

**T. Shamba, A. Neproshin**

## **Abkhazia: Legal basis of statehood and sovereignty**

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Using hundreds of published sources and documentary materials devoted to Abkhazia and the Abkhazian people, the authors in this new processed edition of the book, which caused considerable interest when first published in 2003, present to the reader historical certificates of the origin, formation and development of Abkhazian statehood and the regulatory legal acts confirming the sovereignty of the country from the most ancient times to the present.

The book is intended for specialists in the fields of history, political science, sociology and jurisprudence, and for all who are interested in historic-legal aspects of the state and the law. The authors request all remarks, queries, advice and suggestions to be directed to the address: 121099, Moscow, 1st Nikoloshchepovsky lane, 1/9, 2nd floor, office 1.

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### **Preface to the second edition**

Published in 2003, the book “Abkhazia. Legal basis of statehood and sovereignty”, containing documentary confirmations of the centuries-old existence of the independent Abkhazian state, has generated serious interest and considerable response. It became necessary to prepare this new revised edition, including more precise details of the Abkhazian ethnos and covering the history of its mutual relations with other nationalities within this inhabited region. Historical statements offered by Abkhazian, Russian, Georgian and other historians of the XX century were influenced by the ideology and vicious national policy prevailing in the USSR. However, if in works of Abkhazian and Russian historians the valid history of the peoples of Transcaucasia is distorted, Georgian historians also usually falsified facts regarding the Caucasus, especially concerning the period of XVII - XX centuries. The main principle of historical science was thus rudely broken, in that whilst covering the history of any country and any people, information should be based only on the facts, without any exception and without division into useful and harmful. It is necessary to check the reliability of the facts, obtained from various and often tendentious sources, and to compare them with data from other

documents, whilst defining and estimating the degree of reliability of each of them. History as a science is obliged to be impartial and should not serve the political or other interests of any groups. The documentation of Abkhazian history was born only in the XX century and was based upon Georgian historical works - Kartlis Tskhovreba (History of Kartli), Matiane Kartlis (Annals of Kartli) and other pseudo-annals, mainly representing a story about the course of historical events, stated on the basis of oral legends and chronicles which no longer exist. Retrospective "Annals" and "History" had been written in the XVIII century - but they are not annals in the original usage of this word, which means historical documents. The main objective of Georgian historians was to create a certain fiction, based upon unreliable material (fairy tales, myths, legends), which it was possible to present as the history of the country. In the absence of any alternative historical material, this was achieved. Russian historians, as a basis for a statement of the history of Transcaucasia, have also used Kartlis Tskhovreba and have presented to readers a description of the territory and evolution of historical processes from the same Kartlis ideological positions of the XVIII century.

Georgian historians confirm the real fact of the existence of the Abkhazian people, and Abkhazian culture, but show it in the way in which it had been presented till 1990 - as one hundred thousand people comprising 18 percent of the population of Abkhazia by national structure, and not possessing national sovereignty and the right to self-determination. In their opinion if during this period Abkhazia did not possess independence, it never was sovereign and so should not be. If Abkhazia was included from the beginning of independence within the structure of Georgia, it has never been outside these limits, and should not be, and will not be henceforth; and if Abkhazians in the country currently make only 18 percent of the population, in their past this could not have been more. These stereotypes were and are the ideology of "Small empire", as A.D.Saharov named Georgia, which prepared at the beginning of the XX century an Abkhazian destiny - namely, to be dissolved into the Georgian ethnocultural world.

The work published by us has not given answers to all these questions and as the problem remains, along with documentary confirmation of the sovereignty of Abkhazia we will try to highlight the ethnogenesis of the Abkhazian people. In the course of our work we will give a critical analysis of each thesis defining mutual relations between the Georgians and Abkhazians, and we will try to reveal distinctions and similarities. The purpose is not to humiliate the Georgian people or state, but to give a full reply to the distortion and frank falsification of the history of Transcaucasia and, in particular, to present to readers our vision of the evolution of the people and the state of Abkhazia, obtaining facts and data from authentic sources.

In our opinion, one of the important questions, on which it is necessary to especially dwell, is a specification of definitions in stated historical works. Many authors, describing separate people, countries or regions, appropriate names which were not existing during that historical period to which the considered episode or event corresponds. To the countries and people of antiquity, modern names are appropriated which deform history, and in many cases lead to its falsification. The reasons for this phenomenon vary - from negligence in a statement of historical material to the deliberate distortion of historical validity.

Similar practice is also applied by the historians writing about Transcaucasia. The name Georgia, appropriated by Russian officials and military men for a designation of the territories of Kartli and Kakhetia in XVIII century, is transferred to western Transcaucasia at an earlier time. To write about Georgia in that period is the same as writing about France during the period of commander Julius Caesar. In the days of Caesar, who had won the territory of present-day France, it was a Roman state and Gallia. Similarly, till 1810 there were kingdoms called Kartli, Kakhetia, Imeretia and others. Georgia as the uniform state appeared only in 1918, and the Georgian tsars never existed, but there were tsars of Kartli, Imeretia, etc.

Radical but objective sights, stated in the first edition of our work, no doubt represented for readers interest not only in Abkhazia, but also outside its borders. Our book sold out instantly. This fact was a stimulus for work on a new, abridged and amended edition, and we hope that readers will favourably accept this work also.

Reductions were made at the expense of material of minor value, needless details and repetitions not necessary to professionals or interested readers. At the same time, especially in some chapters describing a situation in the

XX-th century, we have added currently important topical material which deeply explores processes of mutual relations between Georgia and Abkhazia. At the end of the book, an index of literature is given, data from which were used during the preparation of this edition.

## Introduction

The concept “History of Abkhazia” in domestic and world historical literature is treated and applied as the history of a separate country. However, some Georgian (and other) historians represent Abkhazia as a component of Georgia, i.e. there are two mutually exclusive opinions. In one case Abkhazia is Georgian - more precisely speaking, a part of Georgia; in the other, Abkhazia is an independent country, not being an organic part of Georgia but included in the structure of Georgia at a certain historical stage.

Statements of historical processes by some Abkhazian historians are not free from the ideological influence set in works of such Georgian historians as G. A. Melikishvili, P.Ingorokva, etc. Z. V. Anchabadze and S.D.Inal-Ipa wrote about the Abkhazian kingdom as Georgian. Bagrat III and subsequent rulers were represented by them as Georgian tsars, and Abkhazia in IX-XI centuries was preoccupied, in their opinion, with only one problem - creation of the incorporated Georgian state. This has compelled us to refer to primary sources and to consider in more detail the reasons for an incorrect statement of history by the specified authors. For example, G. A. Melikishvili in the work “About an origin of the Georgian people”, without any clear historical basis, identifies Kurds (Kardukhs) with Kartvelians. In addition, he firstly transfers the historical period of the Kartvels to the middle of II millenium BC, and secondly transfers their habitation area from the Central Transcaucasia to mountains of the Peredneaziatski Tauri. Historic facts or confirmations of them are not presented. As was proved in 1891 by P.I.Nadezhdin<sup>1</sup>, Kardukhs living during this period in areas of the Armenian highlands are Kurds, the people of the Iranian group, instead of Kartvelians. The first data about Kartvelians (Kartls) are given in Kartlis Tskhovreba , a work originally published in Tiflis in the XVIII century in which they are referred to as living in the VIII century. The toponym, eponym and ethnonym “Kart, Kartli” do not appear in sources until XI - XII centuries, and Kakhetia is mentioned for the first time in X century.

Any transfer of Kartls in space and time by a Georgian historian is not proved by anything. So, on Kipert’s map referring to the time of Dary and Kserx, only Colchians, Moskhs, Caspians and Alarodis appear in Transcaucasia. Referring to a map of Caucasus from IX-VII BC, I.M. Diakonov speaks only about Colchis, Urartu, Daiana, Mana and Assyria and does not see any Karts in the Central Caucasus. K.P. Patkanov also says nothing about them, giving the description of internal areas of the country Iveria in VII century AD. Neither M. Horenatsi nor Kagnkatvatsi write directly about Kartls in their original notes created respectively in V and IX centuries AD.

The opinion of G. A. Melikishvili is not an error or oversight. It is his position as a historian, and it is difficult for us to explain why an acknowledged expert has falsified history. Possibly, national patriotism and the political situation played a role, and possibly the circumstances which developed during the Stalin cult and the threat of reprisals in the country.

Also it is necessary to notice that in the majority of the works of G. A. Melikishvili, describing the history of the country, the contents are based on falsification of historical material to create a chauvinistic thesis, namely: “Georgia uber alles!”.

Many other Georgian historians display a similar attitude in their works. We will refer to the opinion of academician Brosse who says that “ the Georgian chronicles cannot be called in a strict sense history, especially concerning old times. They have not been created by eyewitnesses nor by contemporaries”. D.Bakradze (1856) also says: “They are in essence a simple set of legends, and from them it is impossible to demand the accuracy which distinctively characterises modern historians..., as they were written in the second half of II millennium AD, and represent and treat

events of I BC – I AD in the absence of initial historical materials of that period”. It is known that Kartlis Tskhovreba was written in 1703-1721.

According to I.Chopin (1866):

“The testimony of the author does not give necessary reliability to his work, especially regarding ancient history: being alien to historical erudition and scooping without analysis from doubtful sources, compilers have allowed incorrect news on almost each page of the book, denying this news with synchronism and common sense, as the reader will see.... It should all be accepted as the latest fantasy, not having any basis and hence not as history, but a legend, including telegraphic relations with Palestine and Moses about which not a word is mentioned in original sources”.

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*I Hereinafter we refer to the works listed at the end of the book*

The falsification of the history of Transcaucasia is paradoxically proceeding today. V.Makhnach, publishing a vast article in the magazine "ГражданинЪ" ("The Citizen"), states and proves the pro-Georgian theory of the existence of the "Georgian" state since III BC, and the "Georgian ethnos" since II BC. This is more serious than G.A.Melikishvili's opuses. As the stated theory contradicts historic facts, we have the right to ask the question: What is it - incompetence of the author or his position?

The concept "Abkhazia is a part of Georgia" initially assumes an idea about the presence of double indigenous aboriginals (the Georgian and Abkhazian) in Abkhazia. And this idea forces its way, despite its full contradiction with the facts of the historical science of this territory. For an establishment of the fact of the absence of "Georgian" in Abkhazia there is no necessity to search for such facts in deep layers of the history of centuries - they were not here till the end of XIX century. The invasion of the Central Transcaucasia by Abkhazians in IX century and establishment of the Abkhazian kingdom in the acquired territory which included subdued tribes alien to the Abkhazian ethnos (Kartvelians, Mingrelians \*, Svans, etc.), does not give the right to consider the Abkhazian conquerors as a component of Kartvelian ethnos.

These peoples differ in every way. The Abkhazian language has nothing in common with modern Georgian, except for some everyday words which have come to it as a result of close joint residence. The centuries-old material-spiritual culture of the Abkhazian people "Apsuara" has no analogue in Georgia. Rituals and a pantheon of the Abkhazian ancient gods do not coincide in any way with those of the people of Iberia. Legends of the people of Abkhazia and Georgia have nothing in common. It is a fact that in IX-XV centuries the Abkhazian kingdom consisted of not only the states of the Western Caucasus, but also the countries of Central Transcaucasia (Kartalinia, Kakhetia, Imeretia, Eretia, Tao-Klardzheti etc.). This does not give any historical basis to the postulate that Abkhazia is a part of Georgia. Distinction of ethnocultures also proves that Abkhazians, who ostensibly lived in the environment of "the Georgian ethnoculture", did not become its followers, did not take advantage of the written Georgian language, and have kept their own language and ethnoculture. Such are the facts. Statements that Abkhazia was and remains a component of Georgia, Georgian politicians and historians are compelled to build, as G.A.Melikishvili did, on the basis of opinions, instead of the facts.

We did not put before ourselves the problem of writing a classical sketch of the history of the country. The present work represents an ordered list of historic facts presented mainly on the basis of the primary sources, and allows us to draw conclusions regarding the groundlessness of Georgian claims on the sovereignty and territory of Abkhazia.

Historians, analyzing the termination of existence of the Abkhazian kingdom, specify the principal cause as the formation and strengthening of Kartalinia and its claims for hegemony in this area. This took place, but the principal cause was different. It lay in the creation, evolution and disorder of all empires of the world, and consisted of a constant increase in the quantity of problems connected with the management of increasing structure, due to the attachment of territory occupied by peoples

different in language, character, and customs. For the management of such a complicated state structure which has not united voluntarily and shows continuing resistance, great strengths and human resources of the mother country (in this case, Abkhazia) are required for the suppression of discontent, for taxation, and for the maintenance of calm in colonies and protectorates. Also there comes the moment when centrifugal forces start to prevail, resistance grows everywhere, there are external enemies and intrigues of opposition in the empire - and all falls. So it was with the Roman and Byzantine empires. The Russian empire, as well as its successor the USSR, have passed the same way and have failed independently without external influence. Similarly there is also present-day Georgia, "A small empire with big ambitions", created by the efforts of incompetent politicians, who do not understand the course of history and its laws. They are using military expansion, terror, genocide and external support to keep freedom-loving Caucasian people, who are ethnically alien to them, under their power.

The Abkhazian kingdom did not fail as a state structure, but as a result of the capture of Kartalinia and Kakhetia by Arabians, and its borders were displaced to the West as far as the Lihsy mountains. In addition, a new dynasty of tsars came to power at the beginning of II millenium AD – Armenian Bagratids representing the ancestral lands of Tao-Klardjheti and led by Bagrat III, whose title was "the Tsar Abkhazian and Novelissimus of all the East". No, not tsar of Georgia, nor of Kartli or Iberia, but of Abkhazia.

*\* In the historical literature of the different periods the terms Megrels, Migrels, Mingrelians are used. In our work the term "Mingrelians" is applied. In citations the term of authors is kept.*

With the falling of Armenia as an independent state, and its enslavement, the eastern frontier of the Abkhazian kingdom was displaced further to the West. During this period it settled down only in the territory of the western coast of the Black Sea. Its tsars carried the name "Abkhazo-Imeretinsky". Kartli, from the moment of its occurrence, was nothing remarkable, just an ordinary state formed as a typical principedom of which there were ten in Transcaucasia. It is not necessary to speak about any of its military achievements or political merits, as this territory was constantly exposed to invasions or annexation from Persians, Romans, Arabians, Khorezmians, Khimerians, Khazars, Urartuans, etc. both before its formation, and during all subsequent periods. It is also impossible to say anything about the blossoming of this kingdom during any period of its existence, as this site of Transcaucasia did not, until the end of XVIII century, have any ten-year period free from invasion by overseas aggressors reducing cities and settlements to ashes, withdrawing women and children into slavery, and killing men.

Kartli and its neighbouring kingdoms were continually trampled down by the same Mongols, Turks, Persians, Arabs, etc. throughout almost two millennia, in both a direct and figurative sense. In the given situation it is not possible to speak about the ethnic purity of Kartls (Georgians, in modern understanding). It is also necessary to notice that in so-called Georgia, (meaning Kartli), governors did not belong to the native ethnos. They were Arshakids - the Armenian Persians, Bagratids - the Armenian descendants of Khanaenians, Selevkids - Hellenes, etc. Also, the first tsar Farnaoz was Persian.

The historical broth in the Western Transcaucasia cooked to the Middle Ages and the evidence of that is frequent changes to the names of cities, the names of ethnic groups within the population, and toponyms, in particular the names of the rivers. This is particularly noticeable at the Western coast of Caucasus, where the territory history has been registered since the times of the Argonauts. The new people arrived and introduced new names to dales and rivers, and the old names did not remain. A number of historians carrying out political orders and receiving payment from the party-distributive system of the country (G. A. Melikishvili, etc.), and also a modern type of "experts – historians" (G.V.Tsulaya, E.Hoshtaria-Brosse) , continuing similar work, gradually introduce into our consciousness the thesis that Abkhazians are a type of ancient Georgians, but that they are ignorant of this and do not suspect. Who are they - illiterate laymen or expert historians? More likely, they are

experts who have deliberately undertaken falsification of the history of Transcaucasia. As an example it is possible to cite G.V.Tsulaya's work "Abkhazia and Abkhazians in a context of history of Georgia" (1995), pejoratively and scornfully characterising Abkhazians and carrying them to "the lowest level of development" in comparison with Georgians. Such works inevitably do harm to relations between Abkhazia and Georgia, and provoke interethnic dissension between the people of these countries. Similar methods and approaches do not produce a good result, and the further occurrence of similar works will support existing tension in this region.

As Prince S. Baratov correctly stated in "History of Georgia" (1865), "It is possible to trust in the most authentic native annals, any state fairly concurs, in the cases when their indications actually concern internal state affairs, in compliance with its internal forces, but stories about external affairs by all means demand confirmation from the outside".

G.A.Ezov in this situation says that "legends receive reliability if they have comparison to geographical and genealogical information". Thus, to prove the truth in a historical science it is necessary to be armed with "a comparative historiography", and only when the statement of historical events has been cleared of personal opinions, unfair assumptions and suggestions, will original facts confirmed with historical documents remain. All the rest, from the point of view of the law, is insignificant.

Whether freely or involuntarily, the creator and founder of the Georgian state was Russia, which first used (in Russian) the terms "Georgia", referring to joining it with the Transcaucasian princedoms, and "Georgians", as the general designation of the people (several ethnic groups), living in this territory. Then, having created this Caucasian region as a part of the Russian empire ruled by a governor-general (administrative formation, by the way, not having the official name "Georgia"), and serially entering into it separate independent princedoms of Transcaucasia, a basis was laid for the association of these princedoms in a uniform state formation, and Georgian separatists did not fail to take advantage of this during the disorder of the Russian empire at the beginning of XX century. What is to be done with those who lived on this land and still continue to live here until now - Ossetians, Armenians, Turks, Meskhs and other people? All of them, according to the Georgian politics of genocide, are subject to exile or deportation (as has been carried out in relation to the most ancient population, autochthons of the country - Meskhs) with the purpose of seizing their lands according to the proclaimed principle "Georgia for the Georgians". On a wave of chauvinism, in charcoal fumes of xenophobia, the Georgian politicians, propagandists, and historians actively introduce into consciousness a myth about a centuries-old history of uniform Georgia, flavoured with its thesis about the greatness and antiquity of the Georgian people.

Besides revealing historical validity, we also show methods of solving the problem of removing Abkhazia from its international-legal deadlock within a lawful approach, and how to cover the basic directions of realisation of such a program. Into the list of these directions should enter:

- Transfer of discussion of the question of mutual relations between Georgia and Abkhazia into a legal channel and achievement of decisions on it;
- Drawing of borders of a circle of cases in point and, accordingly, solving of each point of the general problem independently, without dependence on other points;
- Work on the whole program in a uniform legal field and within international public law;
- Transfer of questions at issue to the structures capable of solving them;
- Use as an evidentiary base only legal documents or the historic facts confirmed by such documents.

In the course of formation of this evidentiary base, it is necessary:

- To carry out the constructive analysis of views of the Georgian historians on questions of ethnogenesis and formation of statehood of the peoples of Transcaucasia;
- To specify an existing dualism in the description of situations from Abkhazia and Georgia on genocide, change in ethno-demography, and other main points in mutual relations of the parties;
- To designate the reasons for aggressive behaviour by Georgia, and its expansionist purposes concerning Abkhazia, with the aim of forecasting the possible succession of events in the future.

All peoples and all nations have rights and the basis of self-determination, but not by violence over other peoples and not by their enslavement. Georgia, as a young country, is in an initial stage of formation of statehood and can successfully realise this attempt only by taking into account the experience of development of other countries and peoples in the course of history. Any claims it makes for exclusiveness and a special status, or for expansionism as a state policy, will lead to its self-liquidation, which time and again has taken place in history.

## **Chapter 1. Abkhazians - ancient ethnos with original culture**

- 1.1. Ethnos formation.
- 1.2. Ethnogenesis of the people of Transcaucasia.
- 1.3. Transcaucasia and Georgia.
- 1.4. Who are "Georgians"?
- 1.5. Ethnos and territory of Abkhazia.

### **1.1. Ethnos formation.**

Analysis of the ancient history of the Abkhazian people testifies that this nation has roots reaching back to the multi-thousand-year past and that Abkhazians lived in the Western Transcaucasia, more precisely around modern Abkhazia. From time to time, they occupied territories from the northern termination of the Caucasian ridge to Trebizond, within the borders of present-day Turkey, and to Armenia. According to data of historians, formation of the Abkhazian ethnos began in II - I BC and came to an end in the period from VII AD to the beginning of VIII AD. The importance of this period is that in its chronological frameworks it is possible to track the evolution of ancestors of the Abkhazian people. At the heart of the modern Abkhazian language lies the parent language which was already used in these places in III-II BC. According to historian L.P. Zagursky (1888), a central part of the Caucasian territory and the western part of Transcaucasia were occupied by groups of people whose relationship with other people was not known, and Abkhazians were one of the peoples of the western mountain group. These were: Abkhazians (Azega), living in the Sukhumi district - 32 thousand people; Abazinians - 10 thousand people living in the southeast of the Kuban region; Adygs – Circassians, Kabardians, Abadzekhs, Bzhedukhs, Shapsugs, Besleneevs, speaking one language, but having two dialects. Total number of Adygs - 130 thousand people. Their language also had no relationship with languages of other nations of the world. Famous German scientist Friedrich Miller named such people “independently standing” (isolierte Volker). Their ethnogeographical area represented the territory of present Abkhazia and though in different years Abkhazians occupied the vast regions to the north and east of this area, it was always their major settlement from the middle of 1st century BC. By the end of 1st century AD some feudal pre-Abkhazian princedoms were formed, which for some centuries co-operated with each other and with neighbouring peoples. As S. Shamba notes, no serious scientists till now have challenged the fact of connection of the term “Apsua” with the tribe Apsils, resident in the territory of Abkhazia since I century AD. Throughout VII-VIII centuries, separate Abkhazian princedoms began to unite, and this process came to an end with the formation of the Abkhazian nationality and creation of the complete Abkhazian state. The subsequent history of the Abkhazian kingdom was closely connected with Byzantium, which stimulated its blossoming in X century and affected life in the territory until its great decline in XV century. XIV-XV centuries are characterised in the history of the territory by a revival and strengthening of Mediterranean communications. A special role in these was played by trade between Genoa and the coast of Abkhazia, which left a deep trace in the local economy, political history and culture. During this period trade routes were revived connecting the seaside trade centres with the North Caucasus and the Volga region (Golden Horde). An increase in Turkish presence from the end of XV century diminished, and this completely interrupted time-honoured relations with Europe. By the end of XV century, after the capture of Constantinople by Turks and the decline of the Byzantine empire, the Abkhaz-Imeretian kingdom broke up, and internal friction among tsars and princes caused mutual enmity and fratricidal wars. This period was an epoch of the greatest decline in all spheres of life

within isolated parts of the former Abkhazian state. The XVIII century witnessed the primary influence of the Ottoman empire using Abkhazia as the main base in a gain of the Western Caucasus. Abkhazia is the most ancient country in Caucasus to practise orthodox Christianity. The assimilation of Christianity among the Abkhazian population had begun during the first centuries AD, and in first half of VI century, Abkhazians officially accepted Christianity. In coastal and mountain zones many churches were constructed. From IV to X centuries the Abkhazian church was administratively subordinated to Byzantium as an Abkhazian catholic see, and the territory actually Abkhazia acted within the limits of the Abkhazian kingdom independently - the main temples of X century were under construction not in the capital of the kingdom (Kutaisi), but nearer to the sea and Byzantium in a zone between Pitsunda and Bedia. This position continued in XI century, then for some time the local church depended upon the Alanian Metropolia and, presumably, the Mtshetsk Catholic see. Wide communications with Byzantium raised the level of civilisation of the Abkhazian nation, constantly expanding its influence to almost all of Western Transcaucasia. Inscriptions in temples of Abkhazia in Hutsuri<sup>2</sup> appeared during a later time, at the end of existence of the Abkhazian kingdom, when the official Greek language of Abkhazia began to be replaced with this language of official establishments. It bears no relation to the formation of ethnoses, as the Abkhazian ethnos was formed in the V-III centuries BC in its own territory. Inscriptions contain the message that these churches are constructed by "THE ABKHAZIAN TSARS". If other countries under the rule of the Abkhazian tsars are also mentioned in inscriptions, Kartli is usually placed after Armenia and Iberia, which testifies to its minor value. This is contrary to statements of the Georgian historians of the XX century, who declared that this kingdom, together with Abkhazia, struggled for the creation of a uniform "Georgian" state.

2 Hutsuri - the alphabet known since V century AD., believed to have originated from East Aramaic writing. It is used in modern Georgian language. Within the territory of Abkhazia, a certain role was played in due time by Catholicism, Judaism and Islam, in addition to Orthodoxy. Jews lived in local towns during ancient times. Their communities in the Middle Ages existed in Gagra (XI century) and Sebastopolis (XIV century). The ancestors of Abkhazians encountered Islam for the first time at the beginning of VII century. In the culture and life of the majority of modern Abkhazians, traditions of Christianity, Islam, pagan beliefs and ancient mountain customs are alive. Perhaps this land is the best living example of the fact that ethical doctrines of all religions are not naturally hostile to each other. For example, Abkhazians who practice Islam also celebrate Easter, and present-day mountain people still consider the oath at a sacred oak to be indestructible. Ancient pagan symbols are also found upon the Abkhazian flag. On a red field the open palm is represented - it holds no weapon, and is the wave of the hand of a sower throwing grains onto an arable land. The Abkhazian language together with other closely-related languages (Abazinian, Adyg and Kabardian, Ubykh, Circassian, Shapsug, etc.) forms the Abkhazian-Adyg (West Caucasian) group. It is known that language is the basis of spiritual life of all people. Both science and Abkhazians and Adygs (Circassians, Kabardians, etc.) themselves have no doubt that these peoples in the past made a single whole. This is proved to be true by similarity of language, character, belief, superstitions, customs, way of life, and traditional dress. Ancestors of Abkhazians spoke in the different languages and dialects of such related tribes as Apsils, Abazgs, Sanigs and Misimianians. In the first centuries AD dialects united to create the Abkhazian language that promoted formation of the Abkhazian nationality, and to develop folklore and culture as a whole. Formation of uniform language promoted the association of related tribes, and creation of the Abkhazian nation in which writing was already known at that time. The antiquity and high development of the Abkhazian language may be seen through its influence on the languages of neighbouring nations. With its help it was possible to interpret many ancient cuneiform inscriptions in different regions of the world and to explain the writing of some other peoples. This language, certainly enriched for two thousand years, is used by modern Abkhazians. It is necessary to underline that neither the Abkhazian language at the beginning of the Christian era nor modern Abkhazian have anything in common with the modern language of Georgia, or with the parent languages of nationalities and tribes earlier occupying the eastern Black Sea coast. With the coming of Abkhazia under Russian protection in 1810, and later, with its renaming as the Sukhumi Military Department,

direct Russian administrative power was established in the country. In 1883 the Department was included in the Kutaisi governorship as a district. The well-known researcher of territory G.A.Rybinsky in the work "Abkhazia in the agricultural and household relation" (1894) gave the following data on agricultural population structure in the Sukhumi district: "besides Abkhazians, other agricultural population of the district represents a surprising mix of nationalities - Abkhasians - 65 thousand souls, Russian settlers - 800 souls, Estonians - 587, Germans - 288, Greeks - 2192, Armenians - 688, Mingrelians - 1472 souls". For that period, the results of the population census of 1886 in Abkhazia should be recognised as the most authentic data. The totals were: Abkhazians - 58,963 persons, Georgians (Mingrelians?) - 4166, Russians - 971, Armenians - 1049 and Greeks - 2149. As for Abkhazians, these are all who remained in the homeland after their mass exodus during the time of makhadjirstvo. The main points of reference for a country to the ethnos of indigenous people occupying it are the results of statistical researches on a population census in that country. These materials can provide a basis for research into a demographic situation, and define the ethnic formation of the people in the territory. The given statistics for 1886 and the following years, which cannot be suspected of bias and a juggling of data in the interests of the Abkhazians, show that in reality Georgians (actually Mingrelians) were almost absent from the territory of Abkhazia at the end of XVIII century, and only settled intensively in this territory from the beginning of XIX century (Table 1).

