow. 2000, p. 26.
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- [52] Stanislav Lakoba. Decree. Comp. p. 79.
- [53] B.E. Sagaria. «Obrazovanije i ukreplenije sovjetskoj natsjonal'noj gosudarstvennosti v Abkhazii» (The formation and consolidation of Soviet national statehood in Abkhazia). Sukhum, 1981, p. 51.
- [54] E.K. Adzhindzal. «Iz istorii abkhazskoj gosudarstvennosti» (From the history of Abkhazian statehood), Sukhum, Abkhazia, 1996, p.22 Even representatives of the highest administrative machinery of Georgia did not conceal the fact that it was because of the communist party that Abkhazia found itself subordinate to Georgia. For example, the former chairman of the Supreme Soviet of Georgia, A. Asatiani, in August 1995, declared on TV in Ajaria: “Some people affirm that Abkhazia is Georgian land. But we have no historians who could prove that. Abkhazia was presented to us by the communists in 1931.” See: M. Khvartskia's article: “The myth of the territorial integrity of Georgia”. Newspaper “Pravda Abkhazii” 18 (33) December 2000.
- [55] E.K. Adzhindzal, «Iz istorii abkhazskoj gosudarstvennosti» (From the history of Abkhazian statehood), Sukhum, Abkhazia, 1996, p.22.

[56] E.K. Adzhindzhal. «Pravovaja aberratsija» (Law aberration). III Congress of ethnographers and anthropologists of Russia. Thesis of reports. M. 1999. p. 341.

[57] Ibid. p. 49.

[58] A. Osipov «Mojno li vvesti samoopredeljenje v pravovye ramki?» (Could self-determination be placed in the frames of law?) «Pravo narodov na samoopredeljenje: ideja i voploshenije» (The right of peoples to self-determination: idea and incarnation). Moscow. 1997. p. 77.

[59] Bennigsen A. Islamic or local consciousness among The soviet Nationalities? – Soviet Nationality Problems. New York: Columbia Univ. Press. 1971. Pipes R. Russian Muslims Before and After The Revolution. Russian imperialism: Its Origins and Tactics. Indiana. 1953. Kolars, W. Communism and Colonialism. London, 1964. Smal-Stocki R. The Nationality Problem of The Soviet Union, and Russian Communist Imperialism. Milwaukee, 1952. Barhom F. Soviet Russian Imperialism. New York. 1956. Bechhofer C. In Denikin's Russia and the Caucasus. 1919-1920. London, 1920. Gaspard A., Caucase Lausanne. 1969. Bammate H., Le Caucase et la revolution Russe. Paris, 1929. Avalov Z The Caucasus Since 1918. "Slavonic Review", 1924, N 5, Kosok P. Revolution and Sovietization in The Northern Caucasus. "Caucasian Review", 1955, 1 2. Feisulin S. The Persecution of the National-Religious Traditions of the Moslems in the USSR, "Caucasian Review", 1956, 1 3. Kazemzadeh F. Russian Penetration of The Caucasus. Russian Imperialism under the Soviets. New Jersey 1974. I list here only a small part of the literature published in America and Europe on the issue I am addressing. I would like here also to note in brief the work which was done in Europe to support Caucasian nations after their sovietization. In 1926, the organization "Prometheus" was founded in Poland, subsidized by the Polish government. This organization published the journal: "The Northern Caucasus" and "The Mountaineers of Caucasus". The "Northern Caucasian National Committee" also existed from 1942 to 1945 in Berlin. It published the journal "The Northern Caucasus" in Russian and the newspaper "Gazavat" in Russian and North Caucasian languages. "The organ of independent thought" was published by the journal "Caucasus" in Paris up until 1941. Its editor was one of the most active leaders of the independence movement, a former member of the fourth State Duma, Gaidar Bammate. In November 1951, "The North Caucasian Antibolshevik Organization" was created in Germany, and the "Circassian Committee Abroad" was in existence from May 1953 in Munich. At that time many journals devoted to the nations of the North Caucasus were also published by the group the "National defense of the Peoples of the Caucasus," through the mediation of the Institute for the study of the history and culture of the USSR. The journal "Free Caucasus" was published from 1951 until 1954. Its editor was a true anticommunist, A. Avtorkhanov. And from 1955 to 1958 the journal "Caucasian Review" was published in Munich in English (7 issues in all), thanks to the efforts of the popular North Caucasian antisoviet Aitek Namitok and Ramzan Traho. This information is taken from a thesis by K.A. Malbakhov.