*Table 1. Ethno-demographic structure and population of Abkhazia, using material from the statistical researches undertaken during the different periods:*

Таблица 1.

| годы | абхазы | картвелы | русские | армяне | греки | всего  |
|------|--------|----------|---------|--------|-------|--------|
| 1886 | 58963  | 4166     | 971     | 1049   | 2149  | 69184  |
| 1897 | 58697  | 25875    | 5135    | 6552   | 5393  | 104449 |
| 1914 | 91450  | 14731    | 4978    | 7980   | 9922  | 132538 |
| 1916 | 111780 | 37414    | 21978   | 15794  | 10627 | 197593 |
| 1926 | 55918  | 67494    | 20456   | 30048  | 27085 | 202927 |
| 1939 | 56197  | 91967    | 60201   | 49705  | 34621 | 294600 |
| 1959 | 61193  | 158221   | 86715   | 64400  | 9111  | 379640 |
| 1970 | 83097  | 213322   | 79730   | 73000  | 13600 | 462749 |
| 1977 | 77000  | 200000   | 93000   | 75000  | 14000 | 503000 |
| 1989 | 93267  | 239872   | 74913   | 76541  | 14664 | 499357 |

It is also necessary to consider the fact that population reference to this or that ethnos is defined by the people living in territory belonging to those people, instead of by appointed or foreign persons, or by high-ranking organisations, up to and including the United Nations. According to calculation of the population of the Sukhumi district in 1916, the number of Abkhazians with Samurzakanians was 111 780 souls or 56 % of all the population, Kartvels - 37 414 or 18 %, Russians - 21 978 or 11 %, Armenians - 15 794 or 8 %, remainder of population - 10 627 or 7 %. Divergences in numbers of Abkhazians and Kartvels in 1897 and 1914 are explained, in our opinion, by reference to Samurzakanian inhabitants in 1897 not as Abkhazians, but as Kartvels, which is incorrect. On the basis of the analysis of materials of censuses it is possible to draw the following conclusions: 1) results of an official census are legally authentic materials; 2) at the time of the 1886 census, and during the period previous to it, a mainly Abkhazian population (over 85 %) lived in the territory of Abkhazia; 3) after 1864 as a result of a colonial policy practised by Russian imperial administration in Abkhazia, there was uncontrolled settling by peasants - Mingrelians, Gurians, Kartvels, etc. The settlements had become empty owing to makhadjirstvo, i.e the departure of Abkhazians from their usual dwelling places. At the same time, it is possible to assert with confidence that at the beginning

of XVIII century there were very few representatives of other groups of people (Mingrelians, Kartvels, etc.) living in Abkhazia; 4) all statements from officials and organisations that Abkhazians did not live in the territory of modern Abkhazia, identical to the Sukhum district existing at that time, contradict legally confirmed facts, and have by themselves no legislative grounds and are insignificant; 5) results of census establish the dwelling rights of the Abkhazian people within the territory of Abkhazia, this ethnos having occupied the territory since ancient times. The residence of the Abkhazian people in the given territory since ancient times is also proved by numerous archaeological materials and historical data.

## **1.2. Ethnogenesis of the people of Transcaucasia.**

Studying the works of researchers of Transcaucasia from the times of Homer (IX century BC), Pliny and Strabona, as well as those of Arabian, Persian, Russian and other historians, allows the conclusion to be drawn that in the territory of Caucasus and Transcaucasia, including the areas adjoining this territory to the north and the south, up to 150 nationalities lived during the period from the Middle Ages to the middle of XIX century .

As we are interested only in the peoples occupying Transcaucasia (i.e. the territory of modern Georgia and the eastern Black Sea coast), for further analysis we have limited the list of the peoples by using certain criteria. Firstly, names of the peoples occupying Ciscaucasia (Nogais, Sarmatians, Kumiks etc.), and secondly peoples who were mentioned only once during the investigated period, have been excluded. Names appropriated on the basis of the leader, or on the basis of residence at this or that settlement, have also been withdrawn – for example, Dadian - Bedians, Gorians. Names of the people of countries known at that time, who did not represent interest for our research (Armenians, Persians), and also the people of the states which have later departed from the considered region (Tao-Klardjeti), have been excluded.

Use of data presented in works of ancient and medieval historians relating to an epoch and territory occupied by these peoples, has allowed us to reveal certain laws of occurrence of the ethnonym of these people and their evolution. On the chart ( Fig. 1) the picture of evolutionary change in ethnonym of the basic groups of people occupying areas of Northern Ciscaucasia, the Black Sea coast and Transcaucasia is shown. Whilst drawing up the chart, indicators such as the frequency of mentions of nationalities by different authors during the various centuries were used. From each work, only one mention of each people was considered. The information of historians referring those or other nationalities to a newly appearing ethnonym, or to the peoples which have changed ethnonym over time, has also been considered.

The presented material shows that in the distribution of peoples within an investigated zone, some pure lines of ethnic groups take place. Naturally, inside groups a mixture between their separate representatives took place, however as a whole they kept their ethnic features which have continued to exist unchanged till now. Geographical isolation has helped this situation to remain.

In our opinion, Svans are such a pure ethnic group, existing as an independent nationality which has kept features of their culture till now. As a special ethnic group Svans are mentioned in I century AD., although there are data that their ancestors were Mossineks, and possibly Melankhlens (V century BC). The native language of Svans is not understandable for modern Georgians (most likely, it was not understandable for Kartvels in the Middle Ages) either by lexicon, or by grammatical forms. There is even less similarity in their customs. It is an independent ethnic society among the peoples of Transcaucasia. Their mixture with other ethnoses was prevented by features of their environment - they occupied a high-mountainous area at a point of turn of the Caucasian ridge from a north-south direction to east-west.

The first group of people settled down southwest of the Black Sea coast (Colchis) and expanded into the central areas of Transcaucasia. They were represented by Colchians, and also by a number of other tribes which in V century BC did not make a considerable number in the region. Colchians under this name had been fixed in this region since V century BC and are also traced in works of historians till the end of XIV century. Since I century AD. their state had received the name Lazika, and then, with its disintegration, in this territory the separate independent states Imeretia, Guria and

Mingrelia (IX-X centuries) were defined. G.Paichadze, interpreting the formation of the Georgian state, expresses the opinion that after the termination of existence of the state Colchis (I century BC): “in the territory of Western Georgia (?) the Egrissian state existed from II century till the end of VIII century, and in ancient sources was called “Lazika”. In Byzantine history, as well as in ancient sources, concerning Georgia the names "Colchis" and "Iberia" were used”. He named them western and eastern Georgia. However, G.Paichadze himself states that the terms “Georgia “, and “ the Georgian service “ are used in church annals only from XVI century. As for the state Egrisi, it is not mentioned anywhere, except in Georgian history and the literature copied from the same XVIII century Georgian sources. G.Paichadze categorically declares that on the eastern Black Sea coast there were no Abkhazians at all, and those who had won practically all Transcaucasia, and had created the Abkhazian kingdom, were "Georgians".

The second group of people was represented by ancestors of Abkhazians - Geniokhs, living in the territory of modern Abkhazia. Their occurrence is traced from V century BC, showing that they already during that time occupied various areas. According to ancient historians, Geniokhs during the early period had close connections with the peoples occupying the northern region of the eastern Black Sea coast, where Scythians also lived at that time. Inevitable contacts of these ethnoses led to mixing of nationalities, therefore in VI century there appeared a new nationality - Misimianians, occupying territory on the Black Sea coast from Adler to areas near the termination of the Caucasian ridge in the north. Misimianians, having mixed up with Zikhs, gave rise (IX century) to Djigets, then to those people who are today called Adygs. In language, anthropological characteristics and customs, they are very close to their southern neighbours (Abkhazians), and represent an inherently uniform ethnic branch with Abkhazians.

The Abkhazian ethnic line was formed as follows : Geniokhs, occupying territory from modern Adler in the north to the southern borders of Colchis, lived there with related Koraksian tribes in V century BC, and Ftirofags from III century BC till I century AD. It is supposed that they were ancestors of Svans. Sanigs were one of the branches of the Geniokhs (I-IV centuries AD). In I century BC they began a new nationality - Absils. From VIII century Absils received a new ethnonym – Abkhazians, which has existed throughout 14 centuries until now. In IV century the combination of Geniokh and Sanig nationalities caused the appearance of a new ethnic group – Abazgs, who as an independent people existed till the end of XIV century.

*Fig. 1. Evolutional changes of ethnonyms of peoples of Transcaucasia. (Explanations are given in the text. See list of tribes, nationalities and geographic names on pp. 115-119).*

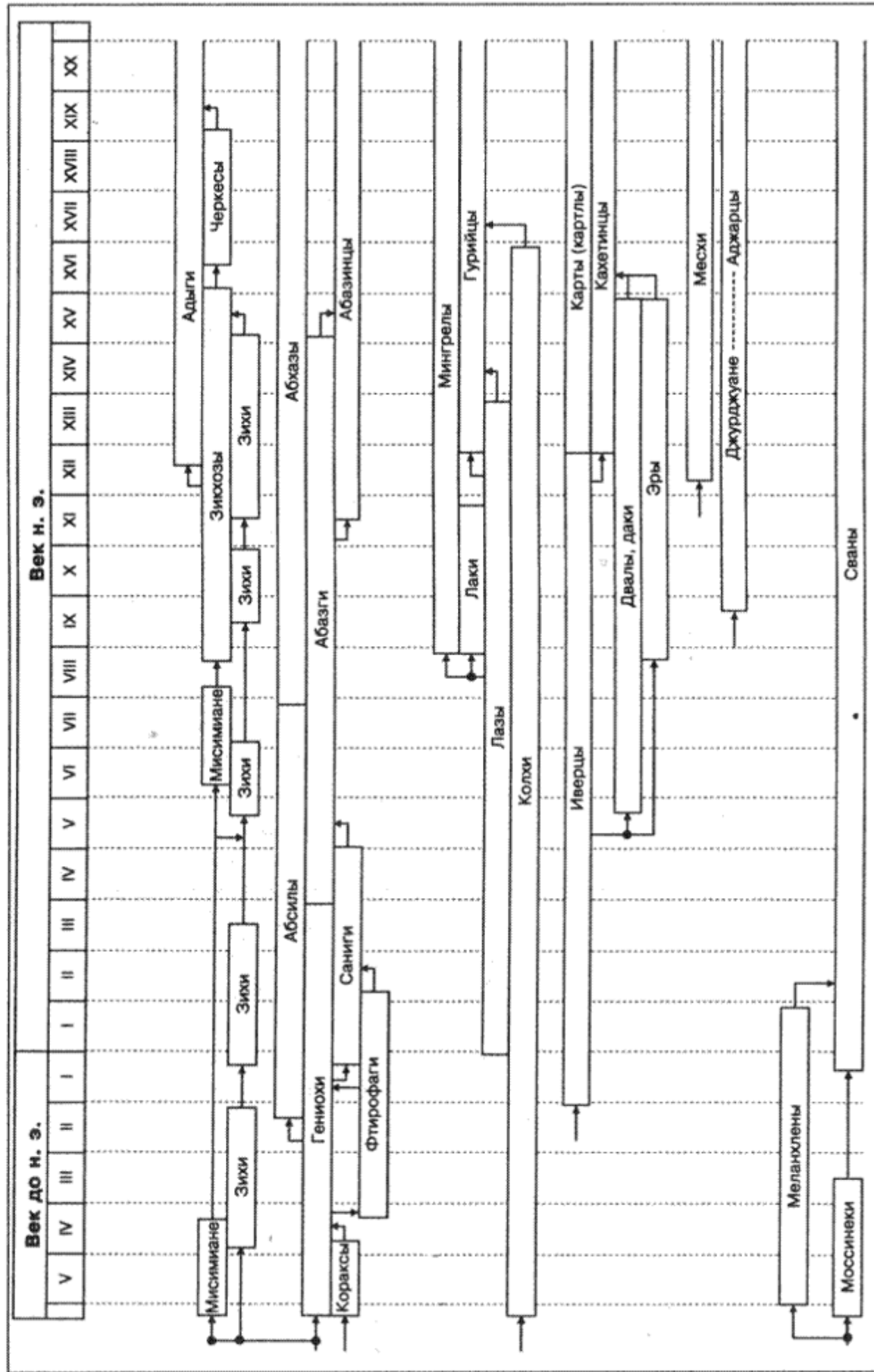


Рис. 1. Эволюционные изменения этнонимов народов Закавказья (пояснения в тексте)

In XI century in the territory of Abkhazia, as a result of the mixing of two national groups, basically Abazgs (though from XII century this branch would gradually fade) and Abkhazians, the highest national and state development was reached, and during that time a new branch was formed - Abazinians. These people have existed from XII century until now. All these ethnic lines of peoples possess one language, close to the languages of more northern peoples occupying Northern Ciscaucasia who have similar customs and conduct a similar way of life.

Thus, on the east Black Sea coast from the beginning of I millenium AD, the independent Abkhazian ethnos was formed as a mixture of several tens of ethnic groups, and later formed independent nationalities (subethnoses) within northern, western and southern Caucasus. Keeping ethnic features, their own unique culture was generated and exists to the present time.

From the middle of the first century BC in the central area of Transcaucasia, new national tribal territorial formations appeared, represented by Iberians or Iverians who lived to the north of the newly-appeared state of Armenia. This region was named "Vrastan" by Armenians, and its inhabitants - "mountaineers", i.e. "Vratsis", "Ivratsis" or Iverians. The tribal formation Karts or Kartls started to appear from VIII century AD in writings of ancient authors as an ethnonym, and the national group living in the territory of East Transcaucasia exists until now as one of the nationalities of modern Georgia, along with Kakhetinians, Eras, Dvals, and other tribes of Central Transcaucasia. G.A.Melikishvili, echoed by G.Paichadze, declares: "Since the most ancient times, Western Georgia has been occupied by Megrel-Chansk (West Georgian) tribes". Nothing is declared about Abkhazians living in this area since ancient times, as the mention of them would demand an explanation of the fact that their ethnos appeared there before all other people of Transcaucasia, and also demand answers to other questions inconvenient for the Georgian historians.

Speaking about Georgia ostensibly extending its influence along the Black Sea coast, historians involve the Kartls ethnos for evidence, and try to prove its relationship with ethnically independent tribes (for example, Colchians), who settled down in the western part of Transcaucasia in VI century BC. But, as already mentioned, Kartls historically appeared as an ethnos much later, approximately at the beginning of VIII century AD. Ethnic connection between Kartls and the people of the eastern Black Sea coast has not been traced, as Imeretians, Gurians and Mingrelians were defined as ethnos, on the basis of the native people of Colchis, Lazika and Abkhazia, much later than Kartls. It is also established that the language of Kartls has serious differences from Mingrelian, Svan and other languages of the people of the Western Transcaucasia (and Mingrelians do not consider themselves Kartvelians), which once again underlines the dissimilarity of Kartls with other peoples of Transcaucasia and does not testify in favour of the accession of all these ethnos to "Great Georgia".

In the history of Transcaucasia it is considered that its settlement occurred from the south through Asia Minor and went across the eastern Black Sea coast. However in the territory of Transcaucasia there is one more pass to Asia Minor and regions where in ancient centuries advanced civilisations settled down. This route, along the border of modern Armenia and Azerbaijan, was frequently used during historically verifiable times for attacks on Transcaucasia by Persians, Khazars and Arabs. The settling of the Black Sea coast and formation in this territory of the Colchis state is historically confirmed from V century BC. The proto-Abkhazian tribes appeared in this region earlier than Colchians (who later pushed them north to the area of present Abkhazia and ex-Circassia).

Considering that the states of the Black Sea coast were limited in the east by the Suramsky ridge, it is possible to assert with confidence that this territory was occupied using the western channel from areas of Asia Minor. This is confirmed by written sources, and V. Bochkarev (1890) also expressed the opinion that if Lazikans, Imeretians, Gurians, Adjarians and partly Mingrelians belong to Kartvels, then they differ so much from the patrimonial type that it is possible to allocate them as a special group.

The later settling of tribes in the central areas of Transcaucasia (Iverians - from I century BC, Eras, Dvals, Daks - from V-VI centuries, Kartls - from VIII century), their anthropological and language differences from the people of the Black Sea coast, and the area restriction of the Suramsky ridge – these all give the idea of a later settlement in this region. Most likely, it resulted from the use of another, eastern route. Undoubtedly, ethnic ancestors of the people of these two regions differed from

each other. Obviously, this is only an assumption, a hypothesis, but the facts demonstrate its viability, and impartial historians will probably find a grain of truth here.

As already mentioned, the state Lazika was formed in I century AD in the territory of Colchis, and Lazikans - prospective ancestors of modern Mingrelians who had especially intensive matrimonial relations with Abazgs in the region of the river Ingur - are mentioned for the first time in written sources. The ethnonym "Lazikans" completely corresponds to "Colchians" and both existed till the end of XIII century. These people adjoined the territory of Abkhazia, and Colchians and Abazgs both lived in the boundary regions. We believe that between them there was a special ethnic group possessing its own language, and giving rise to modern Mingrelians. Having incorporated the use of two more languages, Abkhazians and Colchians (Lazikans) occupied the territory earlier belonging to Abazgs (Abkhazians), and had the same, or separate but related, tsars. The territory of this ethnic group always remained an area claimed by the peoples who were settling down to the south of the boundary river Engur (Ingur).

Close to the start of the VIII century in central Transcaucasia, along with the Kartls, appeared isolated nationalities - Eras (Eretia), Dvals, living in a central part of the southern foothills of the Caucasus, and others. From XII century the Kakhetinian nationality, occupying the eastern part of central Transcaucasia, starts to be found. In IX - X centuries there is mention of Laks and Adjarians, who were named Djurdjuans by some historians, and others.

So, on the basis of the undertaken research it is possible to reach the following major conclusions concerning Abkhazian ethnogenesis:

- 1) Abkhazians are one of the most ancient peoples occupying the Caucasus. In written historical sources the ethnonym "Abkhaz", through its ancestors Abazgs, Apsils and Geniokhs, appears from V century BC.
- 2) Ethnic and ethnographic lines of the evolutionary development of Abkhazians are clear. Throughout 26 centuries there was no mixture of this ethnos with others, and during all this period Abkhazians have been living in their historical motherland.
- 3) The statement that Abkhazians went down to the Black Sea from the mountains (which are considered as North Caucasus) two centuries ago, is untenable, because:
  - a) on the basis of independent sources, the settlement of these ethnic tribes within the territory of modern Abkhazia by V century BC is confirmed;
  - b) in the territory of the North Caucasus, representatives of ancestors of an ethnic branch of Abkhazians have not been found.
- 4) In the territory of Transcaucasia and the eastern Black Sea coast, until XX century some ethnic lines of peoples have appeared and been formed:
  - a) Geniokhs - Apsils - Abazgs - Abkhazians - Abazinians;
  - b) Misimianians - Zikhs - Circassians - Adygs;
  - c) Svans;
  - d) Colchians - Lazikans - Gurians - Mingrelians.
- 5) To the east of the territory occupied by this group of peoples, we believe that independent ethnic branches of the people of central Transcaucasia were formed.
- 6) The nationality or ethnic group "Georgians" has not been found in the historical plan.
- 7) From the point of view of ethnogeography, these listed ethnic groups of peoples resided in local territories which expanded or contracted from time to time, but they lived there constantly.
- 8) Mixtures of ethnic groups during the historically investigated period ( from V century BC) did not occur.

### **1.3. Transcaucasia and Georgia.**

From the moment of creation of the state of Georgia in the 1920s, its political leaders have undertaken a vigorous campaign by means of the press, with the use of historiography to introduce in the consciousness of the people of the country, and also people of the states of the world, the idea that Georgians are a special nation allocated an elite status. An information war has begun, as a matter of fact. All activities of Georgian scientists have been aimed at proving the following:

- 1) Georgians are the most ancient people in the world;
- 2) in the territory of Georgia (including Abkhazia) there have always lived only Georgians;
- 3) the territory of Georgia stretches in the south from Armenia to Trebizond, then along the Black Sea coast to the termination of the Caucasian ridge, and further on its axial line in the south and the east to Derbent, and in the north to Tuapse, even to the river Kuban;
- 4) Abkhazians are an alien people who appeared in the territory of Georgia two centuries ago.

Some statements from publications of the Georgian press and quotations from works of Georgian historians are given below. We will consider which arguments and tactics of ideological war were used for a substantiation of the first of the listed postulates.

Historiography as a science is based on several foundations: the studying of actual historical documents, archaeological research, and data from both anthropology and linguistics. However, materials such as legends, myths and so forth, it approaches cautiously, trying to separate wheat from chaff, and truth from fairy tales, by relying on a realistic approach.

But, unfortunately, along with works created on a scientifically historical basis, there is a set of products in which the basis lies in a retelling of ancient myths and fairy tales, with these fictions used for a substantiation of facts which those or other theses contain. The Georgian church, which has used its own interpretation of bible texts to give the reason for the Georgian nation being chosen by God, has especially succeeded in using this basis as the description of history, and the fact sheet confirming the real history of mankind is ignored. Unlike original scientific historiography, where real confirmation of declared theses is required, the church demands only blind belief. The two-thousand-year existence of the church gives the justification to say that the aim of finding flock led the people up a blind alley, generated both chauvinistic aspirations and conflicts on religious grounds, and at times directly led to national tragedy. Being guided by the principle “there are no authorities, except for God”, leaders of local (national) churches quite often supported and even ideologically proved the imperial policy of their states, adding their weight to ethnic and interstate conflicts. The first aim in this plan was to confirm the status of a particular nationality as God’s chosen, and its primary position among other peoples, having defined other peoples or ethnos as being in a minor position if they are not attached to the given religion or do not concern the given church. In this situation, ordinary chauvinism occurs, which contradicts Christian doctrines that religion is above nationality.

The fundamental idea, which is actively exaggerated in the course of the information war, is the statement that Georgians are the most ancient people of Transcaucasia. Georgians consider Kartlis Tskhovreba to be the main source confirming their chosen status. At the beginning of XVIII century, on the command of tsar Vakhtang VI it underwent amendment, or as his son Vakhushta assured, had been corrected by the scientific commission. But, as S.Baratov noted, to tell whether the actions of this commission led to correction of the annals, or still included major distortions, would only be possible by having the first (original) version. But, it is not present and it is not known whether this first version ever existed.

It is thought that it makes sense to dot every i in a question of the name and the maintenance of this work. From a legal position, the use of the term Kartlis Tskhovreba as “History of Georgia” is wrongful by definition. Firstly, a literal translation of the name of this work is “Hagiography of Kartli”; secondly, this historical work (without dependence upon its content) was written when the term “Georgia” did not yet exist; thirdly, everything contained in this work directly concerns only Kartli, as all other kingdoms and princedoms of Transcaucasia (Mingrelia, Guria, Imeretia, Abkhazia etc.) were independent states and had no relation to Kartli (unless they were at war with it or were destroying it); fourthly, with regard to Abkhazia in Kartlis Tskhovreba, it is only referred to as the Abkhazian kingdom, or simply as Abkhazia, a separate country independent of Kartli.

At present, these annals consist partly of Bible stories freely interpreted, and partly of Armenian history or Persian myths. Legends of “Georgia” go from the fourth generation after Noah, i.e. from Armenian descendants of Torgoma, or Togorma<sup>3</sup>, grandson of Iafet. It is necessary to consider that these myths were made on the basis of the Bible, which had got to Transcaucasia only after 324 AD when the people of that region began to accept Christian beliefs, onto which all this information

about Kartvelian history was added after that date. Attempts to include within "Georgia" data on the invasion by Egyptians and a gain of the east Black Sea coast (Colchis) in 1565 - 1499 BC by Sezostris (Rameses) is also wrongful, as Colchis (where the tribe Colchians lived) was defeated at a time when the state and the people (not only "Georgians", but also Kartls) were not yet mentioned. Also, Rameses I ruled two centuries after the date named by these historians.

Constant declaration by Georgians that theirs is the nation chosen by God, from the point of view of Christianity, is the greatest sin which has a name - pride. In pure science this phenomenon is called xenophobia and chauvinism. As for the people being chosen by God, this is defined not by the presence of any relationship with forefathers or their descendants, but by their actions bringing light and truth to the world. After all, every person on the Earth, both under the Bible and under the Koran, is a lineal descendant of Adam, and of one of Noah's sons. But in this particular case, the Georgian governors, and also the country controlled by them, have brought nothing but grief to their neighbours throughout the last century (and before).

Senkovsky (1838) wrote: "Georgians describe themselves as ancient people, presenting a list of Georgian sovereigns from Farnabaz (Farnaoz) to George XIII, i.e. from 268 BC to 1800 AD, during which 98 consecutive reigns took place. In this case Georgian literature should possess a number of annals containing the names of these tsars. But they do not exist! From Alexander the Great till Peter I, Georgians lived without annals, and only Vakhtang VI compiled something like a chronicle which covers the period from Noah until the beginning of XIV century, and his son Vakhushtha abridged this and added the subsequent reigns. The father did not specify sources or give years of reign, and the son, referring to "chronicles and documents" which disappeared together with him, gave concrete dates everywhere.

These facts alone would be enough to reject both these annals as not deserving the slightest trust, as they abound with strange fables which would credit the ingenuities of any mythologist. Meanwhile these legends are accepted by many as history".

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*3 In the Bible, Noah's grandsons Fuval and Meshekh and great-grandson Fogarma, the son of Homer, are named, and "from them the islands of the people in their lands were inhabited, everyone according to their languages, their tribes, their peoples" (Genesis 10, 2-5)*

N.Dubrovin (1871), referring to "Annals about Georgia", written by Catholicos Antony, states that it admits that the history of the first tsars of Georgia "is dressed in the mysterious form of mythology". But in a science it is necessary to present as arguments not fables and legends, but the opinions of scientists based on fundamental research. The ancient existence of Kartvels (which as an ethnos are closely examined in publications using sources from VIII century AD), does not prove the antiquity of Georgia, as Kartvels then occupied the territory belonged to Armenia. In VII century Arabians took the capital of Armenia, and Tiflis, being an Armenian province, immediately surrendered. If other people with their tsar had lived there, they would have protected their country, but it did not happen. Armenians were the main population of Transcaucasia at that time, and Abkhazians who later came from Abkhazia, but not Kartvels (or Georgians). Abkhazians came in 780 AD when Abkhazian Tsar Leon II began his reign. Leon II, the nephew of Leon I, founded Kutais and moved the capital of Abkhazia there from Anakopia. A.Golovin states that "Abkhazian tsars, because of increasing power and family connections with strong Bagratids of Meskhia, obtained a power advantage in comparison with tsars of Kartalinia in Kartalinia itself, appointing their own sons as tsars".

Thus, before the Bagratids dynasty, with which the Abkhazian tsars subsequently became related, the territory of Transcaucasia (excluding Abkhazia) was owned and ruled by Persian and Armenian sovereigns, not including times of invasion by Khazars, Romans, etc.

#### **1.4. Who are "Georgians"?**

As follows from the scheme of ethnic continuity of the people of Transcaucasia, the term "Georgians" has no connection with the people of this region. Since XIII century in Persian and Arabian documents devoted to this region, there has been a term "Gurdj" 4 which historians of XVIII and later centuries transform into "Gurzan", and the country where they live is called "Djurzan" or "Gurzan". The country of Gurdjes is located geographically in the areas Tao-Klardjeti and along the southern Black Sea coast, and its main town, Artanudj, is nowadays a Turkish city.

Iakut notices that Georgians are newcomers in present-day Georgia, and they were not there until David III captured Tiflis in 1228, and a century later they were still small in number. Even in 1832, as Senkovsky states, the numerical structure of the population across all Georgia was as follows: Georgians 101,000 souls, Armenians 56,000, Tatars (Azerbaijanians) 41,200, Ossetians 15,400, Pshavs 2,040, Tushes 2,400, Khevsurs 1,510, Greeks 1,810, Germans 1,040, Jews 500. Total 224,300 persons, i.e. after the declared 17 centuries of being in the territory, Georgians did not make the majority of the population, especially if one considers that all ethnoses living in this territory were named Georgians, although they did not consider themselves as Georgians then or even now. If one accepts the condition that at that time Russians named only Kartvels and Kakhétinians as "Georgians", their share as a part of the population will be insignificant.

Inhabitants of Transcaucasia before the XX century did not use the terms "Georgia" and "Georgians", as each of them considered that they belonged to a definite tribe and nationality, which had more essential value. But for Russian officials and military men, use of the given term was convenient as it was not necessary to consider which set of nationalities was occupying Transcaucasia, it was easier to name them in a word which did not define anything. As a result, such people as Meskhs, Svans, Gurians and Imeretians have appeared as "Georgians". It is indicative that Abkhazians name modern Georgians as Gurdjes.

The argumentation of modern Georgian historians and politicians, trying to prove the uniqueness of the modern nation "Georgia", relies upon the ignorance of those inhabitants of Russia, America and Europe for whom the world is presented in such a way that in Africa there live only Negroes, and in the Caucasus, only Georgians.

In modern Georgian interpretation of history, the toponym "Sakartvelo" is used, as it is supposed to be a synonym of "Georgia". According to the meaning of this toponym, this is the country of Kartls. Hence, it can extend only to Kartli, or at best to the Kartli-Kakhétinian kingdom. From XII century this name already covered some princedoms in the territory of Central Transcaucasia, but did not survive. The evidence of it is the incorporation within the structure of Russia of separate kingdoms and princedoms of Transcaucasia in independent form. As long as Georgia did not lay claim to all space within Transcaucasia, use of this name was not so essential. In particular, Abkhazia (which ancient historians also ascribe to Gurdjistan), was an independent state till VIII century. Then, till XI century, it was a huge Abkhazian kingdom, and in no way "Georgia". Later, till XIV century it was the Abkhaz-Imeretian (or vice-versa) kingdom, then, with its disintegration, there were other independent kingdoms and princedoms, none of which carried the name "Georgia".

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*4 The word "Gurdj" is absent both from classical language (in which the Koran is written), and from modern Arabic (see Arabic-Russian dictionary, Moscow, 2000). If it does have Arab roots, it probably comes from one of their dialects. M.Fasmer believes that "Georgia is a newly formed Russian word" (see Etymological dictionary of Russian language, M. Fasmer, 4 volumes, Moscow, 1986, VI, p. 464)*

At this point it is pertinent to consider the topic of Iveria, as in one of the periods of XI century in Transcaucasia there occurred a strengthening of Armenia and the Armenian-Iverian kingdom appeared. At a later time Senkovsky asked the questions: "Where was Iberia, who were Iberians, and what right do Georgians have to appropriate this name?" He also answered:

“Attentive reading of the texts of Strabon, Pliny, Dionysius, Ptolemy, Plutarch, Tatsit and later writers of the classics of antiquity reveals that Iberia was actually represented by Ossetia, Imeretia, and Radtcha... Also that Iberian as a nationality never existed... Iberians are the people nowadays named mountaineers, and they could not represent any nationality”.

Summarising the presented data from annalistic sources, it is possible to draw the following conclusions:

- 1) Annalistic materials since VI century report on the country Djurzan, Gurzan, or Kurdj.
- 2) In early works, the country of Gurdjes is situated in the northern part of the territory of Armenia. Further to the north there is a country of Abkhazians.
- 3) It is noted that both these states render tribute to the governor of Tiflis for Caliphs. Hence, to the middle of X century, the territory adjoining Tiflis was not the land of Gurdjes.
- 4) In works of VIII century, the lands of Gurdjes territorially reach to the southern foothills of the Caucasian ridge in the country of Abkhazians, which borders with Alanians.
- 5) Annals confirm that the Abkhazian people - Gurdjes - went down from the mountains to the vicinity of Tiflis in 1122, expelled Moslems, and began to rule there. This fact is confirmed by medieval history.
- 6) The medieval history of Transcaucasia confirms the existence during that time, in the investigated region, of the Abkhazian kingdom, into which entered the feudal princedoms of Abkhazia, Kakheti, Ereti, and Tao-Klardjeti. No state, kingdom, princedom, area, tribe etc. with the name "Georgia" is mentioned as existing at the end of XI century.
- 7) Analyzing the occurrence of the terms "Georgia" and "Georgians", we are convinced that mostly they appear incorrectly, often through the tendentious interpretation of Arab, Greek, Byzantine and other documents by later translators in XIX-XX centuries. This has led to the situation that in the course of formulating history, translators have appeared more influential than historians.

### **1.5. Ethnos and territory of Abkhazia.**

Analyzing the question of the origin of Abkhazians and the history of the settlement of territory occupied by them, the majority of non-Georgian scientists and some modern Georgian researchers (for example, Professor O.Djaparidze) consider that all the western part of the Caucasus was occupied by Hett-Abkhaz-Adyg tribes until IV – III millennia BC. The genetic relationship between ancient Abkhaz-Adyg tribes and Hett was specified by such well-known scientists as I. Diakonov, S.Eremian, I.Dunaevskaya, V. Ivanov, etc.

Researchers name two directions of movement of ancestors of the present-day inhabitants of the region: from the North Caucasus where tribes related to Abkhazians nowadays live (Abazinians, Adygs, Kabardians, Circassians, Shapsugs), and from the south, from Asia Minor through Colchis. According to the first direction, the cradle of Abkhaz-Adygs should be localised on the northern slopes of the western Caucasus, in the Prikubansk niche (G.A.Melikishvili, M.D.Lordkipanidze, etc.). From there, in an interval till I century AD (according to such authors as P.Ingorokva), and also after XVI century, part of the local population moved to the Black Sea coast. However, from the second half of II millenium BC, southern cultural streams were dominant on the western Caucasus, therefore hypotheses about resettlements of Abkhazian ancestors from the north at that time, and the more so in XVII century, lose any archaeological substantiation.

For the second, southern, direction, it is assumed that the Colchian ecological niche and northeast areas of Asia Minor adjoining it were an ancestral home to the Abkhaz-Adygs. Even from the end of II millennium BC to the beginning of I millenium BC the Kashki-Abeshla tribes, presumably related to Adyg-Apsils, lived there (O.M.Djaparidze, G.A.Melikishvili, V.G.Ardzinba, etc.). In this case it is necessary to admit the movement (along the coast through the eastern Black Sea corridor and through passes) of direct language ancestors of Adygs during II - the beginning of I millenium BC on northern slopes of the western Caucasus. Ancestors of Zikhs-Ubykhs thus occupied a niche between the Gagra ridge and Tuapse, connected with neighbouring territories by almost impassable seasonal tracks. The proto-Abkhazian tribes (Apsils, Abazgs and Sanigs), as a primary part of the community, continued to live in Colchis, where they were identified by ancient authors.

The last migratory movements for 2000 years, according to written sources, were a proportion of the Adygs moving to the east (Kabardians) and a proportion of the Abkhazians moving to the north Caucasus (Abazinians). No large-scale return movements during this period have been noted. But the migration of ethnonyms is also rather indicative - the name of Abkhazians "Abaza" moved from the territory of the modern Gudauta area (historical Abasgia) to extensive areas of the northwest Caucasus.

Some Georgian scientists have attempted to confirm a hypothesis about the existence in this area of the Georgian kingdom, through the discovery in the region of the east Black Sea coast of a considerable quantity of coins (named colhidki), by attributing these to Colchian origin. This has not received support, as these coins were minted in Greek cities and bear an obvious print of the Greek monetary tradition.

At the same time, historical materials since I millenium BC testify to the presence of the Abkhazian state in western Transcaucasia. In VI century BC, Procopi Kesareeski in the work "War with Goths" wrote about the border which existed between Lazikans and Apsils living together with Abazgs. Modern Kartvel historians incorporate Lazikans within Kartvels, but Lazikans never considered themselves thus and still do not do so. In Procopi Kesareeski's opinion, the border followed the river Fazis, which nowadays is called the Rioni. By III century BC, at the beginning of the Farnovaza dynasty in Transcaucasia, the border of the Abkhazian territory had been accurately defined. It ran along the Caucasian ridge, the river Ingur (Enguri), the Black Sea coast to present Batumi, via mountains to the source of the river Chorokh and to lake Palakatsio, then further along the right bank of the river Debeda to the river Kura and, at last, to the river Alazan and its tributaries. It is important that at the end of IV century BC Abkhazia was an independent country and was not a part of what present Georgian historians name "Georgia", and also that Abkhazians did not form part of "the Georgian population".

By the end of I century AD, some early feudal proto-Abkhazian princedoms were formed on the Black Sea coast, which for some centuries co-operated with each other and with their neighbours. Occupied by Abkhazians, the territory served as a kind of bridge between the north Caucasus and the Black Sea. Another connection was via the sea – ships moved along its coast towards Asia Minor and Crimea. An important role was also played by the geographical position of Abkhazia, as the base of a triangle which was open to influence from the southeast where the road at the foot of the mountains ("the Abkhazian Way") led, and which was used by conquerors and merchants.

Djvansher Djvansheriani (Djuansher Djuansheriani), in the XI century book "Deeds of Vakhtang Gorgosal", wrote that in the V century, the border between Abkhazia and Iveria passed along the Rioni river. Ioann Sabanisidze in VIII century stated that the borders of Abkhazia included Khaldia and Trebizond. The X century Byzantian emperor and historian Constantine VII Flavius (Porphyrogenitus) also confirms that Trebizond was within the borders of Abkhazia.

By XVII century Abkhazia was defined as a completely independent state in its present territory. In "The new and full geographical dictionary of the Russian state, or the Lexicon", published in Moscow in 1788, we read:

"Abkhazians are the free and numerous people living in the Caucasian mountains, whose language has no similarity to any other known language except Circassian, to which it shows a slight resemblance. The land on which these people live is called Absny in their own language", i.e. Abkhazia. Further in this work the borders of the Abkhazian people's residence were noted: "During former times these people lived only in the western part of the Caucasian mountains adjoining the Black Sea, on rivers which run into that sea between the rivers Kuban and Enguri. The Enguri river separated them from Mingrelians. The majority of the people have lived in this country until now in the following districts: Khirpis, Chashi, Sadze, Aibga and Akhshipse, which to Circassians are known under the general name of Kushgashik, (i.e. "behind the mountains")".

According to the dictionary, in the western part of Abkhazia lived Toobs, Ubykhs, Shashes, and Shapsugs. Later compilers of the dictionary separately describe "the third small part of the Abkhazian people..., who in the previous century (i.e. in XVII century) moved to the north side of the mountains, where they lived between the Circassian regions and Kabarda (they are referring to Abazin tribes)...

The language of these northern Abkhazians is identical to that of midday Abkhazians". Further, it is specified that the centre of all this territory was fortress Sukhum-Kale, where there were sovereign Abkhazian princes.

How do Georgian scientists see the historical origin of Abkhazians? S. Shamba quotes material from the department of ancient history, archeology and ethnography of the Sukhum branch of the Tbilisi state university: "Scientists studying Caucasus know that the Abkhazian people make two ethnoses. The descendants of ancient Abkhazians are the same as Georgians, and make today about 80 % of Abkhazians. They carry Georgian surnames, the majority of them speak Georgian and have namesakes among the Georgians. Apsuas (Abazinians) in the territory of Abkhazia appear only in the late Middle Ages. Before 1621, no Apsuas lived in Abkhazia. From that year, church and other annalistic documents prove it to be true that only three surnames lived in Abkhazia".

S. Shamba notices that this opus expresses the opinion widely held in Georgia as to the history of Abkhazian (and not only Abkhazian) people. Because the fact of Abkhazian ancestors residing in the territory of modern Abkhazia is impossible to deny, as it is confirmed by many ancient and medieval sources, the concept according to which ancient and medieval Abkhazians were the same as Georgians has been invented. Modern Abkhazians (they are named Apsua because this is what they call themselves) – "came down from the mountains two centuries ago" - i.e. from the North Caucasus.

In 1989 the Georgian writer R. Mishveladze sent an open letter to writer Fazil Iskander in which he wrote: "... Never anywhere in nature did the Abkhazian language exist, nor the Abkhazian culture, and damned Bolsheviks have misled naive Adygs, have thought up the Abkhazian autonomy for them in the territory of Georgia, and in passports have written down a nonexistent nationality – Abkhazian.."

Here is how the history of the Abkhazian people appears in a short statement by a group of well-known Georgian writers M. Kahidze, R. Mishveladze, T. Meburishvili and G. Djumuhidze in the newspaper "Ahalgazrda Komunisti" of May 6th, 1989. From this statement it appears that Abkhazians are in no way Abkhazians, but "from the North Caucasus, Adyg tribes (Apshils and Abazgs) came to us (i.e. to Georgia) two centuries ago... The tribes which came on a visit called themselves by the name of the most ancient Georgian tribe, the Abkhazian tribe, and, having grown bolder due to our naivety, imposed the Adyg language upon Georgian Abkhazians, who within millenia could not make a sound in any language except native Georgian". This last statement sounds absolutely absurd, and basically contradicts both historical experience and the laws of linguistics. In history there have been occasions when these or those people have converted to the language of newcomers more developed in cultural relations. For example, the Daks, ancestors of Romanians, converted to the Roman language. Reverse cases have not been observed. For instance, Bulgar nomads transferred their title to the Balkan Slavs, but the latter retained their own language which is still understandable to Russians, Ukrainians, etc. How could "half-civilised tribes of humble origin, who did not have either culture or history", according to the statement of the Georgians, impose their language upon "ingenuous Georgian Abkhazians"? Moreover, it is known that the phonetics of the Abkhazian language is so complicated and original that to master it is possible only in early childhood, and adults are not capable of this. But even the Georgian nationalists could not invent statements about the total abduction by "half-civilised Adygs" of the babies of "Georgian Abkhazians".

Georgian "historians" T. V. Koridze and Z. D. Abashidze managed to drag this thesis even into "the Orthodox Encyclopaedia", published under the aegis of the Moscow patriarchy, where in the article "Abkhazian - West Georgian Catholic See" there is the statement that present Abkhazians are "tribes who moved in the 1630s from the North Caucasus and took their name from local Abkhazians".

In № 4 edition of Georgian magazine "Critic" for 1989 one can read: "The tribe "Apsua" (the self-name of Abkhazians), come down from the North Caucasus and lodged on the most ancient Georgian land, has made insidiousness resistant to human concept: named itself "Abkhazians" and, having appropriated our history, has "declared" itself sons and owners of the finest corner of Georgia... If anyone wished to respect this Apsua tribe, they would write them a nationality – "Apsua". You

(Abkhazians) have the right to express your discontent only in Adygea". R. Mishveladze's articles show a special emotionality and rudeness: "... Inch by inch poured by blood, over centuries won, we inch by inch conceded to all without discrimination - whether dervishes of humble origin, or the tribes which have come down from the Caucasian mountains, which have neither culture nor history... Let us become owners of our lands, let us create new Georgian villages in the territories occupied by visitors". As well-known Georgian writer Chabua Amiredjibi declares: "Abkhazians are the Georgian tribe. And those who have come to us from the North Caucasus are any riff-raff, Adygea, murderers and half-civilised tribes..."

The former president of Georgia Z. Gamsakhurdia remarked: "Georgia is the country of Georgians", meaning by this that Abkhazia also belongs to Georgians.

The writer and publicist G. E. Tsereteli, one of the organizers of the group "Meore-dasi" (a political movement of the Georgian intelligentsia), and confirmed by the Georgian Soviet historiography as being ideologically close to Russian revolutionary democrats, in 1873 wrote:

"All Caucasus is our country. You should mentally imagine that our foot stands on our land, that we are in our country. Whether we will lodge in the country of Circassians, though in Dagestan, everywhere is our native land". After these statements Tsereteli urged the Georgians to occupy all the coast of the Black Sea to the Crimea to which, "as like leeches, foreigners have stuck: Greeks, Tatars, Jews and others".

We consider it necessary to pay attention to G. Paichadze's work "Names for Georgia in written Russian historical sources", where the main principle of research used by world science is broken: firstly analysis, then synthesis, and finally conclusions. G. Paichadze begins the first paragraph of the work with the conclusions that all Transcaucasia since II millennium BC is "Georgia", and all people living in its territory are ethnic "Georgians". As for "Georgian" and "Georgia", as already mentioned such a people, nation or ethnos, and also the country, did not exist up to the most recent times.

Therefore to speak about the existence of Georgia throughout 26 centuries is a nonsense, an invention which does not have anything in common with historical validity. It can be seen from our research that such ethnic groups of people as Colchians (then Gurians) and Svans really existed during the specified period and that in the beginning of XX century they, along with Kartvels and Kakhetinians, became a part of the newly-created nation - the Georgians. Into the new state formation, other ethnic groups also entered: Mingrelians, Adjarians, Meskhetians, etc. The Georgian nation was formed and received this status from the moment of commencement of the state Georgia on May 26th, 1918 and, hence, existence of the nation and the state probably totals hardly one century.

Since the start of XX century there has also been a basic change in the ethno-demographic situation in Abkhazia. If in 1886 Abkhazians made 85 percent of the population of Abkhazia, in 1916 their share had decreased to 57 percent, and in 1926 had fallen to 27 percent. The Georgian occupation was strengthened over many years and has changed into a severe constant genocide. As a result of the systematic settling of Georgians within Abkhazia after its annexation by Georgia, and later during the existence of the USSR, the demographic balance has been broken. The indigenous population has appeared as a minority and with such oppression that any questions connected with sovereignty could not be considered any more, and could not even occur, as they would have challenged the majority of the people of the country. The Georgian majority had been created artificially, due to immigrants from the invading country. Abkhazia in this situation not only lost its independence, but because of a constant attack on the national language, and introduction of the Georgian alphabet, the culture of the ethnos was systematically destroyed. As a result, Abkhazia transformed from a sovereign state into a certain region in which the Abkhazian nationality lived as a minority.

One of the arguments that Abkhazians are Georgians is the fact that some Abkhazians and Georgians have the same surnames. This really occurs, usually as a result of assimilation, or an artificial or natural change to the ethno-demographic situation in the region. The period of intensive change of surnames in Abkhazia started at the beginning of a genocide of the Abkhazian people by Georgia, and the active settling of territory by Georgians and replacement of the Abkhazian government by Georgians. This process was accompanied by ethnic cleansing, political and physical violence, destruction of the ruling elite of the country and its intelligentsia, and occurred during the years of the

Stalin regime. In these circumstances, the presence among surnames belonging to the native ethnos of others belonging to other nationalities cannot be used for the assignation of all ethnoses to these nationalities, as the change of surnames occurred during earlier times.

Historical sources testify that even during the first period of the 'Georgianisation' of Abkhazia, churchmen of different levels were appointed exclusively from the Kartvelian nationality, who knew neither Russian nor local languages. They wrote books of records of births, marriages and deaths, and with their help Abkhazian surnames were altered to Georgian style: Maan - Margania, Emkhi - Emukhvari, Achba - Anchabadze, Inal-ipa - Inalashvili etc. Such transformation of surnames took place in the XX century during the new period of 'Georgianisation' of territories. The authors know cases when the Jewish surname Mikhelson was advantageously transformed to Mikhelashvili, and the Russian Maklakhov to Maglakelidze.

The purposeful and consistent policy of the Georgian government towards the genocide of the Abkhazian people should have led to the full cleansing of Abkhazia of the non-Georgian part of its population, and this was one of the reasons for the conflict which took place in 1989. For the purpose of full assimilation of Abkhazians, the Ministry of Justice of Georgia passed the law № 3/1 dated February 23rd, 1990, obliging employees of the Registry Office and the Ministry of Internal Affairs of the Abkhazian Autonomous Republic, for people of Abkhazian nationality with surnames terminating in -iya, -ia, -va, or -ua in documents proving their identity, to write the nationality "Georgian" in the relevant column. It was a violent change of nationality, and therefore of citizenship, for ethnic Abkhazians.

In details describing the situation in Transcaucasia at the beginning of XIX century, N. Dubrovin stated that after numerous requests by possessors of princedoms in the Central Transcaucasia for Russian citizenship:

"Russia assumed to rank Georgia as a Russian province, as "the Kingdom of Georgia", and after 1800 Georgia (Kartli and Kakhetia, authors) "for ever" joined Russia. Its territory to the north bordered on the Caucasian ridge, in the west separated from Imeretia by Khopinskaya Valley, from Ahaltsikhski Pashalyk by mountains, on continuation from Toparavana Dale to Akhbaba. In the south it was separated from Karski Pashalyk by the river Arpachai, and from Khanate Erivanski by lake Gokcha. In the east, the river Djagor separated it from Khanate Ganzhinski, and river Alazan from Djaro-Belokan.

Georgia included Kartalinia, Kakhetia, Samkhetia (consisting of Trioleti and Borchala), Kazakha, Shamshadyl, Bambaka and Shuragel, as well as the lands of Khevsurs, Pshavs, Tushes, and Ossetians. The whole area did not exceed 280 versts from east to west and 300 versts from north to south. The population was about 100,000 souls.

The western part of Transcaucasia consisted of the kingdom of Imeretia, the sovereignties of Mingrelia, Abkhazia and Guria, recognised as independent of Turkey by the Kuchuk-Kainardjiski agreement of 1774, and Ahaltsikhski Pashalyk ".

The first official mentions of "Georgia" were contained in military reports of wars with Persia in XVIII century, in which Russia also took part. On fig. 2 the map of that time defining the borders of "Georgia" (as understood by the Russian military leaders) is presented. According to the map, which is a legal document, these borders included only Kartalinia. Abkhazia had no relation to this princedom.

The border between Abkhazia and Mingrelia, specified in the map of XVIII century which is the first legal document, passes along the river Enguri (Ingur), and so-called "Georgia", according to this map, is located in insignificant territory of Central Transcaucasia and does not border on Abkhazia at all.

The southern border of Abkhazia on the river Ingur is also noted by other authors. Countess Uvarova wrote "We are already in Abkhazia, whose borders are considered to be from a town called Gagra to the river Ingur in spite of the fact that the part of the country from the river Kodori to river Merkula or Mokva belonged to Mingrelia for a very long time, and made one of the furthest parts of the Dadiani princedom; from Merkula to Inguri is situated so-called Samurzakan, or the sovereignty of Murza-Khan ".

In the book “Data on conveniences of apartment accommodation for all kinds of troops in Abkhazia (Short military-statistical review with apartment map)”, written by 1st department of Headquarters of the Joint Staff in 1843, the border of Abkhazia is described in detail, beginning from Samurzakan to the land of Djigets. In this book, detailed characteristics of the nature of the country are given - woods, rivers, lakes, settlements, the economic condition as a whole, class structure, etc. A big map of Abkhazia showing troop locations is enclosed in the book.

F.F. Tornau in the book “Memoirs of a Caucasian officer” wrote that “the real border of Abkhazia begins on the right bank of the Inguri”. We find interesting data on the borders of Abkhazia in K.D. Machavariani's works. He wrote:

“Borders of the Samurzakan site are made in the north by the Caucasian mountains (their spurs), in the south by the Black

Sea, in the east by the river Ingur and the boundary with Mingrelia, and in the north by the river Okhurei and the Kodori site - Samurzakan has received the name from the prince Murzakan Shervashizhe to whom the possessor of Abkhazia has charged management of this site... On the left side of the Ingur, the Zugdidi and Senaksky districts of Mingrelia begin”. In this work it is also underlined that the Samurzakan area was always territory in Abkhazia and was outside of Mingrelia, and at the beginning of XVIII century was occupied only by Abkhazians.

In 1864 the Georgian priest D. Machavariani and Russian general I. Bartolomei remarked:

“Samurzakan is separated from Mingrelia by the river Ingur, which often happens to be impassable, whereas from Abkhazia there is no such barrier. It can serve as an explanation as to why there were stronger influences on Samurzakan from Abkhazia in the past than from Mingrelia, and confirmation of the national legend of the indivisibility of Abkhazia and Samurzakan”. Throughout the last three centuries and to this day, the Ingur river is the political and state frontier of Abkhazia, separating it from Mingrelia and Georgia.

Annalistic sources confirm the existence from VIII to XI century of the powerful independent state of the Abkhazian kingdom, whose territory covered areas in the north to Kuban, in the south to Batum, including a part of modern East Georgia from Tbilisi, and further to Armenia. During the subsequent period as a part of the Abkhaz-Imeretian kingdom there was an independent political formation - the principedom of Abkhazia. In XII - XIII centuries the residence of Abkhazian sovereign princes Chachba-Sharvashidze was Tskhum (Sukhum). This royal line ruled Abkhazia to the middle of XIX century. In the middle of XIII century, under attacks from Mongols, the Abkhaz-Imeretian kingdom broke up into a set of kingdoms and principedoms, among which there was also a separate state - the principedom of Abkhazia. Then, throughout 600 years, before acceptance into the structure of the Russian empire in 1810, the Abkhazian principedom did not unite with any one kingdom or principedom. On the contrary, during these centuries it fought them, with varying degrees of success. For example, at the end of XIII - beginning of XIV century Mingrelia occupied eastern areas of Abkhazia (Tskhum province) until Anakopia. Struggle for this territory was conducted till XVII century. Until the moment of incorporation of Mingrelia into the structure of Russia in 1803, fortress Anaklia on the left bank of the river Ingur was in the hands of Abkhazia, where the successor to the Mingrelian sovereign prince was held as a hostage. Even the presence of the largest defence construction in the Caucasus – the 60-kilometre Kelasur (Great Abkhazian) wall could not stop Abkhazians from taking the boundary by storm and restoring the ancient political border along the river Ingur. The territory supervised by the Abkhazian princes was narrowed, extended, narrowed, then again extended, but Abkhazia never stopped existing within its historical borders.