[60] Kolars W. Communism and Colonialism. London. 1964.

[61] V. Ponomarev. «Pravo na samoopredeljenje i dekolonizatsiya sovsotskoi imperii» (The right to self-determination and the decolonization of the soviet empire). Pravo narodov na samoopredeljenje: ideya i voploshenie (The right of peoples to self-determination: idea and realisation). M. 1997, p. 114.

[62] The collection «Abkhazia: dokumenty svidetel'stvujut, 1937-1963 g.g.» (Abkhazia: documents bear witness, 1937-1963 AD) gives the clearest presentation of the colonial policy of Georgia in Abkhazia. Compilers: B.E. Sagarija, T.A. Achugba, V. M. Pachulia. Sukhum, 1992.

[63] T.A. Achugba, «O natsional'nom sostave Abkhazii: vtoraja polovina XIX-XX vv.» (On the ethnical structure of population of Abkhazia in second half of XIX-th century and in XX-th century). Sukhum, 1992. See as well L.I. Tsvizhba. «Etno-demograficheskie protsessy v Abkhazii v XIX v». (Ethnical and demographical processes in Abkhazia in XIX century). Sukhum, 2001.

[64] «Abkhazskije pis'ma» (Abkhazian letters). Compillation of documents. Compiled I. Marukhba. Sukhum, 1994.

[65] The letter of the President of the Republic of Abkhazia Dr. V. Ardzinba to UN General Secretary Kofi Anan. Newspaper «Respublika Abkhazia» (Republic of Abkhazia) № 18 (1089) 23-24, February 2000.

[66] «Abkhazskij opyt sosushestvovaniya s Gruziej absoljutno negativny» (Abkhaz experience of co-existence with Georgia is extremely negative). «Rosijskaja federatsija segodnja» (Russian Federation today), N23, December 2001, page 68.

[67] M.S. Khvartskia (former secretary Communist Party regional Committee in Abkhazian ASSR) «Mif o territorial'noj tselostnosti gruzii» (The myth of the territorial integrity of Georgia). Newspaper «Pravda Abkhazii» 1 8 (33) December, 2000. Natela Akaba. On some popular myths. (On the history of Georgian-Abkhaz relations). Compilation "Aspects of the Georgian-Abkhaz conflict", Irvine (USA) 2000, p. 15.. A small article by Natela Akaba is the only one which exposes and criticizes the tenacious spreading of lies by Georgian politicians about how Abkhazians in Soviet times supposedly contained the Georgian population in a kind of apartheid. If Natela Akaba could expand this article into a monograph, she would render an invaluable service to the foreign policy of our country. Abkhazian Letters. Compiler I. Marukhba, Sukhum, 1994, p. 151/151.

[68] A. Dzhergenia. Newspaper «Respublika Abkhazia» (Republic of Abkhazia) № 37 (1108) 12-13 April 2000.

[69] On 23 of June 1992 by resolution of the Supreme Soviet of Abkhazia the force of the Constitution of the Abkhazian ASSR was rendered and void, and the 1925 Constitution was recognized as the fundamental law of the Abkhazian people. At that session it was decided to name the country the Republic of Abkhazia. The emblem and flag of the republic were also confirmed at this time. See: «Abkhazija: khronika neob'javlennoj vojny» (Abkhazia: chronicle of an undeclared war). Part 1, pp. 20-22. (Compiler and general editor G. Amkwuab, T. Illarionova) M. 1992, pp. 20-21.

[70] Ibid.

[71] E. Adzhindzhal. On one aspect of the information blockade. The role of international organizations in the process of post-conflict peace-building in Abkhazia. Maikop, 1997, pp. 56; 68. E. Adzhindzhal «Khatyn abkhazkoj nauki» (Hatyn of the Abkhazian Science). Newspaper «Respublika Abkhazija» (Republic of Abkhazia). 10 December 1992.