At the end of XVIII and beginning of XIX century, the majority of the Caucasian states were joined to Russia : Kartli-Kakhetia in 1801, Mingrelia in 1803, Imeretia in 1804, the Gurian principedom in 1811. In 1804-1806 the Azerbaijan khanates were attached to Russia. In 1810 the structure of Russia also included Abkhazia, which was never “Georgian”, and did not represent itself as the Georgian nation or ethnos. The border from the south separated Abkhazia from Mingrelia and other kingdoms and principedoms which were independent state formations. Abkhazia became a part of the Russian empire as a sovereign state, as a subject of world politics, and this was recognised and fixed legally. The Abkhazian principedom, having asked for Russia protection, was included into Russia's structure

with its own territory actually identical to today's, having thus kept its independent status, unlike all other princedoms existing in the territory of modern Georgia.

The expulsion of Abkhazians to Turkey (so-called "makhadjirstvo"), which started straight after 1810, was a mass exodus. Some tens of thousands of people were compelled to leave their native land. Russian imperial officials had complete power over all those who remained. The Lykhni revolt, in which about 20 thousand people took part, flared in 1866. It was an attempt to restore the princedom, i.e. statehood, but was unsuccessful and was suppressed by military force. Severe reprisals followed - prisons, banishment, and hard labour began. In 1877 there was a new revolt and more reprisals, including further expulsions to Turkey. This time 50 thousand people left Abkhazia, which was a national tragedy. Throughout XIX century Abkhazia lost about 180 thousand people, including 135 thousand Abkhazians. The country became deserted. Its territory began to be occupied by people of other nationalities: Armenians, Greeks, Germans, Estonians, Russians, Ukrainians, Jews. But most of all, the country was occupied by so-called Georgians, i.e. Kartvelians, Kakhétians and Mingrelians. Over a decade (1886-1897), the number of settlers in Abkhazia from Transcaucasia grew sixfold, reaching 26 thousand people. The national structure of the population had sharply changed.

In 1864, in connection with the beginning of a mass exodus of the indigenous population to Turkey, a part of the territory of Abkhazia, from the river Mzymta to the river Begripsta, was attached to the Black Sea district formed at that time, which subsequently became a province. The Russian imperial government continued further to break the territorial integrity of Abkhazia. At the end of XIX century, Emperor Nikolai II presented a considerable part of Gagra region to his relative Prince A. Oldenburgski, who in 1903 founded "Gagra climatic station" as an aristocratic resort. The decree of the emperor from December 24th, 1904 confirmed the "Decision about joining of Gagra climatic station with neighbouring area as far as the river Bzyb to the Sochi district of the Black Sea province". The colonisation of the territory, which had occurred since the first half of XIX century, greatly increased during the last quarter of the century and came from different directions - from Turkey, Russia, Mingrelia, and Imeretia.

*Fig. 2. Copy of "Plan of operations of the troops of Major-General Sukhotin in Asia in the campaign of 1771" (fragment), from "Official and historical documents of XVIII century, concerning Georgia.*



Рис. 2 Выкопировка из «Плана операций корпуса ген.-майора Сухотина в Азии в компании 1771 году»(фрагмент). Из «Грамоты и др. исторические документы XVIII столетия, относительно Грузии. Т. 1, с 1768 по 1774 годы».

ЧЕРНОЕ МОРЕ ..... BLACK SEA  
АБХАЗІА ..... ABKHAZIA

МИНГРЕЛИА ..... MINGRELIA  
ИМЕРЕТИА ..... IMERETIA  
ГРУЗИА ..... GEORGIA  
КАХЕТИА ..... KAKHETIA

According to G. Dzidzaria, Abkhazia in XIX century consisted of the Bzyb, Abkhazian (Sukhum) and Abzhui regions, and the Tsebelda (from 1837) and Samurzakan (from 1840) police districts. In 1840 Djiget police district was formed between the rivers Gagripsh and Hosta (Small Abkhazia). In 1841 this territory was added to the Abkhazian principedom, and in 1847, together with Tsebelda police district, was transferred to the Black Sea district. The Capital was Lykhni. G. Dzidzaria also wrote, referring from I. K. Ash (1830), that "The northwest border of Abkhazia is the river Gagripsh, from which the land of Djiget begins". After Russian had constructed a fortress in Gagra in 1830, this land was attached to Abkhazia, and entered the Sukhum department even later.

The territorial organisation of the Sukhum military department, which was officially a part of the Kutaisi province, was later subject to constant reformation. After 1864 the former third department of the Black Sea coastal line (from the river Gagripsh to the river Kodor) was divided into districts: 1) Ochamchira (the former Samurzakan district and Tsebelda): Gudava, Okum, Bedia, Ochamchira, Ilori, Dali gorge, Georgian and Tsebelda fortifications; and 2) Pitsunda (Abkhazia, former Abzhiva, Bzyb and Sukhumi districts): Drandi, Kelasuri, Sukhum-Kale, Aatsi, Gudaut, Souk-su, Tsera, Pitsunda, Gagra, Pskhu, and Akhchi-Pskhu.

Thus, on the basis of objective data it is possible to draw the following conclusions:

- 1) Ancient authors confirm the existence of the Abkhazian ethnos from V century BC onwards, and also its location within the territory of the Abkhazian state situated along the coast of the Western Transcaucasia. Its southern border passed along the river Fazis (Rion), and sometimes its limits also included more southern areas, including Trebizond.
- 2) Though the Abkhazian kingdom, situated in the territory of present Abkhazia as well as in areas of eastern and southern Transcaucasia and partially Armenia for almost six centuries, broke up into separate feudal formations, the independent Abkhazian state continued to exist in the historically confirmed territory of origin of its ethnos. Since the V century BC, during the whole period of residence in this area of Abkhazians as ethnos, the territory of Abkhazia remained within the borders existing nowadays, as the property of its people, and was never transferred in possession to someone via a legitimate procedure.
- 3) The settlement during prehistoric times of Abkhazians in the region of present-day Colchis, and their displacement to the north by tribes which later occupied this area, is confirmed by the presence of various forms of Abkhazian toponyms in Southwest Transcaucasia.
- 4) The Abkhazian state during that time already had its own name - "Absny", which has existed till now in the form "Apsny", which means Abkhazia.
- 5) It has been confirmed that the Abkhazian population of the country was numerous before the beginning of "makhadjirstvo", which led to an exodus from the country of several hundred thousand Abkhazians and similar nationalities.
- 6) The territory of medieval Abkhazia, and its borders which passed from the south on the river Ingur to the Caucasian ridge, then north along it to Kuban, are accurately defined in documents.
- 7) The originality of the Abkhazian language, which does not have similarities to others (especially to languages of the Kartvelian group), except for a certain similarity to Circassian and some other languages of the people of the North Caucasus, is extremely clearly defined. Possibly, the similarity to the language of these people became one of the reasons why, in "The Dictionary...", the border of Abkhazia goes to Kuban, as during that time Circassians lived to the north of the borders of Abkhazian territory.
- 8) The indication of the presence in the country of only one language testifies to the absence in the territory of Abkhazia of other nationalities with their own languages, i.e. to the homogeneity of its population.

9) A very important fact is that Abkhazia is separated from Mingrelia by the river Ingur (Enguri), which serves as a natural border. It confirms that on primordially Abkhazian land till the middle of XVIII century (anyway, till its beginning), so-called "Georgian" tribes, and especially people of Kartvelian nationality, never lived. The border passed, then as well as now, along the river Ingur. The first mention of the border along the river Ingur, separating Abkhazia from its southern neighbours, occurred in III century BC.

10) The given annalistic materials once again establish the groundlessness of all insinuations from Georgian historians, politicians and writers trying to prove that Abkhazia is not, and never has been, a state located in its own territory within strictly defined borders, and with the Abkhazian ethnos existing in this territory throughout several millenia.

11) For a state to be recognised as a sovereign unit, it is necessary to have the ownership of territory with a native ethnos existing within it. This has been proved to be true for Abkhazia.

## **Chapter 2. Statehood of Abkhazia**

- 2.1. Statehood formation.
- 2.2. Transcaucasia as a part of the Russian empire.
- 2.3. Abkhazia as a part of the Russian empire.
- 2.4. Expansion of Georgia and struggle of Abkhazians for independence.
- 2.5. The Soviet Abkhazia - the sovereign state.
- 2.6. The Abkhazian statehood during the post-Soviet period.

### **2.1. Statehood formation.**

The first Abkhazian kingdom arose under the influence of the Roman empire, with its direct participation, and existed in the territory of modern Abkhazia from I century AD, and from then on Abkhazia actually possessed all the signs of statehood. The early types of states forming Abkhazia were the "kingdoms" Sanigia, Apsilia and Abasgia, appearing in sources since I century AD, which covered all the territory of the present Republic of Abkhazia. These political structures were dependent upon the Roman emperors who appointed local tsars and had control over them through the seaside settlements Sebastopolis and Pitiunt, in which the Roman garrisons took residence. In the beginning of II century Apsils were ruled by Julian, Abasgs by Resmag, Sanigs by Spadag, and at the change from III-IV centuries Rigvadin reigned in Abasgia.

After the transfer of the capital of the Roman empire to Constantinople, political, economic and cultural Roman-Byzantian presence in the area increased. In the first half of VI century, in connection with the invasion of Persians and their North Caucasian allies into Colchis, Byzantium made an attempt to unite proto-Abkhazian (Apsils, Abasgs, Misimianians, etc.) and west Caucasian (Lazikans, Svans) nationalities within the limits of vassal buffer formation - the Lazikan kingdom. In Colchis there appeared a situation similar to that occurring in the middle of XX century – Abkhazia, as an independent entity, was included in the state of Lazikans (though territorially they were divided) which, in turn, actually became a part of the Byzantian empire.

Abkhazia as a state declared itself independent for the first time in 545, and already in 550 it was subordinated by Byzantium. Throughout the following period of more than 200 years, the territory of Abkhazia was included in the east Black Sea coast province of the Russian empire and considered as "Roman territory", management of which was carried out by imperial logofets (deputies). In D. Chachhalia's work "the chronicle of the Abkhazian tsars" (2000) names of these governors operating in the territory of Abasgia (Opsit and Skeparna in VI century; Anos, Gozar, Justinian, Filiktos, Barnuk, Dimitri, Feodosi and two Constantines from VII to the beginning of VIII century) and Apsilia (Marin and Evstafi in first half of VIII century) are given.

Independent Abkhazian statehood arose from the moment when the rule of the protege of Byzantium, Leon I, began. The Caesar, the Byzantian emperor, in VIII century granted to the Abkhazian lords, his vassals, the right to sovereign rule the country. Leon welcomed on his land the governors of

Kartli, who were pursued by armies of Mervan ibn-Mohammed (Mervan-Crewe) to the borders of Abkhazia, and helped Kartli in the battle of Anakopia. After this, the emperor of Byzantium, who was interested in expansion of the borders with the Caucasus, gave Leon the right to rule Abkhazia hereditarily. "Henceforth it is my hereditary possession from Klisur to the river of the Big Hazaria where reaches the end of Caucasus".

So, Abkhazia received its own governor Leon I, the tsar of the newly-formed Abkhazian kingdom, later occupying a considerable part of Transcaucasia. Approximately in VIII century, the Abkhazian tsars moved to the east of Transcaucasia, and seized regions of Central Transcaucasia up to the borders of Albania. Tao-Klardjeti's Bagratids (the owners of Kakheti), the emir of Tiflis, and Armenian tsars all took part in this struggle. The definitive victory went to the Abkhazian tsars who seized and incorporated almost all of Kartli. Kartlis Tshovreba says that "at this time Abkhazia was the only part of Caucasus which due to its own safety and fertile soil promoted physical and moral strengthening of its tsars". Leon I occupied Mingrelia, Imeretia and all space to the Suramsky ridge, and based a fortress called Kota (Kutysh, Kutatis, Kutais) on the river Rioni. He named this state "Metropolia of Abkhazia" and divided it into districts: 1) actual Abkhazia, 2) Tskhom (from the river Inguri to Alania), 3) Bedia, 4) Guria, 5) Ratcha-Lekhum, 6) Svan, 7) Tsenis-Tskhali to the Suramsky ridge and to the south along the river Rioni. With him, the dynasty ruling this territory for two centuries commenced.

In VIII century in the territory of central Transcaucasia, an Arab caliphate dominated. All princedoms paid a huge tribute to Arabs. Abkhazia remained out of reach of them, and the victory over Arabs at the walls of the main Abasg fortress Anakopia promoted a strengthening of the new state. In the end, Abkhazia as an independent country was established in VIII century. The nephew of Leon I, Abkhazian tsar Leon II, was the founder and the builder of the sovereign Abkhazian state. Other princedoms of Transcaucasia at that time, and especially Kartli, took no part in the formation of the Abkhazian state, partly because of the absence of their own statehood.

At the end of VIII century Leon II, having taken advantage of the weakening of empire and strengthening of the Khazar kaganat, declared independence and transferred the capital of the Abkhazian kingdom to ancient Kutais, which represented the natural centre of the western Transcaucasia.

According to Kartlis Tshovreba, this was the peak moment of history in the formation of the Abkhazian (not Kartvelian or Imeretian, and especially not "Georgian") kingdom: "Having established this, Leon, having seized all Egrisi, named it not Egrisi, but Abkhazia, and divided this Egrisi, and henceforth Abkhazia, into eight eristavstvos (princedoms). That Leon assigned Abkhazia to himself and ruled (it), and after a safe reign died in 806 (year) of Christian (era)".

Kartlis Tshovreba informs us that later, at the beginning of X century, Abkhazian tsars Constantine and George gained the next territories, including Kartli, Kakheti and Ereti, thereby incorporating all of western and eastern Transcaucasia into the state structure. The Abkhazian kingdom blossomed at the time of George II, in the middle of X century, having incorporated a part of modern east Georgia. In X-XII centuries Abkhazians played the leading role in the creation of the Abkhazian kingdom, formed due to dynastic union and the announcement of its leader as the representative of the Tao-Klardjeti dynasty of Bagrat III, the nephew of the childless Abkhazian tsar Feodosi the blind. During that time Abkhazia in the southeast bordered Armenia.

In our opinion, this period in the evolution of Abkhazia can be divided into two parts, the first of which (before the reign of Leon II) is an epoch of the formation of Abkhazian statehood, and the second an epoch of the Abkhazian kingdom. This kingdom, arising at the end of VIII century and existing under this name, as confirmed in history annals (and by Georgian historians, who do not forget to note in brackets – "the Georgian kingdom"), throughout two centuries covered considerable territory in Transcaucasia. Following vigorous internal and foreign policies, it became amongst the largest states in the region, simultaneously solving questions of difficult international mutual relations with Armenian Bagratids and with rising new princedoms Tao-Klardjeti, Kakheti, Ereti, etc.

As R. Honelia notes, during this period there was actually a struggle for hegemony over Transcaucasia; all policy of Abkhazia was directed to the east, and in this process she competed first

of all with the Armenian kingdom, which carried out a similar policy and at times achieved considerable success. So, at the beginning of X century tsar Ashot I (Bagratid) seized Kartli and Imeretia and became “the Prince of Princes”.

After Ashot, Sombat (Smbat in the Armenian transcription) attached some more princedoms to the borders of the Caucasian ridge, and the Abkhazian tsars (till 898) undertook a dynastic marriage between Prince Musheg (son of Sombat) and the Abkhazian Princess (daughter of Abkhazian tsar Constantine). This meant a close relationship with Armenian Bagratids, and the beginning of a new dynasty in the Abkhazian kingdom. The presence during this period of a common border between the Abkhazian and Armenian kingdoms on the Suramsky ridge is assumed. With the weakening of the Armenian kingdom after Arabs in 901 seized Armenia, “in 904 entered Constantine, the tsar of Abkhazia, who both took hold of Kartlia and became the enemy of the Armenian tsar Sombat” (Kartlis Tshovreba Vol..1, P. 262).

In the war with Sombat and his allies the Abkhazian tsar Constantine suffered defeat, but, despite this, proceeding from the internal political situation in the region, Sombat returned seized lands to Constantine later. Having returned home to Kutais from captivity, Constantine began to rule the Abkhazian kingdom autocratically.

Thus, for all the period before the capture by Abkhazians of central Transcaucasia, and during the existence of the Abkhazian kingdom, Kartvelian tribes constantly depended upon Arabs, Persians, and Khazars, or were a part of the Abkhazian or Armenian kingdoms. They lacked not only statehood, but also independence, throughout five centuries until the disintegration of the Abhaz-Imeretian kingdom.

Rivalry in the realisation of effusive plans occurred not only with the Armenian tsars. Tao-Klardjeti's Kuropalat Adarnase, being the father-in-law of the Abkhazian tsar, pursued his own political ends and acted on the side of Sombat against tsar Constantine. In 888 Adarnase proclaimed himself “the Kartvelian tsar” and put forward claims for Kartli and all eastern territory, and for his superiority in the system of these kingdoms and princedoms. Nevertheless, as I.A.Djavahashvili notes in “History of the Georgian people”, Kartli remained a component of the Abkhazian kingdom. Having kept good relations with Constantine, Sombat was able, after Arabs had seized Armenia and Kartli, to find protection in Abkhazia, to which many inhabitants of the country escaped during this period.

Moreover, Abkhazians managed to show such resistance to Arabs, that the latter did not manage to subdue the Abkhazian kingdom (except for Kartli), as the Abkhazian army at that time had already been equipped and armed in the Byzantian manner. Later, in 920 Abkhazia rendered military assistance to Ashot II during the last major battle with Arabs. Constantine, having expelled the rest of the Arab military garrisons from Kartli, restored the status of the Abkhazian kingdom in central Transcaucasia. Kahetian governor Kvirike recognised himself as the vassal of the Abkhazian tsar, and they began to struggle together against Ereti where the Abkhazian kingdom was then established. Henceforth, domination and advantage appeared in the hands of the Abkhazian tsars, and Constantine III became one of the most powerful sovereigns on the Abkhazian throne.

As a result of military opposition by possessors of various princedoms and kingdoms in Transcaucasia, the Armenian line of Bagratids received priority status, due to which the Abkhazian kingdom under its aegis was strengthened. Bagrat III, who represented the Armenian line, and formerly the Persian line of Khanaenians from Tao-Klardjeti, came to power. His mother was Abkhazian, i.e. he had nothing in common with the Kartvelian tribe. His kingdom is quite often called Abkhaz-Kartvelian because Bagrat III subdued Kartlis as a result of wars and extended his power to their territory, having thereby accepted the title “The tsar Abkhazian and Novelissimus all East” which was confirmed by a parchment roll dated 1058 from Tiflis church repository “Mkhedruli”. Immediately after a victory over Kartvelians, the following memorable inscription devoted to this event was cut in a temple in Kutais, the capital of the Abkhazian kingdom, in 1003: “Oh, Tsar, ruling all tsars, extol powerful Bagrat, kuropalat, the tsar of Abkhazians and Kartvelians “. This inscription confirming the gain of a princedom of Kartli by the Abkhazian tsars is represented by Georgian historians as the creation of " the Abhaz-Kartvelian kingdom", though this does not correspond to reality.

Successors of Bagrat representing the elite of other princedoms did not keep this name, and during the subsequent period it carried the name "kingdom Abkhaz-Imeretian", a kingdom of Armenians and Iverians. Miriam, mother of Bagrat IV, had the title of the tsarina of Abkhazians and Armenians. The appurtenance of the subsequent tsars - Bagratids - to the Abkhazian line and imperial elite is confirmed by the text on the coins of Bagrat IV – "Christ, glorify Bagrat, the tsar of Abkhazians and Novelis".

Confirming his lawful accession to power, Bagrat III produced the manifesto known as "Divan of the Abkhazian tsars" in which he lists his predecessors on the Abkhazian throne. He gives 20 names of tsars and the years of their reigns (for the whole period from VII - the end of IX century) and continues: "And after these, God wished - and I, Bagrat Bagrationi, the son of blissful Gurgen, the son of the daughter of the Abkhazian tsar George, have seized the country of Abkhazia, my mother's inheritance, and I will reign for the time God wills!" On coins of his period is engraved "Bagrat the Tsar of Abkhazians". His reign is marked by the unification of all inherited territories, and a political, economic and cultural uplift of the Abkhazian kingdom. In 1001 he received the title of Kuropalat from Byzantine emperor Vasily II. In the list of his possessions Kartli is registered also.

With the accession of Bagrat III, the Tao-Klardjeti dynasty came to power in the country, and Kartvelians who were subdued and incorporated into the Abkhazian kingdom gradually began to represent a certain proportion of the population. This situation could have led to a regeneration of the Abkhazian kingdom. The most influential aristocratic clan of Abkhazian origin, nicknamed Abazasdze (or sons of Abaza, Abkhaz) in the beginning of XI century headed opposition and led a vigorous offensive against tsar Bagrat IV for the purpose of obtaining power. The political status of Abkhazia was above the state formations inherited by Bagrat III. This state throughout several centuries still carried the name "Abkhazian", and its capital until the second quarter of XII century would be Kutais. Abkhazia became a foundation of the new, larger state which inherited the political, economic and cultural achievements of former Abkhazia.

Transfer of the capital of the Abkhazian kingdom, firstly from primordial Abkhazian centre Anakopia to Kutais, in the territory occupied by Mingrelians, and later to Tiflis, lowered the influence of Abkhazian culture and decreased administrative influence on commoners and the nobility within princedoms and kingdoms. The self-created national elite advanced their rulers to the throne, therefore there was a replacement of the Abkhazian tsars by tsars from Tao-Klardjeti (a branch of the Armenian tsars), and later by rulers from Imeretian and Kartvelian dynasties.

Let's consider how modern Georgian history treats these events. From M. Miansarov's "Chronicles" it can be seen that Bagratids, the Armenian rulers from 787 AD, sat on the Kartlian throne and in other princedoms of Transcaucasia, yet it is stated that "Bagratids enter on the Georgian throne for a second time", which is certainly untrue. Firstly, there was no invitation to rule. Ordinary capture of territory took place, as a result of which rule passed to the Armenian lords. Local tribes and princedoms recognised them as their tsars.

Secondly, "the Georgian throne" is a mythical concept thought up by later historians, as time and again it has been stated that during that period no Georgians or Georgian kingdom existed.

Moreover, the beginning of the reign of the Bagratid dynasty can only be historically accurate since the time of family connection of tsars of the Abkhazian state, occupying practically all territory of central and western Transcaucasia, with Armenian Bagratids. In modern Georgian historical materials, very little is spoken about the existence of the Abkhazian kingdom in this territory or about reigns of the Abkhazian tsars. Apparently from the text of "Chronicles", instead of research into the existence of the Abkhazian kingdom from 780 to 1003, after which, according to many Georgian historians, the change to the Kingdom of Abkhazians and Kartvelians occurred, this period (200 years plus) was deliberately omitted, and instead was devoted to Armenia. But to hide the truth is difficult, therefore, for example, information on the Abkhazian tsar Leo IV suddenly emerges.

M. Miansarov in "Chronicles" states: "since 1089 - the beginning of the reign of Georgian tsar David III the Restarter"<sup>5</sup>. Actually, at the end of XI - the beginning of XII century David IV the Builder ruled. He was not Georgian by definition; his accession occurred in Kutais - capital at that time of the Abkhaz-Imeretian kingdom; he was related to a descendant of Abkhaz-Tao-Klardjeti Bagratids. Ruling

at the end of X century (he died in 1001), tsar David III the Restarter was also from the Tao-Klardjeti Bagratids, governors of the Abkhaz-Imeretian kingdom. He conquered Tiflis, which for a long time had been in the hands of Moslems (thereby winning Kartli and Kakhetia from the Arabs, and again attaching them to the Abkhaz-Imeretian kingdom).

According to M. Miansarov, in 1139 "Georgian tsar Dimitri I devastates the city of Ganzhe (Gandzha), and in 1184 - 1212 tsarina Tamara defeats the Armenians, Turks and Persians, and all mountain tribes submit". But neither Dimitri nor Tamara represented a Kartli dynasty, and, especially, they were not Georgian tsars. All of these from the Armenian Bagratid dynasty, related to the Abkhazian Leonids, owned eastern provinces of Transcaucasia as a result of successful invasions. After 1225, following the ruin of Tiflis by Djelal ad-Din Khorezmshakh, the next loss for Kartli occurred when it no longer benefited from the power of the Abkhaz-Imeretian kingdom, which once again confirms the negligible role of a principedom of Kartli in the functioning of the Abkhazian or Abkhaz-Imeretian kingdom.

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*5 M.Miansarov made an appreciable error - David IV the Builder ruled from 1073 to 1125. SES. P. 358.*

In 1239 disintegration of the Abkhazian kingdom began, with the invasion of Mongol-Tatar hordes accelerating this process. By the beginning of 1240 Mongols had conquered Azerbaijan and the eastern part of an incorporated kingdom (including Kartli), and by 1243 all Armenia had been conquered by them. From then on the given territories were occupied by nomads, and the people of central Transcaucasia rendered tribute to Mongols, and provided soldiers for their army and slaves for the markets. Such a situation actually existed till the end of XIV century. During the same period, in 1323 the Mingrelian, Gurian, Svan and Abkhazian *eristavstvos* (principedoms) declared themselves independent. By 1469 in the territory of the former Abkhaz-Imeretian kingdom three independent kingdoms were formed: Kartli, Kakhetia and Imeretia, and independent *Ahaltsikhski atabekstvo*, between which there were constant wars. Abkhazia during this period avoided invasion by the Mongolian Khans, and kept its independence in the management of its own territory. As before, it represented accurately defined independent political formation.

So, during four and a half centuries (X - the middle of XIV centuries) Abkhazia was included within an incorporated kingdom (latterly existing purely formally) which some modern sources name Georgia, and others the Kingdom of Abkhazia and Kartvelia. The first name is completely incorrect, and the last, as we have shown, is inexact as this state formation was the successor of the Abkhazian kingdom and Abkhazia was the principal part of it. Tsars of the Abkhaz - Tao-Klardjeti dynasties ruled it, and the cultural, economic, and political centre was gradually displaced into Tiflis, in the eastern territories. At this time it subordinated a considerable part of the Armenian lands, territories of northern Azerbaijan, and some mountain tribes of the north Caucasus.

Consideration of this period of Abkhazian history shows that the state of Abkhazia was created independently on the primordial earth. Throughout several centuries the Abkhazian state was the strongest among its neighbours. We will underline for comparison that Kiev Russia arose in IX century, the Polish state in X century, and the English kingdom in XI century, so Abkhazian statehood is older than these states participating in world politics. Aggressive policy of the Abkhazian tsars finally led to the Abkhazian kingdom, occupying territory of practically all modern Georgia, breaking up (like the Roman empire) into separate principedoms.

As later historians, for example tsar Vakhtang and P. Iosselian explained: "Georgia was usually called Kartli, which in 1469, existing as an incorporated kingdom, definitively broke up into a number of independent kingdoms and *eristavstvos* (principedoms)... From this moment each of these state formations was independent and ruled by its own princes. All of them kept their independence till XIX century".

Tsar Vakhtang IV (1703-1724), who edited and added to the annalistic collection Kartlis Tskhovreba created on the basis of legends and historical materials, considers that with the disintegration of the Abkhazian or Abkhaz-Imeretian kingdom there appeared an idea of the association of Kartli tribes, which he introduced. Historical errors have been continuing since that moment. Diligence of Georgian patriots during XIX-XX centuries, to have their own history released from historic facts undesirable to them, has led to the majority of events in Abkhazian history having received tendentious explanation. Therefore the historical shape of the centuries-old Abkhazian state has been deformed. Some Russian scientists helped in this as well. Academician N. J. Marr in 1912 said: "in Abkhazia, in a broad sense of this word, the new Georgian state has revived" and "the history of Abkhazians is the beginning of the history of Georgia".

Abkhazian researchers at times also distort terms, and names of kingdoms and princedoms of Transcaucasia. The work of the historian G. A. Amichba contains equally important errors, characteristic of both Georgian and Abkhazian historians. Citing quotations from publications describing events of VI-XVI centuries, the author gives them in two variants – with and without quotation marks. Where inverted commas occur, there is no mention of "Georgia" as such (which is the valid historic fact). Only Kartli, Colchis, Kakhetia etc. are spoken about. But where inverted commas are absent, for an unknown reason the terms "Georgia" and "Georgians" appear. They are presented not only as an analogue for Sakartvelo (Kartli-Kakhetia), but also transferred to the earlier independent state of Colchis or Lazika, and to the later independent states of Mingrelia, Svanetia, Guria, Imeretia, and also Abkhazia. To the real historian it is inadmissible to deform history either intentionally or involuntarily. Similar errors are characteristic of other Abkhazian historians, for example I. Damenia who writes: "In historical sources the term "Sakartvelo", meaning united Georgia, occurs for the first time only in XI century. By the same time the Georgian nationality is also consolidated". The instances of free interpretation of historical facts are inadmissible.

About 1325 Bagratids, ruling in an incorporated kingdom, actually recognised Abkhazian line Chachba-Sharvashidze as a ruling family of Abkhazia, and in 1462 the representative of this line was confirmed by the prince of Abkhazia. In an old charter concerning Abkhazian sovereign princes and the resettlement of Apsua in Samurzakan the following appears:

"During the reign of tsarina Tamar, Abkhazia was ruled by Dogato Sharvashidze. His descendants living in XVI-XVII centuries, three Sharvashidze brothers named Rostom, Djikeshia and Kvapu, sons of Zegnak, separated. The elder Rostom took the first land, Abkhazia, located from the river Bzyb to the river Kodori; the middle brother Djikeshia received possession from the river Kodori to the river Galidzga, which in the Abkhazian language is even today called Abzhua, which means the average country or village; and youngest Kvapu from the river Galidzga to the river Enguri. This last territory, because of troubled times, became more deserted and consequently Kvapu transferred from Bzyb, that is from the possession of his eldest brother, some families of princes and aznaurs, namely: Anchabadze, Emukhvari, Inalishvili, Margania, Zvanbaia, Lakerbaia and Akirtava, among whom he divided these lands. For himself he left villages: Bedia, Pakhulani, and Borbalo (modern village Koki). Kvapu died leaving his son Murzakan, who equipped this territory, named it Samurzakan after his own name of Murzakan, and ruled in it.

After Murzakan his son Khutunia ruled, and then Khutunia's sons Leon and Solomon. The elder of them, Leon, became the governor of Samurzakan, and Leon and Solomon divided fiscal villages. The senior Leon received the village of Bedia which his sons own till now, and Solomon obtained Borbalo (Koki). The village of Pakhulani remained undivided, at the disposal of the elder brother Leon as a summer [residence] of governors of Samurzakan. From Solomon there come six sons: Manuchar, the last governor of Samurzakan, Bezhan, Sorekh and others". (The Site Abkhazia, doc. № 127).

In XII and XIII centuries Tskhum (Sukhum) served as the residence of Abkhazian sovereign princes Chachba-Sharvashidze. This family ruled Abkhazia until the middle of XIX century. Gradually princes Chachba achieved full political, economic and church independence from an incorporated kingdom. It had been reached after an intense struggle of the people with Megrel and Imeretian governors.

“The Abkhazian principedom” - so Abkhazia was officially named throughout XV - middle XIX centuries. The history of the given period is filled by struggle of the people and ruling princes for the preservation of independence, and when it was impossible to obtain such status, to defend the relative independence of the state. In this struggle there were limits. It is characterised in XVI century by the strong influence of Genoa merchants whose trading stations were disseminated all along the Abkhazian coast. Restoration of wide Mediterranean connections had not only economic, but also political and cultural value. Abkhazia had communication with European civilisation, the national coin was minted in its capital Sukhum, and European culture extended among the people. But in the same century Turkish presence also accrued. On the boundary of XVI-XVII centuries, Abkhazia found itself with a strong dependence upon the Ottoman empire.

Connections with Europe were severed, and XVII-XVIII centuries saw the time of Turkish domination. This was a time of increasing political connections with the Ottoman empire, whose government, with a view towards expansion of its influence in the Caucasus, had focused upon Abkhazia, considering its special position in the region. Turkish garrisons stood in Sukhum-Kale and Anakopia, and Turkish galleys travelled along the coast. Resisting aggressors, the Abkhazian population many times organised revolts which were severely smothered. A proportion of Abkhazians accepted Sunni Islam. But even in these conditions the Abkhazian princes retained a certain independence in the management of the country. Unlike Adjara which was included administratively into the structure of the Ottoman empire, Abkhazia remained an autonomous (vassal) state.

So, summing up the first stage of Abkhazian statehood, it is possible to say:

1. The Abkhazian state, localised in a limited territory practically within the borders of modern Abkhazia, was able by VIII century to strengthen its political, economic and military structure to such a degree that it was allowed by means of diplomacy and military force to create a new state formation – “the Abkhazian kingdom”. It united numerous kingdoms and principedoms which were situated during that time in Transcaucasia, and then expanded its borders to territories of adjacent states such as Persia, Turkey, etc.
2. Abkhazian statehood was formed in VII century AD on the basis of, and with assistance from, the Byzantian empire.
3. Throughout two centuries the Abkhazian kingdom was ruled by Abkhazian tsars. Their reign was intelligent and active, which allowed the country to remain within its former borders, to resist the invasion of enemies, and to support the well-being of the peoples and maintain calm within the country.
4. The peoples who were conquered by Abkhazians or voluntarily joined the Abkhazian kingdom expressed humility to the Abkhazian tsars, which testified to the state wisdom and political maturity of those sovereigns.
5. The political, administrative and military elite of the Abkhazian nobility was constantly under the influence of an environment of numerous representatives of other ethnic and national groups. In these conditions, an assimilation of different anthropological and language groups within the population therefore took place as a result of noble-dynastic marriages. It is known that the wife of Leon I was Kartvelian, and the mother of Leon II was Khazarian. Such interaction also occurred at lower levels of the Abkhazian nobility and led to a time at which it was difficult to define the nationality of inheriting tsars. There arose a situation when Kartvelian princes, and also grandees – Colchians or Kartvelians - began to have Abkhazian surnames. Such confusion had no importance during this period, although this fact is now actively explored by some Georgian historians, trying to prove that Abkhazians have no relation to the Abkhazian kingdom.
- 6) Principedoms or kingdoms of central Transcaucasia, including Kartli, had no relevance to the occurrence, origin or formation of the Abkhazian state.

## **2.2. Transcaucasia as a part of the Russian empire.**

At the end of XVIII century the Abkhazian principedom was headed by Keleshbei Sharvashidze. During hostility between Turkey and Russia in the Black Sea - Caucasian area, he clearly oriented

Abkhazia towards Russia. As well as some other Caucasian states, Abkhazia objectively gravitated to Russia, whose power was increasing and who could become its defender against invasions by Iranian, Turkish and other conquerors. Similar aspirations had already appeared at the end of XV century in other states of Transcaucasia. Since that time, Kakhetian tsars had continuously addressed their Russian masters with requests for protection, or for acceptance within the structure of Russia.

According to M. Miansarov's "Chronicles", events in Transcaucasia developed as follows:

1492 - Kakhetian tsar Alexander I sent a delegation to Moscow, asking for protection. In his message to the Grand Duke of Moscow, Ivan III, he called himself "Ivan's lackey", and called Ivan III the Great Tsar, etc.;

1501 - Izmail-Sofi, the founder of the Sefid dynasty of Persian shahs, conquered Shirvan and Georgia (?);

1550 - Shah Takhmaspa invaded Georgia (?), and destroyed Vardzia;

1578 - Caucasian possessions were divided between Turks and Persians. The Turks seized Tiflis, and the towns of Poti and Sukhum-Kale were founded;

1586 - Kakhetian tsar Alexander II asked tsar Fyodor Ioannovich for protection;

1597 - Shah Abbas expelled the Turks from Georgia (?);

1604 - Kartalinian prince George declared himself a contributor to tsar Fyodor Borisovich Godunov;

1616-1617 - The Persian shah Abbas devastated Kakhetia;

1619 - Kakhetian tsar Taimuraz I sent a delegation to tsar Michael Fyodorovich with a request for protection against the Persians. In 1639 he recognised Michael Fyodorovich's power over himself;

1621 - George III, tsar of Imeretia, and Mamia II, tsar of Guria, asked tsar Michael Fyodorovich for protection;

1636 - Mingrelian dadian Levan II expressed his readiness to recite the oath to tsar Michael Fyodorovich;

1650 - The tsar of Imeretia, Alexander, swore citizenship with Russia. Turks seized Kutais;

1703 - Kartalinian prince Vakhtang became the governor of Kartalinia. His collation of annals – "Ulozhenie" (Code) - relate to this time;

1724 – Tiflis was captured by Turks. Tsar Vakhtang VI and 43 Georgian princes and noblemen escaped to Russia; Eristavstvo Ratcha asked for Russian protection;

1735 - Tiflis, Erivan and Ganzha were given to the Nadir-shah;

1736 - The Nadir-shah expelled the Turks from Kakhetia and Kartalinia;

1752 - Irakli, the Georgian (?) tsar, defeated the Persians in Yerevan;

1774 - On July 10th the Kuchuk-Kainardjisky treaty released Imeretia and Guria from the Turks.

As G.N.Kolbaia states(1955), a request for protection against Turkish invasions was addressed in 1564 to tsar Ivan Grozny by the tsar of Imeretia, Levan II. Alexander II, tsar of Kakhetia, also begged tsar Fyodor Ioannovich with a similar request in 1586, saying that "only you, Wearer of a Crown of Orthodoxy, can rescue our lives and souls", and finished the message with the words: "To you I beat my forehead to the face of the earth with all people: yes we will be yours for ever and ever". When ambassadors from tsar Fyodor Borisovich arrived in the capital of Kakhetia in 1605, the son of tsar Alexander declared to the envoy from Moscow: "Never has Iveria lived in misery more awfully than at present; we stand under knives of the sultan and the shah; both want our blood and everything that we have, we had given ourselves to Russia, let Russia take us not by word, but by deed".

Megrel possessor Levan Dadiani addressed a similar request to tsar Michael Fyodorovich in 1638.

Imeretian tsar Alexander also asked about help and protection in 1653. Kakhetian tsar Taimuraz I, in his request to tsar Alexei Mikhailovich in 1658, informed him that the Shah of Iran, Abbas I, had captured his mother and two juvenile sons, and begged the Russian tsar to accept his people in citizenship and to protect them.

Some tsars, having been rescued from the Persian and Turkish enslavers, at various times escaped to Russia: Archil II (Imeretian) in 1699, Vakhtang VI (Kartalinian) in 1722 and Taimuraz II (Kakhetian) in 1761. They remained in Russia till the end of their days, continually asking Russian tsars about

acceptance of the people subject to them within the structure of Russia. Almost 300 years were required before Russia made a decision about their inclusion within the structure of the state. Firstly in the structure of Russia there appeared the Kartli-Kakhetian kingdom, which in 1783 in the name of God Almighty declared a recognition of “the Supreme power of the All-Russia Emperors over Kartlinian and Kakhetian tsars”. For an understanding of some features of the conditions under which Kartli-Kakhetia became a part of the Russian empire, we give excerpts from the Georgievsk treaty. Two documents were prepared and signed. The first document was:

Oath of fidelity to the Russian Emperors  
and a recognition of their protection and Supreme power.

The sample on which his Highness the Tsar of Kartalinia and Kakhetia Irakli Teimurazovich will make the oath promise of fidelity to Her Imperial Majesty, autocrat of All-Russia, and on a recognition of protection and the Supreme power of the All-Russia Emperors over Tsars of Kartalinia and Kakhetia.

As named below, I promise and swear by Almighty God before His sacred Gospel that I praise and honour H.I.M.<sup>7</sup> her Highness and Royal Imperial Majesty and great Sovereign Empress to All-Russia Ekaterina Alekseevna and her kindest son, his Highness Sovereign Cesarevitch and Grand Duke Paul Petrovich, lawful successor to the All-Russia imperial throne, and all high successors of that throne true, assiduous and benevolent to be. Recognising as my name, all successors of mine and all my kingdoms and areas for ever the highest protection and Supreme power of H. I. M. and her high heirs over me and my successors, Tsars of Kartalinia and Kakhetia,

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*6 M. Miansarov was mistaken - in 1604 the Tsar was Boris Godunov, and his son Fyodor ruled from April 14th till June 10th, 1605.*

*7 Her Imperial Majesty*

and owing to that rejecting, under whatever title or pretext, the supremacy or power of other sovereigns and states and being denied their protection, I am obliged by my pure Christian conscience to esteem enemies of the Russian state as my own enemies, to be obedient and ready in any situation, where on service.... for H. I. M. and the All-Russia state I will be as needed, and in all that not to spare my stomach to the last drop of blood. With H. I. M. military and civil chiefs and attendants to address with sincere consent. And if I learn anything reprehensible to the advantage and glory of H. I. M. and her empire’s deeds or intention, immediately to let know.

In a word, I should also act decently according to my one faith with the Russian people and in my line of duty, in a reasoning of protection and Supreme power of H. I. M. In conclusion of this my oath I kiss the words and the Cross of my Saviour. Amen.

This sample has to serve henceforth and in future to Kartalinian and Kakhetian tsars for taking the oath promise at their introduction to a kingdom and on reception of a document of details of confirmation of investiture, favoured from the Russian imperial court.

For authenticity the undersigned proxy this sample with the force of their full authority, and have signed this and have put to it their seals in the Georgievsk fortress on 24th day of July 1783

On the original it is signed:

Paul Potyomkin,  
Prince Ivan Bagration,  
Prince Garsevan Chavchavadzev.

As follows from the applied text, addressed to Russian empress Catherine II with the request for protection and recognising her Supreme power, the tsar of Kartalinia and Kakhetia, Irakli, according to this document confirms his fidelity and humility to Russia and speaks only on behalf of two kingdoms: Kartli and Kakhetia. Hence, the present document, confirmed by signatures of the

authorised persons and fastened by their seals, is the legal document and according to the text extends its jurisdiction only to territories of two princedoms - Kartli and Kakhetia. In this legal document there is no mention of other state formations (kingdoms, princedoms, etc.), existing at that time in the territory of modern Transcaucasia. Hence, its jurisdiction cannot be extended to the states which have not been mentioned in the present document. Especially, it is necessary to notice that it contains not one word about Abkhazia.

The second document is actually the Agreement containing the basic text and Articles. We include only some Articles, which are the most relevant to our theme.

Agreement on a recognition by the tsar of Kartalinia and Kakhetia Irakli II  
of the protection and the Supreme power of Russia  
(the Georgievsk treaty) on July 24th, 1783

For the sake of Almighty God, glorious in the United Sacred Trinity. From old times the All-Russia empire, sharing one faith with the Georgian people, served as protection, help and refuge to those people and to their Highnesses the governors against oppressions to which they from their neighbours have been subjected. Protection granted by the All-Russia autocrats to Georgian tsars, their families and their citizens, has made that dependence of the latter on the former which appears from the Russian imperial title. H. I. M., at present safely reigning, has sufficiently expressed her monarchical goodwill and magnanimous blessing to these people by the strong diligence enclosed about their disposal of a yoke of slavery and from the bringing of a tribute by adolescent boys and girls which some of these peoples have been obliged to give, and continuation of her monarchical charity to the governors of these people. In this arrangement, condescending to applications to her throne brought from his Highness the Tsar of Kartalinia and Kakhetia Irakli Taimurazovich about his acceptance with all his successors and with all his kingdoms and regions into monarchical protection of Her Majesty and her high successors, with a recognition of the Supreme power of the All-Russia Emperors over Tsars of Kartalinia and Kakhetia, she has mercifully decided to decree and conclude with his Highness the aforementioned tsar a friendly agreement, by means of which from one side, his Highness, by his name and by his successors recognising the Supreme power and protection of Her Imperial Majesty and her high successors over governors and the people of the kingdoms of Kartalinia and Kakhetia and other regions to them belonging, would solemnly consider his obligations in an exact way, in the opinion of the All-Russia empire; and from the other side, Her Imperial Majesty could also consider solemnly which advantages and benefits from her generous and strong right hand were being granted to the aforementioned people and their Highnesses the governors.

To the conclusion of such an agreement, H. I. M. has desired to authorise his Highness the Prince of the Russian Empire Grigory Alexandrovich Potyomkin, the armies' chief general, and so forth and so forth... because of his absence, to select and supply a deputy with full power who he himself will choose, and he (G. Potyomkin) has selected and has authorised the excellent nobleman from H. I. M. army, a general lieutenant, Commander of the armies in the Astrakhan province, H. I. M. valid chamberlain and recipient of the St. Alexander Nevski and other Russian awards, the gentleman Paul Potyomkin, and his Highness the Tsar of Kartalinia and Kakhetia Irakli Teimurazovich has selected and authorised from his own side their Excellencies his left-hand General Prince Ivan Konstantinovich Bagration and his General-Adjutant Prince Garsevan Chavchavadzev. The above-mentioned authorities, having started with God's help and having exchanged mutual powers, have decided, concluded and signed the following articles.

#### The first Article

His Highness the Tsar of Kartalinia and Kakhetia by his name and the name of his successors solemnly is forever denied vassalage from everyone under any title whatsoever, and from any dependence upon Persia or other imperial power, and declares to the whole world that he does not recognise over himself and his successors any other autocracy, except the Supreme power and protection of Her Imperial Majesty and her high successors of the All-Russia imperial throne,

promising to that throne fidelity and readiness to bring advantage to the state in any way it will be demanded.

#### The second Article

Her Imperial Majesty, accepting from his Highness so frank a promise, at regular intervals promises and encourages with an imperial word from herself and her successors, that their favour and protection will never be withdrawn from their Highnesses the Tsars of Kartalinia and Kakhetia. As proof of which Her Majesty gives the imperial guarantee of preservation of the integrity of the present possessions of his Highness Tsar Irakli Teimurazovich, assuming to extend that guarantee during time and circumstances to such possessions as will be acquired and most definitely confirmed as his.

#### The eighth Article

As proof of special monarchical goodwill to his Highness the Tsar and his people and for greater connection with Russia of these people with the same faith, H. I. M. allows the Catholicos or their commanding Archbishop to accept a place among the Russian bishops in eighth degree, after Tobolsk, most graciously favouring him with the title of Member of the Holy Synod forever; regarding the control of Georgian churches (???) and their relation to the Russian Synod, a special article will be made.

For authenticity, the undersigned proxy this Article with the force of their full 244 authorities, and have signed these Articles and have put to them their seals in the Georgievsk fortress, 24th day of July 1783

On the original it is signed:

Paul Potyomkin,  
Prince Ivan Bagration,  
Prince Garsevan Chavchavadzev.

#### Separate Articles

##### The fourth separate Article

H. I. M. promises to use in case of war all possible diligence in granting weapons, and in the event of peace to insist on the return of lands and places long since belonging to the Kingdom of Kartalinia and Kakhetia which remain in the possession of local tsars on the basis of the concluded treaty about protection and the Supreme power of the All-Russia emperors over them.

These separate articles will have the same force as if they were included unchanged in the main treaty.

For authenticity, the undersigned proxy these Articles with the force of their full authority, and have signed these Articles and have put to them their seals in the Georgievsk fortress on the 24th day of July 1783

On the original it is signed:

Paul Potyomkin,  
Prince Ivan Bagration,  
Prince Garsevan Chavchavadzev.

Let's consider the content of the given Articles. With the first Article, the Tsar of Kartalinia and Kakhetia swears allegiance to the Russian emperors, but the second Article represents indubitable interest for historians and lawyers. Along with the promise of protection and the guarantee of preservation of possession of tsars of Kartli and Kakhetia, the empress gives the promise to tsar Irakli II to extend this guarantee “during time and circumstances to such possessions as will be acquired and most definitely confirmed as his.” Thus, the international legal document was signed, according to which:

- a) The Kingdoms of Kartli and Kakhetia (but not Georgia!) become a part of the Russian empire;
- b) To tsars of Kartli and Kakhetia is given, and is legally confirmed, the right to capture, gain and other variants of joining of other territories and states, not considering their independence, sovereignty, ownership by other races and difference in both culture and language. A main objective of this *carte blanche* is the joining of everything that will be possible to Kartli-Kakhetia, and through it to Russia;
- c) This document gives a guarantee that any captured territories will be supplied with further powerful retention as a part of Russia.

The fourth Article is the most dangerous and illegal, as it authorises to tsars of Kartli-Kakhetia the uncontrolled annexation of their neighbours, which subsequently occurred. As follows from the agreement, Kartli-Kakhetia is allowed to consider not only all those lands which were invaded or subjugated by armies of Kartli-Kakhetia as belonging to the kingdom, but also, under the jurisdiction of this Article, the countries-neighbours which were ever exposed to attacks from this kingdom. Subsequently, on the basis of this Article, there was a capture of the neighbouring territories and creation of the state of Georgia around Kartli-Kakhetia. As Abkhazia was the founder of the Abkhazian kingdom which was transformed into an incorporated kingdom of Abkhazians and of some other princedoms, even after full disintegration of the latter, from the point of view of the present Article it was considered as a part of a kingdom and, hence the jurisdiction of the document extended to Abkhazia. Moreover, according to this Article, in any capture and assignment of other lands the Russian empire guarantees rendering assistance, including military.

In the agreement, in the preface and the eighth Article, for the first time at an official level the words “the Georgian people”, “Georgian tsars” and “the Georgian church” are given. Because the tsar of Kartalinia and Kakhetia, Irakli II, does not mention anything “Georgian” in the application, it is necessary to consider the inclusion of this name in the official legal document either as a misunderstanding, or else it was a deliberate provocation by the compilers, having further serious political consequences.

The term “Georgian” did not appear in official documents till the moment of signing of the Georgievsk treaty in 1783. Moreover, the tsar of Kartli and Kakhetia Irakli II, addressing Catherine II, does not mention either the toponym “Sakartvelo” or the name “Georgia”. Mention of them is absent in the text of the agreement itself, however in its preface and articles for the first time there is mention of “the Georgian people” and of “the Georgian church”. In this connection there is a question – whether, in the understanding of Russian diplomats and governors, the term “Georgian people” refers only to the people of Kartli and Kakhetia under whose name Irakli acts in the application, or whether it concerns all kingdoms and the princedoms within the Abkhazian kingdom? If so, on what basis, as all these state structures at the moment of signing of the Georgievsk treaty were independent and sovereign and were either in a condition of conflicts and wars among themselves, or had an armistice i.e. were equal subjects of international law. Or else does this term concern all Transcaucasian states, including modern Azerbaijan and Armenia (whose tsars ruled in due time in Georgia), situated, by the definition of Persians, in the territory of Gurdjistan – “the country of wolves”?

In our opinion, most likely the Russian diplomats knew about the existence of so-called Gurdjistan, as during that period they had contacts with Persia, and appropriated this generalising name for the countries of Transcaucasia initially to the people of Kartli and Kakhetia, and then extended it to all people of the region. As at that time in the territory of modern Georgia the uniform, integral state did not exist, it naturally did not have any definite name. Later, at the end of XIX century, a uniform administrative region was formed, was controlled as a part of Russia by a Governor-General, and received the conditional collective name of “Georgia” from the imperial office. In the Russian documents the toponym “Georgia” was widely applied at once after the transfer of Russian military units to the territory of Transcaucasia, from the moment of the joining of separate kingdoms and princedoms to Russia. It was especially evident when all independent states of the Central and Western Transcaucasia which had entered into the structure of Russia at the beginning of XIX century had been abolished, and in their place other administrative structures had been organised.

Since that moment, the Russian administration names only this territory Georgia, as Armenia and Azerbaijan at that time were already defined with their own names and consequently were dropped from the number of countries designated the toponym "Georgia" (Gurdjistan).

In 1783 Empress Catherine II accepted Irakli II, the Tsar of Kartli and Kakhetia, under her Supreme power and protection. The statehood and the sovereignty of Kartli-Kakhetia as a part of Russia have been abolished since September 12th, 1801 after acceptance of "the highest manifesto on the joining of Georgia to Russia". Other kingdoms and princedoms entered under the protection of Russia after that. Mingrelia became a part of Russia in 1803, and its autonomy as a part of Russia was cancelled in 1857; Guria became a part of Russia in 1810, its sovereignty was lost in 1828; the Imeretian kingdom became a part of Russia in 1804, and was abolished in 1810.

All the above kingdoms and princedoms received Russian protection and entered into its structure independently from each other. This testifies that from the moment of disintegration of the Abkhazian kingdom, and then the Abkhaz-Imeretian or Armenian-Iverian kingdom, in the territory of present Georgia the uniform independent state which modern Georgian (and not only Georgian) historians post factum name "Georgia" did not exist. Sovereign Abkhazia was not mentioned in the agreements listed above, and had no relation with the states involved in them, especially with the phantom state "Georgia".

As S. Hotko states, during the considered period only throughout 150 years of the existence of the Kingdom of Abkhazians did Abkhazia exist in close union with the princedoms which were situated in the territory of modern Georgia, but during that time not being it. This fact is sufficient for confirmation of the absence of any basis to claims of Georgia on the territory of Abkhazia. From XIII to the beginning of XIX century, the statehood of Abkhazia was not interrupted, and the country continued to exist as an independent Abkhazian princedom, which is proved to be true from historical annalistic sources.

### **2.3. Abkhazia as a part of the Russian empire.**

Expansion of Osmansk Porta (Turkey) taking place in XVIII - the beginning of XIX centuries, and Russian-Turkish and Russian-Persian wars of this period, forced Russia to reconsider its policy in Transcaucasia. The independent position of the kingdoms already accepted under its protection, which did not provide reliable guarantees of their loyalty to the crown, and assurance by oaths of fidelity "to serve Russia assiduously to their last breath", did not satisfy Russia. For this reason at the beginning of XIX century Russia undertook active steps towards the establishment of control over kingdoms and princedoms of the former Abkhazian kingdom.

The political interests of Russia in the Caucasus were not co-ordinated with those of the states which entered under its protection, for which only formal cover was necessary, without intervention into their internal affairs. Russia, considering these states as a base for conducting military actions against the Ottoman empire, in a very short time deprived them of their sovereignty, having included all these territories within the structure of the Russian empire. Then, using the right of a suzerain, Russia posted its armies there and transformed all the territory into a semi-colonial formation with division into provinces (Caucasian region controlled by a governor-general) with military authorities at their head, having appropriated the name "Georgia" to this formation for simplicity.