[72] S.M. Chervonnaya. Statement during a panel discussion. See the compilation «Pravo narodov na samoopredeljenje: ideja i voploshenije» (The right of peoples to self-determination: idea and realisation). M. 1997, p. 178. According to the documents in this compilation, Professor S.M. Chervonnaya, purely recognizes the rights of nations, especially small ones. Strangely, however, when it comes to Abkhazians and Ossetians, she begins accusing them of every sin under the sun. In fact, these two nations were Georgian communist colonies, within the Soviet Empire, something Chervonnaya for some mysterious reason cannot bring herself to recognize.

[73] «Abkhazija: khronika neob'javlennoj vojny» (Abkhazia: chronicle of an undeclared war). Part 1, pp. 20-22.

[74] An interview with the UN military observer personnel in Sukhum, October 1993 similar data has been suggested by Danish Refugee Council report in 1997.

[75] <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>

[76] GA Resolution 2625 (XXV) - Declaration on the principles of international law, concerning friendly relations and cooperation between states within the UN Charter (Appendix). Adopted on 24 December 1970. <http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/348/90/IMG/NR034890.pdf?OpenElement>

[77] Liana Kvarchelia "View from Abkhazia", Accord, Conciliation Resources, London. 1999. <http://www.c-r.org/our-work/accord/georgia-abkhazia/abkhaz-perspective.php>

[78] S.M. Chervonnaya. Statement during a panel discussion. See the compilation "The rights of nations to self-determination: idea and embodiment", p. 178.

[79] «Abkhazia: khronika neob'javlennoj vojny» («Abkhazia: chronicle of undeclared war»). Part 1, pp. 20-22.

[80] I. Lukashuk. «Mejdunarodnoe pravo» (International Law). M. 1997, pp. 276.

[81] GA Resolution 2625 (XXV) of the UN General Assembly - Declaration on the principles of international law, concerning friendly relations and cooperation between states within the UN Charter (Appendix). Adopted on 24 December 1970.

[82] Declaration on criteria for recognition of the new states in Eastern Europe and in the Soviet Union. Adopted 17 of December 1991 in Brussels at a conference of ministers of foreign affairs of the EU.

[83] A. Dzhergenia. Newspaper «Respublika Abkhazia» (Republic of Abkhazia) № 37 (1108) 12-13 April 2000.

[84] Statement on TV in Sukhum on 25th of August 1992. See also: «Abkhazija: khronika neob'javlennoj vojny» (Abkhazia: chronicle of an undeclared war). Part 1, pp. 127-129.

[85] "The convention on the prevention of genocide and its punishment". Adopted and proposed for signing, ratification or joining by resolution 260 A (III) of the UN General Assembly of 9 December 1948. (Came into force on 12 January

1961). <http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/044/31/IMG/NR004431.pdf?OpenElement>

[86] Chochiev, V.G., «Irano-Turetskij mirnyj dogovor 1639 g. i Gruzia» (The Iranian-Turkish Peace Treaty of 1639 and Georgia), collection «Ocherki po istorii Blizhnego Vostoka» (Essays on the history of the Middle East), Tbilisi, 1957; M., Sotavov, N.A «Severnij Kavkaz v russko-iranskikh i russko-turetskikh otnoshenijakh v XVII v.» (The Northern Caucasus in Russian-Iranian and in Russian-Turkish relations in the XVIIth Century), p. 175. Moscow. 1991.

[87] <http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/348/90/IMG/NR034890.pdf?OpenElement>

[88] There is a political legend, according to which three words are sculpted on the pedestal of the Statue of Liberty in the USA: FREEDOM! PROPERTY! LAW!

[89] E. Adzhindzhal. On one aspect of the information blockade. Compilation of articles. The role of international organizations in the process of post-conflict peace-building in Abkhazia. Documents of the seminar at Pitsunda which was led by the Association for the Assistance of Abkhazia of the UN under the chairmanship of Vakht'ang Khagba. (In Russian and English languages). Maikop, 1997, p. 56).

[90] newspaper "Svobodnaya Gruzia", 10 November 2001

[91] <http://www.oas.org/juridico/English/charter.html>

[92] International Law. Dictionary Guide. Moscow, 1997, pp. 259-260, 345

[93] <http://www.yale.edu/lawweb/avalon/intdip/interam/intam03.htm>

[94] <http://www.gazetasng.ru/v-nomere/tribune/?id=7104>

[95] <http://www.hku.edu/law/conlawhk/conlaw/outline/Outline4/2625.html>

URL: <http://www.abkhaziagov.org/en/Liberty.php>

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