During the same period on the coast of the Black sea, on the most strategically important site under conditions of incessant seizures by Turkey of cities and territories, there was one independent sovereign state - Abkhazia. Direct pressure was put as necessary upon governors of the country, and upon rulers of neighbouring princedoms and church leaders who could be friendly, fraternally advising it to become a part of Russia. Such advisers appeared. We quote a fragment from the letter of the Catholicos of Abkhaz-Imers Maxim III to Besarion Gabashvili about the expediency of a reunion of Abkhazia with Imeretia and fidelity with Russia, from July 2nd, 1789:

"The brilliant Prince, Besarion Zakharych!

Now I write, that if his Highness the Prince deigns to send you back to our Tsar David, report to the prince that our Tsar by his efforts will join the possessor of Abkhazia, Sharvashidze, who will agree with the Tsar and will be devoted to the Russian Sovereign. If he agrees and does this, there will be

an influence of only our Tsar; the possessor of Abkhazia, Sharvashidze, I think will find great happiness. If he suddenly disagrees with our Tsar over the question of fidelity with Russia, I think in the end he will regret it, therefore it is better to unite now with our Tsar, to show fidelity to the Russian Imperial throne”.

As follows from the text, the direct aim of Imeretian governors (but not Kartvelian - "Georgian") was to attach Abkhazia to their country, though Abkhazia was then an independent state, the subject of international law.

A corresponding initiative was also shown by the rulers of neighbouring Mingrelia. We quote a fragment from an application by Grigol Dadiani, addressed to Emperor Alexander I, about acceptance of Mingrelia (including Abkhazia) within citizenship of Russia:

“I, the undersigned Prince Grigory Dadian, the lawful possessor of Odish, Lechkhum, Svan, Abkhazian (?) and all lands belonging to my ancestors from time immemorial, and autocratic master of these from the day of subscription of this certificate, after fulfilment of the oath promised at a ceremony, offer Myself with all my lawful posterity and with all my possessions, both the above-named and any others acquired, in eternal both true slavery and citizenship to the highest All-Russia power”.

In 1806 the Prince of Abkhazia, Keleshbei (Sharvashidze) applied for the acceptance of Abkhazia within the citizenship of Russia, but Emperor Alexander I hesitated with the decision of this question, though assumed to award to the Prince the rank of General Lieutenant of the Russian army with a huge salary, and to leave him the lifelong governorship of a principedom.

The commander-in-chief of the Russian army in Georgia and in the Caucasus, General A.

P.Tormasov, wrote on January 11th, 1810 to Earl N.P.Rumiantsev (the Minister of Foreign Affairs of Russia), that Nino (the spouse of G.Dadiani, and the daughter of the last Tsar of Kartli-Kakhetia George XII, and who in the early childhood of the Tsar’s successor ruled Mingrelia from 1805-1810)

“should be thanked for Sefer-Ali-bek’s intention to enter with all Abkhazian possessions into the eternal protection and citizenship of Russia”. The ruler of Abkhazia George (Sefer-bek) Sharvashidze (1810-1821), son of Keleshbei, informing General I. Rykgof of the murder of his (George’s) father, wrote that Keleshbei during his lifetime had given his lands to Russia, and now “if you want, I give this land to you if only to revenge Arslan-bek (his brother who had killed the father - author).

I undertake to obey, with all my true and assiduous citizens, the orders of the Chief Commander of Georgia, with all my might as you depend on him.

I undertake henceforth this letter and I commit myself, and together with me Abkhazia and all beings in Abkhazia, in hereditary citizenship and slavery to the throne of the most gracious and august monarch of All-Russia and also the successor of that throne, with confession of our former belief (Christian - author).

I wish sincerely to be, to the last drop of my blood, a true subject and I undertake by oath of allegiance and the promise in eternal citizenship to be obedient to the Chief Commander of Georgia, together with both my true assiduous slaves and my citizens”.

The application was supported by the commander of Russian armies in Transcaucasia I.V.Gudovich. George Sharvashidze's pleading points were also signed by Princes Tulaa Sharvashidze, Tuflasu Lakerbaya, Levan Zepishvili, Khutunia and Levan Anchabadze, Hitu, Rostom, Bezhan and Jambulat Margania etc.

Entering in July 1805 under the protection of Russia, with the direct mediation of Mingrelia, Levan and Manuchar Sharvashidze were presented in the oath as “the Abkhazian princes, sovereigns of Samurzakan”. Chkondid metropolitan Vissarion swore them on oath in Mingrelia. Such a situation was explained by the fact that the Mingrelian principedom had addressed Russia for help and entered under its protection earlier than others. From then on its governors became the most active conductors of Russian policy in the territory.

In the previously mentioned “Historical note about the management of the Caucasus” S.Esadze wrote that Samurzakan made a part of Abkhazia and was ruled by a “special branch” of Abkhazian Sharvashidze\*\*. In the middle of XVIII century in Abkhazia there were big disturbances, and its rulers Sharvashidze (Chachba) at the will of the sultan were sent to Turkey. Disturbances promoted

some isolation ("autonomy") of the Samurzakan branch of Sharvashidze, the head of which became the ruler Murzakan. His rule was serially inherited by: Khutunia, Levan and Manuchar (Mancha).

*\*\* In sources the writing of the name of rulers of Abkhazia occurs as both Sharvashidze and Shervashidze. To us the first is accepted, according to the undermentioned "Charter".*

Penultimate Samurzakan ruler Levan Sharvashidze was in advanced years, and his nephew Manuchar entered into a struggle with him for advantage of possession. The latter was incited in every possible way by Mingrelian ruler Dadiani, to whose sister Manuchar was married. Attaching Samurzakan to Russia, Dadiani thereby extended his power to this area. In 1834 General Akhlestyshev entered Samurzakan and constructed the fortification of Ilori. In 1840 the ruler of Abkhazia, Michael, proved his right to this area, and from then on it was a separate region controlled by a police force. In 1810 Abkhazia received the protection of the Russian empire, about which there is a Charter given by Emperor Alexander I to the ruler of Abkhazia Prince George Sharvashidze, by means of which the Russian Emperor declared a recognition of the statehood of Abkhazia and the distribution over it of the protectorate of Russia.

The Charter given 17 Feb., 1810

By Emperor Alexander I

To the ruler of Abkhazia PRINCE GEORGE SHARVASHIDZE,  
with pleading points

By the Grace of God, WE, ALEXANDER the FIRST, the EMPEROR and the AUTOCRAT of ALL-RUSSIA: and so on and so forth. From us, to kindly loyal Ruler of the Abkhazian land Prince George Sharvashidze, OUR IMPERIAL favour and goodwill. Condescending on Your application to arrive in eternal citizenship of the Russian empire and, not doubting Your fidelity to OUR high throne, explained in Your obligatory letter, to OUR all HIGHEST Name sent, WE confirm and WE recognise You as OUR kindly loyal hereditary Prince of the Abkhazian Possession under the Supreme protection of the Russian empire, and including You and Your house and all the Abkhazian possession of inhabitants in OUR loyal number, WE promise You and Your successors OUR IMPERIAL favour and goodwill. Having accepted also for the blessing all articles and explanations from word to word in that Your application, which together with a copy of the Russian translation of all of OUR bestowed Charter it is applied, WE confirm them by OUR IMPERIAL word for US and OUR high successors with all Our force for ever inviolably and, owing to that condescend to mark You with OUR special favour, defining You the salary in silver of two thousand five hundred roubles a year, and to Your Mother the kind Princess one thousand five hundred roubles a year in silver, which as for You, so for Her, from the date of declaring Your fidelity of citizenship on the oath, will be delivered by the Commander-in-Chief in Georgia from OUR treasury each third of a year. In greater expression to You of OUR IMPERIAL favour, WE award to You and Your successors a banner with the arms of the Russian Empire, ruling to store this hereditarily in Your house, and moreover with OUR IMPERIAL favour WE honour You as a Gentleman with an award of the Order of St. Anna of the first class, with signs which on this warning WE rule to assign to Yourself and to wear according to protocol. Your successors have the right to ask for the HIGHEST confirmation of their position as Prince of the Abkhazian possession by OUR IMPERIAL Charter, which according to OUR mercy will also be most graciously delivered. Due to this WE charge You to rule the people of the Abkhazian lands with mildness and justice, WE are assured that You and Your successors are in fidelity to OUR throne, and in accuracy of execution of duties by Yourselves You will be unshakable. In such hope and as proof of OUR Monarchical favours to You and to all Abkhazian people, OUR IMPERIAL Charter is given with OUR autographic signing and with the State Seal appended. In OUR Capital City (St. Peter), 17th day of February 1810, and OUR reign in the tenth. Alexander I

Far-sighted politician Keleshbei with the price of his life defined autonomy for the Abkhazian principedom within the limits of the Russian state. Thus, Abkhazians too cast in their lot with Russia. According to the Charter of the Russian Emperor, the Abkhazian Principedom became a part of Russia with its own territory, in which it kept autonomy and an independent position within the internal political sphere. The presence of such a document highlights two important political moments. Firstly, Abkhazia was a part of the Russian empire independently, as a sovereign state, and the subject of world politics and international law. As such, its position was recognised by the imperial government and was legally fixed. Secondly, even within the limits of empire the autonomy status had been kept, and it was still considered as a principedom (as, say, Poland - a kingdom, and Finland - a great principedom), and ruled by Chachba – Sharvashidze national princes.

But there was one more feature distinguishing the placement of Abkhazia under protection of Russia. If Guria, Imeretia and other states became parts of Russia complete with their full complement of all nationalities and families, then when Abkhazia came under the protection of Russia, free Abkhazian societies (Aibga, Pskhu, Dal, Tsabal, etc.) did not enter according to the Agreement, which led to further unpredictable consequences. Such behaviour of separate nationalities was explained by the fact that Abkhazians and the people of this territory close to them (Ubykhs, Shapsughes, Abazians, etc.) throughout centuries-old history were completely free, proud and independent people, bold and eager to fight. At all times of the country's existence its lands was never seized by conquerors completely, and enemies always received a worthy repulse. Therefore the idea that Abkhazians voluntarily would enter into submission to someone caused aversion in them.

Describing the political and state system of Abkhazia of that period, N.I.Karlgof gives the following data:

“In the Abkhazian tribe there are two different types of political system: 1) the Abkhazian property is a mixture of the feudal system and the appanage; 2) other societies of the Abkhazian tribe are situated between the Abkhazian and Circassian societies (i.e. Between the Abkhazian monarchy and democratic republics)...

We cannot positively tell which of the two forms of political system of the Abkhazian tribes was the first, i.e. whether small Abkhazian societies were torn away from dependence on rulers, as was common for all Abkhazian people, or the Abkhazian method of control is the result of the development of Abkhazian society; whether it was originally formed in the latter case, or occurred from the assignment of hereditary power by one of the governors of the people who was placed by the Georgian tsars...

In Abkhazia, Svanetia, Tsebelda, Pskhu, and for Djigets, the two forms of rule have remained to the present time, aristocratic republic or sovereignty, i.e. Abkhazia possessed the necessary statehood to allow the country to be independent”.

Because for Abkhazians it was unworthy and unnatural to be dependent upon foreigners, immediately after the posting of Russian armies into the country there was a counteraction to the Russian presence, though in the beginning of XIX century it was purely symbolic. But counteraction, revolts and resistance to the Russian administration and armies were always followed by retaliatory measures by the other side, and there was a conflict escalation. This process was warmed up, on the one hand, by military actions in the North Caucasus, and on the other by expansion of Turkey along the Black Sea coast of the Caucasus.

Islamisation of the territory and promises of help from Turkish invaders to the Abkhazian governors led to separation of the country leaders and, accordingly, split its political unity. Russia, which relied on the oath promises stated in the Agreement of 1810, was compelled to combat in this region on two fronts: with Turks in open fight for the Caucasus as a whole and with the people of the Caucasus who did not tolerate the presence of Russia on their land. We will not pause with the history of development of these events, as it does not enter into our problem. We will only say that during this period Makhadjirstvo began (resettlement to Turkey and the countries of the Middle East). According

to historians, the number who left Abkhazia until the end of XIX century was 180 thousand persons. The blow to the Abkhazian ethnos was irreparable.

As an example we will give only a quotation from the official report of General E.A.Golovin to A.I.Chernyshev about destruction of the population and conquest of Dal:

"... In two weeks Dal was absolutely obedient, devastated and deprived of population, and in all it cost 10 killed and 20 wounded men, including only 6 Russian soldiers..."

As to the opinion of Colonel Muravev, the settling of Dal by Russians still very attentively demands a reason for this country being subject to attacks by Karachaevs and other hostile tribes nearest to it... [Samurzakanians] since times of separating from Mingrelia and entering under direct control of Russian leaders, express the greatest diligence, do not know dangers and under the first requirement appeared from 600 to 700 persons in number, which is rather considerable given the small population of the Samurzakan district..."

We quote this section not only with the purpose of showing the result of retaliatory measures by the Russian army, but mainly to note that as a result of the devastation of Abkhazian lands, including the Samurzakan area belonging to Abkhazia, there appeared a problem with the resettlement of this territory.

Despite the preservation of state sovereignty and autonomies of Abkhazia by Russia, instability within the territory still disturbed it. The Russian administration considered the developed instability in Abkhazia as being due to the governor of the country, Prince Michael Sharvashidze, who by his inactivity provoked disturbances. Confirming this view of the problem, we quote an excerpt from N.N.Muravev's report to Prince V.D.Dolgoruki about the actions of the ruler of Abkhazia:

"In actions of the possessor of Abkhazia I see double-faced behaviour against us and the Turks, resulting from his doubts: which of the countries at war will gain Abkhazia? He has no sincere attachment to one party, but wishes to keep his possession and considers himself in the right to remain neutral, forgetting his high rank as a General-Adjutant of H.I.M..."

The unreliable position of Russia in autonomous Abkhazia (in comparison with other princedoms of the Central and East Transcaucasia which had already been deprived of sovereignty for a long time by the imperial government and were a part of Russia as military departments), and also its special interest in a strategically important site on the coast, demanded acceptance of cardinal measures on a change of the status of the region. Military leaders and the Governor-General incessantly reminded others of it, as we see from the official report from the Chief of Armies in Abkhazia, General M.T.Loris-Melikov, to the Kutais Governor -General G.R. Eristov of August 12th, 1858:

"The necessity and importance of our occupation of Abkhazia, having a unique good port on the east coast of the Black Sea, and the country which, recognising the power of Russia, should form the basis for distribution of our sovereignty on all the east coast, cannot of course be subject to any doubt.

We occupied Sukhum in 1810. Since then a half-century has passed, and it is necessary to confess that our influence in Abkhazia has not increased at all, and that as General Philipson said, we do not own, but only occupy it. It even seems more truthful to say that this occupation is less strong now than it was before, because secret intrigues of foreign powers, with the purpose of inciting the tribes occupying territories on the east coast of the Black Sea against us, have greatly increased recently".

Also there came the moment when Russia made its decision about inclusion of Abkhazia in its structure, that was confirmed by the following document:

"Decree from the Governor-General of the Caucasus Grand Duke Michael  
To Earl V.Adlerberg about introduction into Abkhazia of Russian rule.  
June 26th, 1864

The highest command about elimination of Prince Sharvashidze from duties of the possessor, for ever with his descendants, and about introduction in Abkhazia of Russian rule, has been received by me during my last expedition to the river Mzymta valley. Wishing personally to declare the Supreme Will to Prince Sharvashidze, and at the same time to call him from Abkhazia so that at the forthcoming transformation of rule of this territory possible disorders and even armed resistance can be avoided, I have charged the Chief of Staff to invite Prince Michael to Kutais at my arrival time

there... considering everything, in case the further measures of indulgence in relation to Prince Michael will not lead to the desirable purpose, I have sent to him my decree in which I positively declare to him the Supreme Will, and order the Kutais Governor-General to introduce Russian rule in Abkhazia now, having insisted on the immediate departure from Abkhazia of the former possessor". The document with which the Governor-General of the Caucasus addressed the tsar, concerning the liquidation of Abkhazian independence, is indicative. It is necessary to appreciate the delicacy in approaches to the decision of this problem, which was not simple. As follows from the text, only special circumstances compelled Russia to take this step, which was not undertaken with other principedoms which had earlier become a part of the Russian empire.

Here is how the Governor-General of the Caucasus, Grand Duke Michael, wrote on this occasion about the necessity for the abolition of the Abkhazian principedom and its settlement by Cossacks, on March 27th, 1864.

"In view of the close realisation of the highly-approved Assumptions of settling the Cossack villages on the East coast of the Black Sea from the mouth of the Kuban to the river Bzyb, it is obviously necessary to solve questions on the future position of Abkhazian rule: whether Abkhazia should be in its present state, i.e. under the unaccountable rule of Prince Michael Sharvashidze, or whether a newly-arranged rule should be entered.

Sixty years has passed since Abkhazia recognised the Supreme power of the Russian Sovereign and the father of Prince Michael Sharvashidze was recognised as its hereditary ruler. This country was then still half-wild, with the various princely families torn apart amongst themselves and constantly exposed to violence from Turks and predatory mountaineers, and since the time of joining to Russia has received external protection from the Russian government.

The Abkhazian people, occupying the best part of the Caucasian territory, have fallen to the last degree of poverty and wildness. Half have accepted Islam, the others have lost almost any concept about religion. Russia instead of a grateful ally has got in Abkhazia a rebellious and artful slave, ready with open arms to accept each of our enemies who appears at its coast. Our authorities are not concerned with the internal ruling of these people: Abkhazians neither pay taxes nor duties, armies do not stay with them in their homes, do not take any supplies from them, do not use anything and constantly protect them; for all this Abkhazians pay us in murders behind a bush.

Where are we to search for the reasons for all of this, as it is not under the control of the present ruler. Legally it is impossible to accuse Prince Michael Sharvashidze of any one of those grave crimes of which he is accused by public opinion and by everyone closely observing the activities, because his actions as ruler have never been exposed and could not be exposed to lawful investigation. Anyway, it is necessary to pay attention to many obvious facts of his long period of rule... Assessing commoners for small offences by huge penalties in favour of the treasury, he always leaves strong predators and murderers unpunished and even patronises them; from this predation robberies and murders have become constant phenomena in Abkhazia. Whether or not in such a territorial position it is favourable to Russia, and whether or not it produces a feeling of justice and philanthropy, to leave it under the power of the possessor ruling it now, in the political situation it would be positively harmful. Destruction of such power which, deliberately or not, has done so much harm for so long makes it a duty of our government.

We should:

1. Persuade the possessor and his successor to refuse the right of possession.
2. Define and supply an allowance to the possessor and his successors.
3. Form a military district of Abkhazia, which together with Tsebelda will be subordinate to a special military chief, like the chiefs of departments in areas which submit to the Governor-General of Kutais.
4. If the quantity of free land permits, install Cossack settlements along the coast to the mouth of the Ingur, which together with settlements on the river Bzyb could make the Abkhazian Cossack army under the control of the chief of the Abkhazian military department.
5. Appoint a ridge, closing Gagra pass and now separating Abkhazia from Djigets land, as a border between the Kuban and Abkhazian armies".

So, management reform also concerned Abkhazia. In 1864 with the aim of “a settlement of internal order” the Abkhazian principedom was abolished and Russian control began with the formation of the Sukhum military department of the Russian empire. This coincided with the termination of the Caucasian war and defeat of Turkey in the Russian-Turkish war. The Governor-General of the Caucasus, in a letter of March 23rd, 1864 wrote to Alexander II: “... The independent position of Abkhazia made sense, while the east coast of the Black Sea was not attached to Russia”.

Analysing the period of existence of the autonomous sovereign state of Abkhazia as a part of the Russian empire, being under its high protection, it is possible to say that in the Russian empire, military departments were not state formations, and were created as temporary administrative structures. Military departments territorially corresponded to the former principedoms, as, for example, Sukhum to the Abkhazian principedom, or to arbitrary territories, as, for example, the Black Sea department to the occupied Adler-Sochi-Tuapse region.

The administrative structure of this colonial formation was as follows: the military districts headed by governors (representatives of the Governor-General of the Caucasus), being in the district centres, submitted to the Tsar's Governor-General who had residence in Tiflis and submitted directly to the Tsar. This complete structure, which had incorporated all kingdoms and principedoms of the Central and Western Transcaucasia, for simplicity was called “Georgia” by Russian governors. However, in each of the principedoms of this formation the people named themselves according to their own ethnos (to a tribe or a nationality). The name “Georgians” was also used, but only as a certain generalising symbol which could be applied to any inhabitant of this territory. Anyway, ethnic Abkhazians never used this name concerning themselves.

It is especially necessary to note that during the existence of military departments, civil authorities and any local government were absent. There was a centralised military power, typical of all colonies in the world. When in need of decisions to questions which fell outside the limits of competence of these departments, under their management corresponding committees were created, to solve the vital issues in the lives of the local population. In these committees representatives of the local nobility and communities were involved. This absence of local government was one more sign of the transformation of Abkhazia into a colony of Russia.

However, even with the formation of a military department, nothing had changed regarding the formal and legal position of Abkhazia. The population structure of the country was monoethnic and so it remained; the territory of the country practically remained unvaried, and hence Abkhazia was de jure a sovereign state. Nevertheless, considerable de facto deviations from the normal development of a sovereign state actually took place, namely:

- a) The creation of a military department meant that development of the state occurred under emergency conditions;
- b) Retaliatory actions increased against dissatisfied people, especially after the Abkhazian revolts of 1866 and 1877, after which began the violent expulsion of Abkhazians from their dwelling-places;
- c) The population of Abkhazia after suppression of the above-stated revolts was declared “rebellious and guilty” and then retaliatory sanctions followed;
- d) The aggregate population of the country sharply decreased;
- e) The military and civil authorities of the Russian empire started realisation of the plan of settling Abkhazian lands, released as a result of makhadjirstvo, with foreigners i.e. country colonisation began.

The Sukhum military department existed till 1883, and then was transformed after the next reorganisation, and in the form of the Sukhum military district became a part of the Kutais province, and for all this period till 1917 the country was ruled by a Governor-General directly submitting to the Russian Emperor. Though nothing formal changed for Abkhazia during the following period, some events which essentially affected the subsequent development of relations with the present state of Georgia actually took place:

1. Remaining in the form of the Abkhazian kingdom, the Abkhazian principedom, or even the Sukhum military department, Abkhazia had the possibility to keep ethnic uniformity (monoethnicism).

2. The statehood of the country, its laws and immigration policy, and later administrative and territorial separation from neighbours to the south, prevented penetration into the country and the free settlement of people of other ethnic groups.
3. The transfer in 1883 of the government of the military district to the territorial centre of governorship Kutais, and the absence of civil national ruling and control promoted formation of the official channel allowing representatives of other ethnoses to emigrate freely from southern provinces (Guria, Kartli, Mingrelia, etc.) and to settle in empty regions of Abkhazia.
4. Assistance with resettlement of the people in Abkhazia was rendered by the colonial policy of imperial Russia, directed towards replacement of rebellious people by unscrupulous marginals, which was easy to operate by means of a whip.

To the end of the century the number of settlers was still small, but in comparison to the size of the rest of the people who avoided being destroyed by genocide, it became dangerous as it laid the foundation for a change of demographic balance in Abkhazia.

The association of separate princedoms of Transcaucasia under the Russian majestic eagle had come to an end by 1878 with the joining to Russia of former Batum pashalyk (region), occupied mainly by Moslems. Imeretia together with Guria left the Georgian-Imeretian administrative region in 1864, as an independent administrative unit which received the name of the Kutais province. In the beginning its structure also included Ahaltikhski district, and later Mingrelia, Abkhazia and part of Svanetia provinces also joined, with their former rulers submitting directly to Russia.

The most important element in the circumstances was that the people of this phantom state conveniently named by Russians as "Georgia", which Russia involuntarily joined at the end of XIX century, showed a special interest in the territory of the neighbouring country of Abkhazia, which it appeared (by means of Russia) possible to take without undue effort. The territory was devastated, entrance and settlement were unobstructed, counteraction from local authorities was absent (as were the authorities), and the Russian military administration not only did not interfere with such resettlement, but even welcomed it.

In the history of Abkhazia there were two attempts at replacement of the Abkhazian native ethnoses by other nationalities. The first of them occurred in XIX century, as a result of the colonial policy of Russia. For this purpose, not wishing to have to stomach restless Abkhazians, Circassians, or Ubykhs, it made an attempt at removal of these rebellious people from their native lands. This generated makhadjirstvo, i.e. an exodus of the native people of Abkhazia to Turkey, Jordan, Syria and other countries of the Middle East. There was an undertaking to replace rebellious nationalities of the Caucasus with those more loyal, who in the south were Mingrelians and Gurians, and in the north were the Russian Cossacks who completely replaced Circassians in the Tuapse-Sochi area, up to the river Bzyb.

As V.A.Gurko-Kryazhin notes, "the artificial reduction in the size of the Abkhazian population is explained by three main reasons: its mass emigration as a result of a gain of the Caucasus by Russia and its wars with Turkey, the infiltration of Megrel-Kartvels assimilating natives of the country, and the colonial policy of the imperial government". Thus, the colonial policy of Russia in 1864-1917 began an exodus of Abkhazians from the country and led to replacement of the native people by foreigners - in short, to a change in the ethno-demographic situation in the country. And the population of the central and western areas of Transcaucasia accepted the most active participation in this process.

The second large-scale attempt at replacement of the native Abkhazian people was undertaken by Georgia which continued colonisation of their country (Abkhazia) in a military expansion 1918-1921. Then later, Abkhazia became an autonomous republic within Georgia, and thereby entered the USSR through Georgia. The people of central Transcaucasia, encouraged by Russia from the end of XIX century, longed to live in Abkhazia. The country, as a result of makhadjirstvo, had been weakened and had lost the possibility of administratively protecting the territory, as is practised by all sovereign states of the world through limiting the entrance of foreigners for settlement by the use of quotas or other regulating measures.

Population

Fig. 3. Changes in the population of Abkhazia according to census. Years of occurrence of census are shown.

(абхазы = Abkhazians, грузины = Georgians, русские = Russians, армяне = Armenians, греки = Greeks)

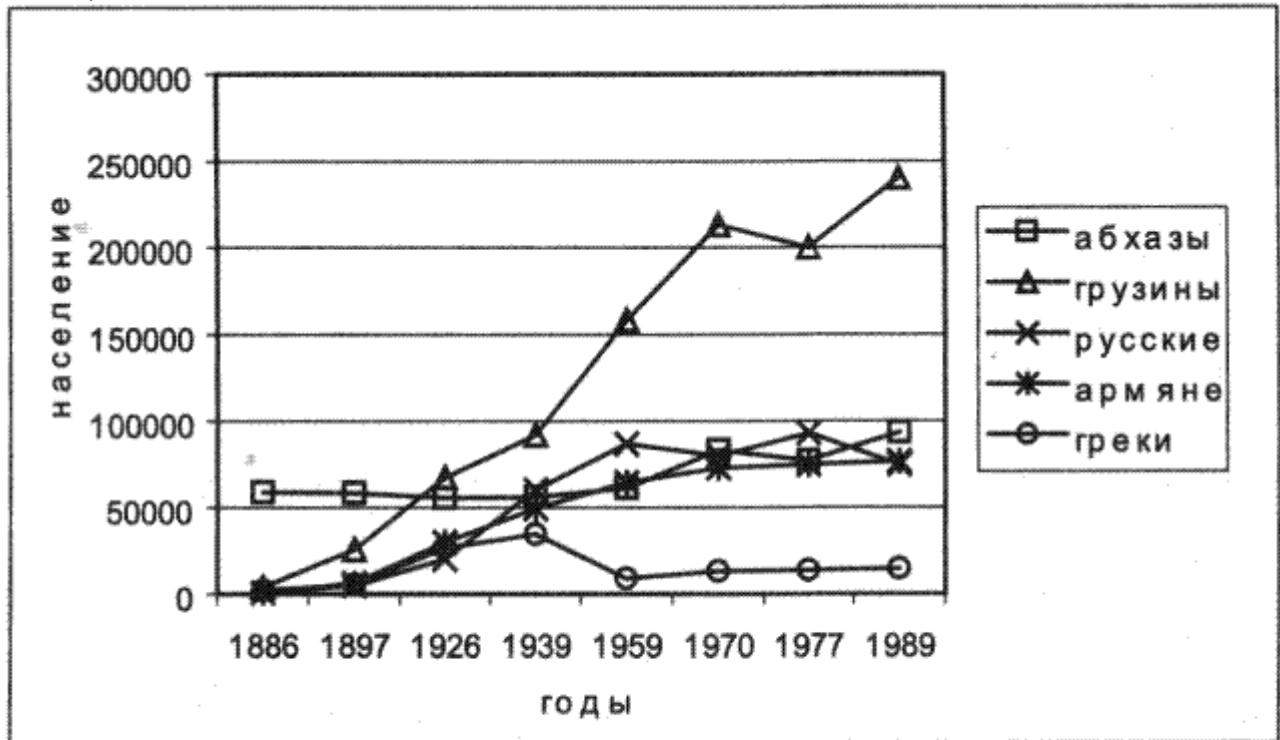


Рис. 3. Изменение численности населения Абхазии по данным переписи. По горизонтали указаны годы проведения переписи.

Settling by Georgians of Abkhazia was well-planned and occurred so intensively that from 1918 to 1964 the number of Georgians in Abkhazia grew to 240 thousand persons, and in comparison with data from the first census increased by a factor of 60, having thereby exceeded the number of the indigenous population of Abkhazians five-fold (Fig. 3). Ethnoreplacement allowed Georgia and the government of the USSR to consider Abkhazian people as an ethnic minority, i.e. a crime against the native ethnos was committed. Thus, in Abkhazia, especially during its occupation by Georgia, genocide occurred. This name according to "the Dictionary of foreign words" derives from Greek *genos* - a sort or tribe, and Latin *caedo* - I kill, and it represents one of the worst crimes against humanity - the extermination of separate groups of the population according to racial, national-ethnic or religious identities. All actions by Georgia in relation to Abkhazia throughout practically all XX century were inspired by genocide, national chauvinism, military expansion, aggression and terrorism. Their purpose was annexation of the country and replacement of the Abkhazian ethnos by the Georgian majority, through eradication of all ethnic groups of the population: Russians, Armenians, Abkhazians, Greeks, Jews, etc., and the settling in Abkhazia of Georgians. All this occurred both before and after acceptance of the Operating Convention of December 9th, 1948 about the prevention of crimes of genocide and punishment for it.

There are incontestable documentary written sources (firstly Georgian), about the exact date of mass resettlement of Mingrelian peasants in Abkhazia after the termination of the Caucasian war, the abolition of an autonomous Abkhazian principedom in 1864 and the expulsion of Abkhazians (*makhadjirstvo*) to Turkey which followed the revolts of 1866 and 1877. J.Gogebashvili wrote in detail about it all in 1877 in the newspaper "Tiflis bulletin", in a vast article entitled "Whom to occupy Abkhazia?", in which the developed plan of colonisation of Abkhazia was given. Eventually the military authorities, under pressure from the indignant population of Abkhazia, and having estimated the possible consequences of such ethnic diversion, blocked access of immigrants to

Abkhazia. And here the second stage of action occurred - an ideological substantiation of the postulate that Abkhazians and "Georgians" are ethnically one people, immemorial friends and brothers. Those who opposed such a statement were enemies of Abkhazians and "Georgians" who have lived from ancient times in one territory, and for their protection and for that of already arrived settlers, the acceptance of emergency measures, up to military action, was necessary. From the moment of transformation of the Sukhum military department to a district with its centre in Kutaisi, favourable conditions for ideological propaganda and sabotage against the Abkhazian people were created. From Tbilisi and Kutaisi political emissaries and other agents rushed to Abkhazia to prepare a base for the assimilation and seizure of the country. The press conducted incessant work to introduce into the consciousness of the population the idea of both ethnic and territorial unity of Abkhazians and so-called "Georgians". We give quotations from press publications of that time, filled with unctuous speeches:

"It is a cause of regret that Abkhazians stand in the way of intellectual regeneration whilst showing complete indifference to the question of national independence. The policy of Russification has already done so much that these people have completely split from their neighbours - the Georgians; this policy, because of wrong education, has intellectually spoilt these people who have forgotten that if Abkhazia should have something in common with anyone, it should be with neighbours, with Georgians to whom they are connected historically; and the geographical position of their native land is such that further than Georgia these people do not have any salvation". (Article in "Tsnobis Purtseli" from April 1st, 1905, signed "Sukhumian". Despite the publication date, it is obviously not an April Fools' joke. - authors).

Apparently from N.Djanashia's letter "Motley notes about Abkhazians and Abkhazia", Georgians were very strongly disturbed by thoughts about the independent, liberated territory of Abkhazia: "Georgian magazines and newspapers in recent years have almost forgotten that on the coast of the Black Sea Abkhazia is located, its fate connected with the bitter past of Georgia. Though Abkhazians are hardly close relations of the Georgian tribe (at last it is told correctly!), it is also true that this remarkable corner, as fresh as spring, (notice that this is the country, not the people!) has been connected and united with Georgia: joining together with it has time and again drained the historical bowl filled with a bitter drink. Even if it had not been, today's interests of Abkhazians and Georgians are so bound, that leaving them without attention has been an inexcusable and irreparable sin of Georgian magazines and newspapers. In 1897 there was an order not to give any part of the area of settlement (Ochamchira and Gudauta) to "natives". Thus, the "natives" (Abkhazian and Georgian?) have been deprived of the right of acquisition of private property. Now I wish to note, as times and circumstances have changed, that nowadays very many care for them and caress them, if only to destroy and put an end to the small remains of a historical link uniting Abkhazians and Georgians over many centuries... Unless the Georgian nationality hinders in this matter? Certainly not. Georgians have undergone national oppression, and this bitter experience is a pledge that they themselves will never incur the role of executioner, let alone the executioner of not one person, but all people!" ("Droeba", 1909).

Later in many works about the occupation of Abkhazia by Georgia in 1918, and up to the war of 1992-1993, it was shown that the Georgian mini-imperialists and national chauvinists, in relation to the Abkhazian people, actually became executioners and murderers.

In the press of that time incorrect data about the population of Abkhazia misrepresented its ethno-demographic structure, but simultaneously showed anxiety about the beginning of resistance of the Abkhazian people to ethnic expansion. We will give an example of this from S.Pirtskhalava's article "Forgotten land" - about the situation in Abkhazia.

"The majority of inhabitants of Samurzakan, which stretches to Ochamchira, are Megrelians... Ochamchira today is a completely Megrel settlement... There is no link with the rest of Georgia, and the local pulse does not join to the general pulse of the native land.

In Sukhumi there are now more than 40 thousand inhabitants. The majority are Georgians, Russians are 15 thousand, Armenians are 5500. And in the property plan the first position is occupied by

Georgians... Local Georgians thirst to live a national life and wish to link closely with the rest of our country.

... The sharp question for Sukhumi and for the whole district is the Georgian-Abkhazian mutual relationship. It should not be forgotten that Abkhazians have given high political and cultural merit to our native land. In VIII century our revival began from Abkhazia". ("Sakhalho Purtseli", October 25th, 1915).

Thank God at least one has told the real truth, that today's Georgia was constructed by Abkhazian hands and minds. Thanks! It is to be hoped that this has reached today's Georgian leaders and politicians. And as to the numbers of separate ethnic groups living in Sukhumi, the author did not indicate how many Abkhazians were there, believing that Georgians were the main people in the city, and ranking all ethnic Abkhazians to them.

It will be pertinent here to give the following example from the directory "Caucasus" for 1903. On page 226 the following statistical data are published:

"Inhabitants about 180 thousand souls, which in percentage terms rate as follows: Armenians - about 40 percent, Georgians - almost 25 percent, Russians - about 20 percent, and the remainder of 15 percent - Persians, Tatars, Germans, Turks, Jews, Frenchmen, Englishmen, Czechs and others".

What do you think - where was such structure of the population? In Yerevan? No, in Tiflis, nowadays Tbilisi – the capital of Georgia. Therefore, before you complain about your neighbour's house, take a look at your own.

And here is what N.Djanashia wrote about the Georgian-Abkhazian mutual relationship: "Dark forces spread mean gossip and fairy tales here, as if Georgians prepare for destruction of Abkhazians and capture of their lands and manors". Only today is it possible to appreciate the truth of these words, having compared them with what has been done by Georgia in Abkhazia during all these years. After comparing the above-stated citations with quotations from the press and the materials of the Georgian historians quoted in the second chapter, inevitably there will be this conclusion: the main weapon of the Georgian politicians, and naturally historians and the press, was not even double, but threefold morality: one was spoken, another was meant, and the third was carried out. Behind tender words and the alleged expression of care there was a rigid pragmatism, aggression and despotism.

Already then, at the beginning of XX century, and developed under the revolutionary movement trend in Russian program documents, the following was provided:

From the program of the Constitution-Democratic party of Georgia.

"With the establishment in Russia of the new political system, all nations, and in particular Georgia, must acquire the right of establishment of autonomous control. In autonomous Georgia civil freedom must be established and the rights of national minorities will be inviolable. The borders of autonomous Georgia will be defined by an extra-ordinary meeting consisting of freely selected deputies from Tiflis and Kutais provinces and the Batumi, Sukhum and Zakatal districts."

What cynicism must have been possessed to assume that as a part of the future national-state formation, "Georgia" would receive autonomy for only one people, and all other ethnoses of Transcaucasia would become in its structure "national minorities". Here it was decided to deprive Abkhazia of sovereignty, to take away its territory and to define its ethnos with a centuries-old history as being in a "national minority" position. Then also the idea appeared of defining the border of "the autonomous state of Georgia" not on the basis of historically developed states, but by the decision of district representatives, under the condition that all regions controlled by Governors-General would automatically enter the new autonomous state. Apparently from the document, nobody asked for the consent of administrative formations which earlier became a part of Russia as independent states, and later, by a power decision, were included in the structure of military districts and regions controlled by Governors-General.

In conclusion it would be desirable to say yes, since 1846 the state structure of Abkhazia as sovereign de facto, in the full sense of this phrase, did not exist. But after all, other princedoms which entered at various times into the structure of Russia also did not exist as independent states. There was only Russia with a region controlled by a Governor-General in Transcaucasia, and military districts or departments in the territory occupied by armies with military management.

Formally, Sukhum district existed till 1919 and introduced into the development of Abkhazia both negative and positive elements. On the positive side, it is possible to refer to a wide cultural exchange between Russia and Abkhazia, and the help of Russia in the creation of modern Abkhazian writing, which is based upon the Cyrillic alphabet.

For the negative influence, it is necessary to refer to: the violent entrance of elements of Russian culture and routine into the lives of the Abkhazian population, who had a culture based upon centuries-old traditions and laws of the mountain people; autocratic (without consideration of the opinions of the people or decisions of the Abkhazian state institutes) settling of Abkhazian lands by immigrants from other regions which led to changes in the demographic situation of the country; the beginning of the destruction of the Abkhazian ethnos and creation of conditions for the suppression of consciousness of the Abkhazian ethnos by other ethnoses; and the beginning of ideological diversion, which justified the subsequent annexation of the country by Georgia.

On the basis of the above it is possible to draw the following conclusions:

- 1) To the beginning of XIX century Abkhazia de jure and de facto was an independent state within outlined geographical borders, the subject of international law, and capable of entering into international agreements.
- 2) Abkhazia, unlike Georgia, had not completely lost its statehood after joining to Russia. From July 1810 to June 1864, and actually till 1883, the Abkhazian principedom kept “autonomous status” as a part of the Russian empire, and it still was considered as a principedom ruled by national princes Chachba - Sharvashidze. Abkhazia became a part of the Russia empire independently, as a sovereign state and a subject of world politics, and at the moment of reception of the Charter from the Russian empire, Abkhazia officially de jure and de facto confirmed the sovereignty which it had possessed since VIII century that was fixed by legal documents.
- 3) According to the text of “The Highest Manifesto on the joining of Georgia to Russia”, the borders of "Georgia" were defined, but they did not include not only the territory of Abkhazia, but also Mingrelia, Guria, Imeretia and Svanetia.
- 4) As follows from the text of the Petition, Abkhazia asked for the protection of Russia forever, i.e. eternal preservation of the sovereignty of Abkhazia under the protectorate of Russia was meant.
- 5) After abolition of the Abkhazian principedom and the bloody revolts of 1866 and 1877, Abkhazians because of numerous protests were declared a “guilty population” by the imperial government. Tens of thousands of Abkhazians were compelled to leave their native land and move to Turkey and the countries of the Middle East, and in their place, beginning from 70-80th years of XIX century, representatives of other people, mainly Megrelians, rushed in from adjoining areas. The ethno-demographic situation in the country began to vary sharply. Uncontrollable settling of Abkhazia became so intensive that it started to worry the imperial authorities. The stream of immigrants was limited, but the process nevertheless proceeded continuously.
- 6) Sovereign Abkhazia, by a powerful order due to a decision of the tsar, in 1864 “lost independence” (which confirms the existence of the sovereignty of the country until that moment). The thesis “Russia stopped the existence of the Abkhazian principedom”, i.e. deprived de jure Abkhazia of its sovereignty in 1864, is incorrect, as Russia was not competent to deprive Abkhazia of its sovereignty, and in reality colonisation, as a retaliatory action of the Russian empire against Abkhazia and its people, took place. Therefore the liquidation agreement regarding the de facto sovereignty and deprivation of statehood of Abkhazia by Russia in 1864 has no validity, because the power change in the Abkhazian state system and its placement within the Russian empire was not included in the request for protection. Hence an infringement by Russia of its international obligations took place according to this agreement.
- 7) The decree of 1864 in which Russia attached Abkhazia to itself never had and could not have any validity, as in its basis it did not lay down bona fide one word about either the right of the conqueror, or the right of hereditary territorial possession, or any of the other norms demanded by the rules of international law.
- 8) At the same time it is impossible to consider an acquisition of one territory violently united with another territory during the presence there of military, or civil but generated by means of military

force, government, as the loss of de jure sovereignty. Also, it is impossible to separate, and use as legally significant, the annexation or capture during any period of one state by another during civil war or formation of the statehood of the country.

9) The resistance of the Abkhazian people to innovations generated by Russian colonial policy, and the forceful suppression of that resistance, led to makhadjirstvo and to a devastation of the Abkhazian lands. This was the beginning of the genocide of Abkhazian people which was continued during almost the next two centuries by Russia, and later by the USSR and Georgia.

10) During the period between 1810 and 1917, Abkhazia did not transfer its sovereignty to anybody.

11) Loss of both the statehood and the sovereignty of Abkhazia during the period of the Russian empire controlling the Caucasus from 1883 to 1917, and also during the revolution and de facto disintegration of the Russian empire, is not the reason for the termination of its existence subsequently, with the arrival of other interstate and international circumstances. This status of Abkhazia de jure remained, as its formal liquidation was illegal.

#### **2.4. Expansion of Georgia and struggle of Abkhazians for independence.**

One of the central painful points in the history of Georgian-Abkhazian relations is the period 1917 - 1921. The Abkhazian principedom, since 1864 included with its own local territory in the structure of Russia in the form of the Sukhum military department (and later the Sukhum military district), left it as the sovereign state of Abkhazia with its own territory, the same as it entered the Russian empire in 1810. Polemic on the question of whether Abkhazia was a sovereign country till 1917 or not has no essential value. Abkhazia continued to remain a part of the Caucasian region controlled by a Governor-General within the Russian empire, and had no relation to Tiflis or even the Kutais province, or to other regions of the Empire, or especially to "Georgia", which during this period did not exist on world maps. Separate independent principedoms in the structure of the region controlled by a Governor-General were represented in the form of Russian provinces, in particular Tiflis and Kutais (Statement of Claim E, pp 13 - 14, 2004).

The February revolution sharply changed the situation in Transcaucasia. The Provisional Government of Russia immediately created the "Special Transcaucasian Committee" (OZAKOM, later transformed into the Transcaucasian Democratic Federal Republic - ZDFR). Abkhazia, which was at that time the Sukhum district under the protectorate of Russia, continued to be considered as an independent state. Next day, on March 10th, 1917 in Sukhum a meeting of representatives of the population of the Sukhum district took place. This formed its own local Provisional Government in Abkhazia – the Committee of Public Safety under the presidency of Abkhazian prince A. Sharvashidze (Chachba). The militia led by Tatash Marshania was simultaneously created. (Archive AGM).

The Provisional Government carried out the really revolutionary step which changed the political status of the Russian empire. As is known, until 1917 all inhabitants occupying the country were subjects of the Monarchy. With the arrival of the Provisional Government in the territory of the former Empire there was a new statehood - the Russian Republic was created, of which Abkhazia (called the Sukhum district at that time) was also a component. The new legitimate government of Russia introduced the institute of citizenship in the country covering all territories of the former Russian Empire. According to these huge changes in the legal regulations, all former citizens of the Russian state, including inhabitants of Transcaucasia and Abkhazia, from September 1st, 1917 obtained the new status, i.e. they became citizens of Russia. At that moment the principle of obtaining Russian citizenship "by the right of blood" began to operate. This principle, because Abkhazia and its population have not refused Russian citizenship, operates till now. Inhabitants of Abkhazia by definition are citizens of Russia.

After the February revolution, the Government of the Russian Republic (Provisional Government) started preparations for elections to the country's Constituent Assembly. On September 23rd, 1917 the "Election Regulations for the Constituent Assembly of the Russian Republic" were confirmed, where in section V, item 152 the list of the election commissions for the Transcaucasian district was given, including:

Subsection 2) Baku, Elisavetopolsk, Kutais, Tiflis and Erivan provinces, and also Batumi and Karsk...

Subsection 3) ...and also Sukhum and Zakatal districts (The Russian legislation, X - XX centuries, pp 136, 164).

This document shows that after the February revolution (27. 02. 1917) the Provisional government, which was legitimate (appointed by the State Duma in coordination with Petrograd Council), considered the Sukhum district as independent, without any connection with the provinces of the former Caucasian region of the Russian empire listed above. The same document confirms the continuity between the old and new government of Russia, and the transfer of all powers of the Russian Monarchy to the Provisional government (Development of Russian legislation..., 1997, pp 251, 265).

Forming its own statehood, Abkhazia, in the form of the Sukhum territory, was included on May 1st, 1917 into the structure of Mountain Republic, a legitimate state formation with a Constitution and a control body - the Central Executive Committee. From October 20th, 1917 it became a member of the "South-East Union of the Cossack Armies, Mountaineers of the Caucasus and Free people of the Steppes" (Georgia was not related with this Union), as an independent allied state with the right to enter into agreements with other subjects of international law. The agreement upon which basis Abkhazia entered the specified "Union" had no time limit, and exit from it was regulated by a certain procedure. ("The union of incorporated mountaineers..." collection, pp. 23-50, 50-53).

Then, in May 1917, under the decision of the 1st Congress of the Mountain people of the Caucasus, the Sukhum area (Abkhazia) was represented in the Mountain spiritual board, along with the Black Sea province and Zakatal district.

We quote some points from the Allied Agreement of the South-East Union of the Cossack Armies, Mountaineers of the Caucasus and Free people of the Steppes from October 20th, 1917:

"We, the undersigned Cossack Armies, Mountain people of the Caucasus and Free people of the Steppes conclude a union among ourselves, with the purpose of promoting an establishment of the best political system, external safety and order in the Russian State, and also to provide inviolability to members of the union, to support internal calm, to raise the general well-being and thereby to maintain the blessings and freedom won by the revolution.

#### I. UNION STRUCTURE

Item 1. The union is formed by the Cossack armies (Don army, Kuban army, Tersk army, Astrakhan army and Kalmyk people adjoined to the Astrakhan army) and the following mountain and steppes people united in the special Union of Mountaineers of the Caucasus:

...c) The Mountain people of Sukhum district (Abkhazians);

... Item 4. Each member of the Union keeps full independence concerning their internal life and has the right to independently enter relations and agreements not contradicting the union purposes...

#### II. THE UNION PURPOSES

Item 5. The union sets as its purpose:

a) achievement of the prompt establishment of the Russian Democratic Federal Republic with a recognition of members of the Union as separate states...

#### III. THE ALLIED POWER

Item 6. The allied power operates within the rights following from the present agreement and especially represented to the power by separate members of the Union.

Item 7. The allied power within the competence presented to it (Item 6) is independent.

Item 8. At the head of the Union there is an incorporated government of the South-East Union.

#### IV. THE LOCATION OF THE INCORPORATED GOVERNMENT

Item 15. The incorporated government has a temporary location in the city of Ekaterinodar.

#### V. CHANGE AND THE TERMINATION OF THE AGREEMENT

Item 17 Change of and addition to this agreement, and equally its termination, is to be made by the Conference of representatives of members of the Union" (Allied agreement SOGK, 1917).

We wish to state that Abkhazia did not leave the structure of this Union. Even after the territory of the North Caucasus had been occupied by A.I. Denikin's armies, and this Union had temporarily ceased to function, Abkhazia continued to remain true to this Agreement.

The October (Bolshevik) revolution in Russia did not lead to special changes in the statehood of the country. Sovereign Abkhazia at the first farmers' congress in Sukhum on November 8th 1917 created its own state structure headed by the ruling body of the Sukhum district - "the Abkhazian National Council", known to history as the first ANC, a factual legitimate body of independent Abkhazia. The purposes and problems of political and state life of the Council are stated in the "Constitution of ANC" and "Declaration of Congress of the Abkhazian people". According to the "Declaration":

"- ANC undertakes to its fellow members:

Item 1. To help by all allied means in preparation of their internal structure as independent states of the future Russian Democratic Republic". Then the Declaration on self-determination and the Constitution based on its principles was accepted. (S. Lakoba - Essays on political history of Abkhazia, Sukhum, 1990, pp. 62-63). Representatives of the Georgian delegation at Union congress opposed this decision in every possible way, believing that Abkhazia should enter automatically into the Transcaucasian committee into which kingdoms and princedoms of the Central and Western Transcaucasia, Azerbaijan and Armenia, entered.

"Item 2. The Abkhazian people are sure that their brothers - mountaineers of the North Caucasus and Dagestan - will support them when they protect their rights."

"Item 4. The Abkhazian people enter as a part "of the Union of incorporated mountaineers of the North Caucasus, Dagestan and Abkhazia"... also need to support a close connection with their northern brothers". Simultaneously the Congress Declaration confirmed that the major problem of the ANC was work on country self-determination, and the final form of the state would be defined by the Constituent Assembly of all people of Russia, following the principles declared by Russia about society organization having found a response in the minds of Abkhazians.

"Item 5. The District Committee, Commissars and other administrative institutions and persons retain their former functions of management, but the work and activity of all administrative and other institutions and persons, as this work and activity concern Abkhazia, should proceed in contact with ANC, in the interests of the achievement of fruitful results.

Item 6. ANC recognises the power and the competence of corresponding administrative agencies and social-political organisations (the Union of Incorporated Mountaineers,... editor) as these institutes and organisations observe principles of democracy and national self-determination" (Central Archive of Abkhazia).

ANC confirmed the continuity of decisions accepted earlier, particularly decisions on the country entering the structure of "South - East Union of Cossack armies, Mountaineers of the Caucasus and the Free people of the Steppes". Neither the Constitution of the ANC nor the Declaration did not provide for any mutual relations between Abkhazia and former Governorship regions of Russia in Transcaucasia and, especially, any obligations to them. (The Statement of Claim..., Appendices 7 & 8; the Union of Incorporated Mountaineers..., 1994, pp. 80-83).

The Constitution of the ANC, from which the basic points are given, said:

"1. The Abkhazian National Council is the national-political organisation uniting the Abkhazian people.

2. The representative and the spokesman of the will of the Abkhazian people in relations with both governmental administrative institutions and political organisations is the Abkhazian National Council".

"4. Aims of the Abkhazian National Council:

c) Spadework on self-determination of the Abkhazian people;

d) Maintenance and strengthening of relations of the Abkhazian people with the Union of Mountaineers of the Caucasus, and carrying out in life the general political slogans, decisions and actions of the Central Committee of the Union".

Points 5 and 6 of the Constitution confirmed the legitimacy of both the District Committee and the structure of the Union of Incorporated Mountaineers of the North Caucasus..., together with the South-East Union, providing close contacts between the ANC and the specified structures.

The political situation in the country was difficult during this period, because of intensive settling of the Abkhazian lands by settlers from West and East Transcaucasia at the end of XIX - the beginning of the XX centuries, which followed the exodus from the country in the middle of XIX century of Abkhazians and related people (makhadjirstvo). The demographic structure of the population in Abkhazia had sharply changed. According to the population census in 1886, of the general population of about 70 thousand persons, the number of Abkhazians was almost 59 thousand, and settlers from other regions hardly more than 4 thousand. From the census of 1897, their number had already increased to 26 thousand persons, with the same 59 thousand Abkhazians. Using an interpolation method (fig. 3), it is possible to draw the conclusion that by the beginning of 1918 the number of immigrants from other regions was equal to the number of Abkhazians living in the country. This circumstance led to a split at the first Congress of the Abkhazian people (on November 8th, 1917), with the Abkhazian delegation in the decisions gravitating to Russia, and delegates from immigrants to so-called "Georgia". This split led to open political opposition in the country. We quote I.Gomarteli's notes about the work of the Congress of Abkhazians, and the reasons for the Georgian-Abkhazian contradictions, below:

"... the representatives of Abkhazians are not only cool, but have met the Georgian deputation to the meeting almost with hostility. They have decided in advance to reject advice from the deputation, and firmly to protect their own position, not making any concessions.

What do Abkhazians want when they speak to Megrelians about joining together with them in the Union of Mountaineers and Cossacks? - That Megrelians have separated from their nation – Georgian. ... Abkhazians should know well that Megrelians are Georgians and they will not separate from the Georgian nation on any question.

To this it is necessary to add national vanity. Georgians constantly swear friendship, and social democrats have not included any Abkhazian in the election list of candidates; or is Abkhazia unworthy of having one representative in the Constituent assembly?

The Abkhazian could not create culture, has not created writing and today he tries to create writing by the spoilt Russian alphabet. Abkhazians cannot create their own alphabet today. They do not have cultural force for this purpose. Therefore they should return to the Georgian alphabet, to Georgian writing, to that writing upon which the higher estate of Abkhazia was brought up and developed. Georgian language, certainly, should enter into Abkhazia.

If we consider the destiny of Abkhazians, does it matter who will swallow them, if this absorption is obligatory?" ("Alioni", November 16-23, 1917).

As you can see from the presented materials, by words and actions it still once again proves to be true that Abkhazians are not "Georgians", who consider Abkhazians as the lowest race and on this basis try to dictate conditions and to teach them how to live; the scornful, pejorative relation to the Abkhazian people can be seen. And after that are they surprised as to why Abkhazians do not love them, to put it mildly?

Since November 16th, 1917 in Ekaterinodar "the Incorporated Government of the South-East Union" began to function. Under the decision of the ANC, the Sukhum district was also included on a federal basis. Its main task was the realisation of "self-determination of the Abkhazian people".

In "the Declaration of the Incorporated Government" it was especially noted: "Recognizing a democratic federal republic as the best form of state system for Russia, the South-East Union in practical activities will keep a line of conduct suitable for supporters of the federal form of rule. Guaranteeing its members full independence in their internal affairs, the Union undertakes to promote them by all allied means in the preparation of their internal systems, as independent states of the future Russian Democratic Federative Republic" (Central Archive of Abkhazia).

About the aims of the ANC, the "Declaration" of Congress said: "During this disturbing time when much is razed to the ground and much is created anew, and when the conditions of life of all Russia, and hence Abkhazia, vary considerably, each nation should watch sensitively that its rights and

interests have not suffered, and would not be forgotten in a reorganisation of Russia with new beginnings.

One of the important aims of the ANC is work on self-determination of the Abkhazian people. The Abkhazian people are a part of the Union of Incorporated Mountaineers of the North Caucasus, Dagestan and Abkhazia - and, of course, require support in their close connection with northern brothers”.

The union Government extended its power to Abkhazia, both political power and, from the end of December 1917, state power. Then there was a decision about “formation of the Abkhazian horse regiment four hundred strong...”. This military formation at the ANC was made by horsemen of "the Abkhazian hundred” Circassian regiment of the Caucasian ("wild") division which arrived in Sukhum from the front, and were a part of the armed forces of the Mountain Republic.

In Tiflis the opening of the National Council of Georgia (NCG) took place on November 19th, 1917. This was a Parliament, at which the representative of the Parliament of Abkhazia, Chechen Aslanbek Sheripov, said: “I am happy that the great honour has fallen to me to send you warm regards on behalf of the Abkhazian National Council. The Abkhazian people entering into the Union of Incorporated Mountaineers, congratulate fine Georgia on its first steps on the way to national self-determination... The Abkhazians who have entered into the Union with northern brothers, are assured therefore that in the near future they will meet the noble Georgian people in the general union of all people of the Caucasus. And in this future union the Abkhazian people think of themselves as a member of the “Union of Incorporated Mountaineers” with equal rights.” (Archive of the Russian Federation.)

From the given speech it follows that at the end of 1917 Abkhazia (and its government ANC), entering into the Union of the states of the North Caucasus as an independent subject of the law, did not aim to have any other mutual relations with the states of Transcaucasia, except equal and good-neighbourly (the Statement of Claim..., p. 5).

The beginning of XX century was characterised by heightened interest of Menshevik functionaries in Abkhazia. From the moment of disintegration of the Russian empire and easing of the central power, reorganisation of political state structures began, which inevitably led to repartition of territories. The question of Abkhazian borders became a point of discord firstly between the Transcaucasian committee and the Black Sea province, and then between the Transcaucasian Menshevik government and Abkhazia. At the beginning of June 1917, the future commissar of internal affairs of the Transcaucasian commissariat A.Chkhenkeli arrived in Gagra. The aim of his arrival was the joining of Gagra district to Transcaucasia, i.e. an aspiration "to make this district Georgian". It was thus supposed that Abkhazia is Georgian, though at that time such a country as Georgia did not exist on a political map of the world.

After the revolution in Russia on October 25th, 1917 the Special committee took steps towards the separation of Transcaucasia from Russia and the creation of an independent government. It was the origin of chauvinism and obsessive nationalism in Transcaucasia. The Transcaucasian Seim (representative assembly) declared on April 9th, 1918 the separation of Transcaucasia from Russia. This fact did not concern Abkhazia, as it was a part of the Mountain Republic. At the end of 1917 in the village of Djirkhua a meeting of farmers of the Gudauta site was called, at which the decision to create the armed farmers squad “Kiaraz” led by N.A.Lakoba was accepted.

When it became clear to so-called social democrats that for Abkhazians the free life of the nation was a starting point and the purpose of all their aspirations, they showed the policy and behaviour natural to them - to break the persistence of Abkhazians “with fire and sword”. With the formation of TDFR (Transcaucasian Democratic Federative Republic) and its separation from Russia, there appeared a real threat of military expansion in relation to Abkhazia. Heads of TDFR understood precisely that during this period a distancing of Abkhazia from Transcaucasia could happen. Bolsheviks also saw a threat in the expansion of Georgia, and they made repeated attempts to establish Soviet power in the country by spreading their influence across all territory of the Sukhum district. After the new Bolshevik revolt which began on April 8th, 1918, Sukhum was released from Mensheviks, Soviet power was established in the capital, and on April 11th in Samurzakan. Over these four days, Soviet

power won all Abkhazia except for the Kodori site (Abzhui Abkhazia). The revolutionary-military committee of Abkhazia became the central body. Actually it was the first Soviet republic in Transcaucasia. Soviet power in Abkhazia existed no more than 40 days, because from the Transcaucasian and Tiflis government ("virtual Georgia"), attacks by military units began. During this period in Transcaucasia separate groups creating political parties and having the task of re-partition of the collapsing Russia developed frenzied activity. This can easily be seen from the decision of the Constituent Congress of the National-Democratic party about the territory of Georgia. The Congress heard the report of Paul Ingorokva and decided: "The territory of Georgia includes the provinces of Kartli, Kakheti, Samtskhe-Saatabago, Imereti, Guria, Mingrelia, Svanetia and Abkhazia, components united by centuries-old state, cultural and economic relations".

Let's also give a fragment from the press reflecting the opinion of nationalist-inclined intelligentsia: "The Georgian autonomy should include, first of all, so-called indisputable territories. These are, in our opinion, the Sukhum district, today's Kutais province, the Batumi district and the Tbilisi province" ("Alioni", June 1917).

From P.Ingorokva's report at a session of the Historical and Ethnographic society, about the borders of Georgia, on February 7th, 1918: "Political borders of Georgia often varied in the past, but the same territory was always called Georgia; there are eight provinces where the Georgian nation has lived throughout the centuries: Kartli, Kakheti, Samtskhe-Saatabago (modern Muslim Georgia: Meskheti and Lazistan), Imereti, Guria, Samegrelo, Svaneti and Abkhazeti. This territory - Georgia, - besides that it is a complete cultural-historical unit, at the same time it is a uniform and indivisible geographical province, one country enclosed by natural borders".

Mr. Ingorokva cheats. Until May 26th, 1918 no state of "Georgia" existed, and could not exist. This was also true of the Georgian territory. Over a certain period independent princedoms entered into the structure of the Abkhazian kingdom, during the VIII - X centuries. At a later time they had the nickname "Gurdjani", transformed in XVIII-XIX centuries into the Russian transcription "Gruzini" ("Georgians"). This generalising term concerned different peoples, and till XX century did not have anything in common with a nationality or ethnos. As for the country being enclosed within natural borders, it is surprising that this author did not include Armenia with Azerbaijan.

The question of Samurzakan being an accessory continued to excite the minds of chauvinist politicians in Tiflis, as it went together with the belonging of the territory of Abkhazia to "Georgia" as a component of the Sukhum district. Apparently from the speech of Samurzakan representative I.Gegia at the National Congress of Georgia, functionaries perfectly understood the illegitimacy of their claims. They (Georgians) knew that Abkhazians were not Kartvelians, but they had a huge interest in the territory of Abkhazia:

"And Samurzakan meets with delight the thoughts and visions of the true son of the fatherland Mr. Noi Zhordania. I only wish, gentlemen, to draw your attention to the historic facts testifying to the mutual relations of Georgia and Abkhazia in the past. Megrelia and Samurzakan are separated by Inguri, therefore Samurzakan is a continuation of Georgia (not absolutely clear from what it follows - the authors). Today Samurzakan plays only the role of an intermediary between Georgia and Abkhazia, but in the future will also be the bridge [between them].

In conclusion, we hope that Abkhazia, Samurzakan, and the Sukhum district remain unchanged, and obtain a national-cultural autonomy within their border" ("Alioni", November 30th, 1917).

After the introduction of the ANC Constitution, pilgrimages of political and religious emissaries from Georgia began to deliberately try to separate Abkhazia from the Mountain Union, from their brothers by blood and by language. As a part of the first of these delegations, there was the Synodal public prosecutor calling Abkhazians to recognise the Supreme domination of the self-proclaimed non-canonical Georgian church. But Abkhazians declared their resolution that they had the historical and human right to consider their confession free and independent, without recognition of the patronage of the newly-created Patriarch-Catholicos of Georgia. Despite this, the decree about submission of the Abkhazian church to the Georgian Catholicos followed from Tiflis by messenger, and the Metropolitan appointed by Tiflis was sent to Sukhum.

These were the first practical steps by Transcaucasian Mensheviks (NCG in the Transcaucasian federation), who considered plans for the annexation of Abkhazia. In the Tiflis press, appeals about the joining of Abkhazia to administrative formations of Transcaucasia appeared. In these conditions ANC, having become a real power, raised the question of a good-neighbourly settlement with NCG. The official letter from NCG dated January 7th, 1918 addressed to ANC:

“Intended to arrange a meeting with representatives of the Abkhazian National Council for discovery of mutual relations between Georgia and Abkhazia, and also for the establishment of contact for activities in the future life of our people... For the establishment of a closer connection between the Georgian and Abkhazian people..., finding a way towards mutual understanding and the establishment of a close brotherly unification with Abkhazians. Georgians from their part sincerely wish to find a way to such mutual understanding and the establishment of a close brotherly unification with Abkhazians. With that end in view... NCG asks ANC to send their representatives to this meeting in Tiflis on 20th January. Together with this we notify you that representatives of Samurzakan are also invited to the planned meeting. A companion of Chairman Chkhenkeli” (Archive AGM).

From the given document it is possible to be convinced that at the beginning of 1918 mutual relations between these two countries were only good-neighbourliness between independent countries and nothing more.

In Tiflis, on the eve of creation of the Transcaucasian seim (representative assembly), a joint session of the Presidium of NCG and ANC led by its chairman A. Sharvashidze took place on February 9th, 1918. At this meeting was developed the: “Agreement about an establishment of mutual relations between Georgia and Abkhazia” which recognised the existence of “uniform inseparable Abkhazia”. The Abkhazian delegation aspired, as they say in the document, to the political independence of Abkhazia, “having with Georgia only good-neighbourly mutual relations, as with an equal neighbour”, and also discussed questions on “principles of national self-determination” of Abkhazian people (Lit. Georgia, 1989, № 11. p. 146).

Three points of the Agreement of February 9th, 1918 said:

- “1. To recreate uniform inseparable Abkhazia in limits from river Ingur to river Mzymta, into which structure will enter actual Abkhazia and Samurzakan, equating to the present Sukhum district;
2. The form of the future political system of uniform Abkhazia should be developed (in conformity) with the principle of national self-determination, by the Constituent assembly of Abkhazia elected on democratic principles;
3. In the event that Abkhazia and Georgia should wish to enter into political agreements with other national states, they are mutually obliged to have preliminary negotiations between themselves” (the Extract from NCG Executive Committee report № 30 from 1918).

This Agreement produced the important official document legally confirming the presence for Abkhazia of its own territory from the river Ingur to the river Mzymta, and limited by the upper course of the river Kodori and the Caucasian ridge.

The "Agreement" was signed when "Georgia" was represented by "the Tiflis government", even before the “Independent Georgian Democratic Republic” was declared. During this period, this country together with Armenia and Azerbaijan was a part of the Transcaucasian Democratic Federal Republic (TDFR). In these conditions Georgia could not present a so-called “wide autonomy” for Abkhazia, as Georgia itself simply did not exist as a state, and Abkhazia continued to remain the sovereign state in the structure “The Union of Mountaineers of the Caucasus”. (The Statement of Claim..., p. 6).

This "Agreement":

- Confirms the sovereignty of Abkhazia;
- Shows the good-neighbourliness of the independent sovereign states defined “as the union of two state formations”;
- Specifies the indivisibility of Abkhazia;
- Legally confirms and fixes the territory of Abkhazia in limits from the river Ingur to the river Mzymta into which enter actual Abkhazia and Samurzakan. Hence the official document, confirming

the presence for Abkhazia of its own territory from the river Ingur to the river Mzymta and limited by the upper course of the river Kodori and the Caucasian ridge, is the specified "Agreement", signed before the formation of the Georgian Democratic Republic (or in fact Georgia) as a state;

- Confirms that Abkhazia during this period was not connected with Georgia. In the point "Concerning the establishment of mutual relations between Georgia and Abkhazia" the sovereignty of Abkhazia is proved to be true;
- Confirms that sovereign Abkhazia at that moment was legally a part of "the Union of Mountaineers of the Caucasus" and "South - East Union" and, except for good-neighbourliness, had no other relations with the states of Transcaucasia;
- Proves that the signing by Abkhazia of any pact or agreement with the future state "Georgia" had no validity, as at the moment of their signing of the Agreement the state "Georgia" did not exist; during that time the historical right of the Abkhazian people to Abkhazia in limits from the river Mzymta to the river Ingur was not called into question. (The statement of claim..., p. 6).

Considering these points, if Abkhazia had been part of Georgia during this period there would have been no need for this Agreement.

The question of the development of the future political system of Abkhazia was not mentioned in the Agreement. Some Georgian historians assert that at that moment Abkhazia became a part of Georgia, which has presented it with a wide autonomy. The juggling of the facts is obvious.

Firstly, in the Agreement the question of autonomy was not considered. Secondly, at the moment of signing of the Agreement Georgia did not exist as an independent state. The Agreement was signed by the so-called "Tiflis government". By itself NCG de jure was a public association (organisation). Thirdly, before and after signing the Agreement, Abkhazia continued to remain as a part of the Union of Mountaineers of the Caucasus de jure and de facto, having kept its sovereignty and independence. Fourthly, the second point of the Agreement says that "the form of the future political system of uniform Abkhazia should be defined... by the Constituent assembly of Abkhazia", i.e. as an internal matter for the people of the country.

The Georgian party considered this "Agreement" as a "Treaty" that did not follow from the document text. After signing of the specified agreement the question of frontiers of Abkhazia was removed from the agenda. This document, having international legal force, had again confirmed the sovereignty and territorially outlined borders of Abkhazia. From this document it follows that from the moment of the announcement by Georgia about its independence from Russia, Abkhazia was not included within its structure. Relations which existed between the countries were being built on the basis of equality of the parties (the Statement of Claim..., pp. 6-7).

A week after February 9th, Bolsheviks made an unsuccessful attempt to establish Soviet power in Abkhazia. From February 16th until February 21st, 1918 Sukhum was in the hands of the Bolshevik Revolutionary-Military Committee (chairman E. Eshba). On February 17th the ANC was categorically ordered to liquidate Bolshevik authorities and after several days the new power fell. The influence of the October revolution in the given region was already considerable. A revolt started in Sukhum, which after repeated attempts was successful, with the result that by April 11th, 1918 Soviet power had been established everywhere in Abkhazia, except for the Kodori (Ochamchira) site. Soviet power in Abkhazia did not exist for long. The Transcaucasian and Tiflis governments at a meeting on May 14th, 1918 made the decision to address a request to Germany to send armies for the suppression of revolutionary movements in the territory of Transcaucasia. According to the decision of the Transcaucasian Seim, armed groups of Red Guards were simultaneously sent to Abkhazia, without the agreement of the ANC, and for the purpose of destruction of a young Soviet republic, to capture and attempt the annexation of the territory of Abkhazia under the pretext of struggle against Bolsheviks. Military troops were sent as one of the parts of TDFR under the command of Colonel Koniev and V.Djugeli.

On May 10th on the Kodori site there was a military landing of 600 insurgents with the task "by all means to take Abkhazia". The Menshevik government had taken all measures to destroy claims of independence by Abkhazia. Armies of the Transcaucasian government under V.Djugeli's command took Sukhum on May 17th, 1918. The Soviet power in Sukhum fell on May 17th, then New Afon

was taken and troops approached Gagra. In Samurzakan the Soviet power held on till September 1918. Russia did not show any reaction to a call for help, and Abkhazia once again remained alone with its troubles and problems. In this situation the destiny of the Soviet power in Abkhazia was predetermined.

As a result of intervention in Abkhazia the Soviet power was liquidated. This act broke all norms of international law, represented an act of aggression, military expansion, and intrusion of armed forces of the adjacent state onto the territory of an independent country, and was the first step in the aggressive policy of Georgia. In the given situation, i.e. the action of the Transcaucasian Seim, it is necessary to consider the occupation and annexation of the country as a military action against a sovereign state. It was an attempt at the annexation of Abkhazia, an independent sovereign state which was in "the Union of Incorporated Mountaineers of the North Caucasus and Dagestan". From the "Union" side an immediate protest followed, concerning the illegal occupation of Abkhazia (one of the republics of the Union) by Georgia with the assistance of Germany. (the Statement of Claim, Appendix 10, 11).

ANC noted that it had applied to the National Board of Georgia "about rendering assistance in the matter of leaving the government in Abkhazia at the disposal of the Council with the detachment of Georgian Red Guards which is at present in Sukhum. As to the orders of the Georgian government published in the territory of Abkhazia, which are decrees about legal proceedings in the name of the Georgian Republic and a decree about mobilisation, the Abkhazian National Council believes that these orders grow out of a misunderstanding which could aggravate relations between two peoples, with damage to the interests of Georgia and Abkhazia. The Abkhazian National Council hopes that the Government of the Georgian Republic will cancel the above-stated orders and in the future will refrain from similar steps" (Archive of external politics of the USSR).

Hence, the input of military formations under V.Djugeli's command in the middle of May 1918 was not only an act of aggression, but also illegal intervention and occupation of the country, contradicting international law. But the most important fact was the beginning of the annexation of the country, as under the pressure of the armed formations the alien power had started to carry out military rule of occupied territory; namely, to publish orders on changes of legal proceedings, decrees about military mobilisation and so forth, i.e. had started the illegal government of a foreign state under the pressure of force.

In March 1918 in Abkhazia the second Congress of Farmers took place, in which questions of Bolshevik movements, mutual relation with TDFR, etc. were discussed. As the Abkhazian farmers did not support revolutionary ideas, a move towards Menshevik ideology took place, which had been introduced at this congress. From the report on work of the second Congress of Farmers of the Sukhum district on March 4th - 9th, 1918:

"Up to three hundred delegates were at the Congress. There were representatives of peasants of all nationalities living in the Sukhum district... One thing is absolutely clear: the peasantry of the Sukhum district has turned away from the Bolsheviks, and rescue of our country is seen from the Transcaucasian Seim. Abkhazia has decided to enter into the general family of the Transcaucasian nations as a member equal in rights, and to shape its destiny and best future together with democratic Georgia".

At the Batumi peace conference, the independence of the Mountain Republic within the territory from the Caspian Sea to the Black Sea was proclaimed on May 11th, 1918. This act was presented "by the Declaration of the announcement of independence of the Republic of the Union of Mountaineers of the North Caucasus and Dagestan (Mountain Republic)" which, along with Dagestan, the Chechen Republic, Kabarda, Adygea and other countries, also included Abkhazia. As this act was a logical continuation of the confirming of Abkhazia as having been a part of the Union of Mountaineers (SOGK) since October 1917, the conclusion was that the country remained an independent sovereign state, the subject of international law as part of the Mountain Republic and, accordingly, that Abkhazia, with the support of Turkey, Germany and Austro-Hungary, had obtained international recognition. This follows from the "Treaty on an establishment of friendly relations between the Imperial German government and the government of the Mountain Republic":

“Point 5. The Imperial German government itself recognises the independence of the Mountain people of the Caucasus, and renders diplomatic assistance to a recognition of this independence by other states.

Point 6. The Imperial German government similarly undertakes to support the government of the Mountain people of the Caucasus, by diplomatic means, towards an establishment of the borders of their republic on the basis of national principles, and in particular to an establishment in the north of the border which passes through Gelendjik - Kuban (20 versts to the north of Armavir), Stavropol, the Sacred Cross (Karabalik), and along the river Kuma until its mouth, and in the south of the border which passes along the river Ingur, on the main ridge of the Caucasian mountains (on a watershed) and including within it the Zakatal district and the Dagestan region” (the Union of Incorporated Mountaineers... pp. 121 - 123).

As Abkhazia was a component of the Mountain republic, this international document confirmed its borders and its de facto sovereignty. From a legal position, considering the situation post factum, it is necessary to recognise that in 1917 - 1918 in Abkhazia its statehood was being formed. The society had not yet made a definitive choice regarding its form of development, and had no firm belief in the choice and recognition of legitimate power.

All subsequent documents between the formation of the Republic of Abkhazia and the association of some princedoms of Transcaucasia into the Georgian Democratic Republic on May 26th, 1918, did not mention questions of the borders of Abkhazia, and as Abkhazia remained an independent state the problem of territorial disputes, both with Russia and with Georgia, was absent. Abkhazia was outside the territory and limits of influence of both Georgia and Russia. (T.Shamba, A.Neproshin, p. 248; the Statement of Claim..., p. 13).

In Sukhum, the declaration of independence of Georgia on June 2nd, 1918 became known.

Recognising the right of the Georgian people to self-determination, the ANC declared: “in view of the current position, to completely take up all power within Abkhazia”, and concerning independence, noted that Abkhazia and "Georgia" were considered as sovereign states, and the inadmissibility of “encroachments on the sovereign rights of the people by neighbours” was underlined. At the beginning of the document the illegality of the stay of the Georgian armed formations in the territory of Abkhazia is quite definitely noted:

“From the moment of disintegration of the Transcaucasian Federal Republic and the announcement of the independence of Georgia Abkhazia lost a legal basis of connection with Georgia, and a group of the Transcaucasian Red Guards, being now a military part of the Georgian Republic, has appeared outside of the borders of the state, but all complete power actually is in its hands” (AGM Archive Fund № 3).

This document confirmed the absence of any connection between Abkhazia and Georgia, following the exit of the latter from the Transcaucasian Federation, and noted the illegal presence of its military divisions on the territory of Abkhazia and the intervention of the Georgian military authorities in the internal affairs of the sovereign state of Abkhazia.

Thus, the ANC took diplomatic measures to counteract the starting annexation, and continuing capture and occupation, of Abkhazia. For the purpose of streamlining the arising international conflict between Abkhazia and Georgia, as two independent sovereign states, there was the question of preparation of the corresponding document in the development of the "Agreement" from February 9th, 1918. (AGM Archive Fund № 3). The June Agreement became such a document.

Under the conditions of the occupation and annexation of Abkhazia, the new second ANC was organized at the end of May 1918 under the control of the Georgian occupational armies, and included deputies from the Abkhazian population and from the Georgian enclave in Abkhazia on an equal footing. As a result of intensive settling by migrants from the Central Transcaucasia, their number became equal to the number of the indigenous population. Accordingly, the numerical structure of the ANC contained a prevalence of Gurian - Mingrelian delegates representing immigrants. It was torn apart by serious contradictions, and it immediately entered into a conflict with the first ANC, which was continuing to function. Representatives of the first ANC at the Batumi conference in May addressed the Turkish government and declared that Abkhazia did not wish to

enter into a group of the Transcaucasian people, and was a part of and referred itself to the North Caucasian association of Mountaineers which would have formed a special state under the protection of Turkey. This was the most serious basis of contradictions between the managements of both ANCs. Another reason for opposition was the acceptance by the Parliament of Abkhazia of the Agreement with Georgia from 8th – 11th June, 1918, which led Abkhazia to catastrophic consequences.

The government of Georgia understood that with the termination of the existence of TDFR the continuity of statehood with the new Georgian state was lost, and the Agreement with ANC of Abkhazia from February 9th, 1918 had lost legal power<sup>8</sup>. Therefore it decided to reanimate the pact, having signed the new treaty on its basis. The delegation of ANC, headed by the representative from Samurzakan, R.Kakuba, after its arrival in Tiflis faced extended misinformation about ostensibly preparing for a Turkish intrusion into Abkhazia. The strongest pressure was put upon it on purpose, to concur, at least verbally, with the conclusion of the bilateral Agreement developed from the previous one of February 9th, 1918. The opinion of the ANC on this question was negative. Members of parliament understood that conclusion of the Agreement would inevitably lead to consequences “disastrous for Abkhazia” and “would be used to the detriment of interests of statehood” of the country (S.Lakoba, 2001. pp. 29 - 30, 32 - 33).

The head of the Abkhazian delegation signed on June 8th, 1918 a “Treaty” offered by Georgia (the original of the Treaty is absent). This was illegitimate, as at the same time ANC made a decision on the conclusion of the interstate Agreement in a different edition, which was confirmed by it on June 10th, 1918. (S.Lakoba, 2001, pp. 33 - 34).

But also the signing of the last edition of the Agreement caused serious objections within the ANC. In particular, S.Basaria, first chairman of the ANC and one of its founding fathers, in his special opinion stated: “In view of the fact that the draught is categorical, depriving us of the possibility of considered free discussion, and whereas an important document like the future agreement of Abkhazia with Georgia is being compiled hastily with a limited quantity of members of ANC and without the knowledge of the population of Abkhazia who would think of political freedom without any guardianship from anyone, I suggest the Abkhazian National Council answers the ultimatum of Georgia by requesting that the population of Abkhazia is given the chance to arrange for the Abkhazian National Congress competently to define a political system for Abkhazia, having assured the Georgian Republic that Abkhazia, as an independent national organism, will necessarily enter into good-neighbourly unions and agreements with Georgia. I ask for the present special opinion to be transferred on a direct line to the Abkhazian delegation”. (History of Abkhazia, 1993, p. 297).

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*8 Reminder - the Agreement had been signed two months prior to the formation of TDFR.*

As a result two variants of the Agreement took place, one of which represented “political forgery” and “treachery of interests of Abkhazia”. In them there are points of difference in content and meaning. In themselves these items do not refer to territorial aspects of Abkhazia, but subsequently they were used by Georgia for the definitive occupation and annexation of Abkhazia.

The following items are from the Agreement of June 8th, 1918 signed by the Abkhazian delegation and by the Georgian party:

“Item 4. For the prompt establishment of revolutionary order and the organisation of strong power to help the Abkhazian National Council, by order the Government of Georgia sends a group of Red Guards to be at the disposal of the ANC.

Item 5. In Abkhazia the international group which is at the disposal of the Abkhazian National Council will be organised.

Item 7. A congress of the population of Abkhazia on democratic principles will be convoked whenever possible in the near future for a definitive decision on questions connected with the statehood of Abkhazia.

Item 8. The agreement is to be reconsidered by the National Assembly of Abkhazia which will definitively decide the political system of Abkhazia, and also mutual relations between Georgia and Abkhazia” (Archive of GSSR; Lit. Georgia, 1989, № 11, pp. 150-151).

From the Agreement of June 11th, 1918:

“Item 6. For the prompt establishment of revolutionary order and the organisation of strong power, the Georgian Democratic Republic is sending a group of Red Guards to help the Abkhazian National Council, which will be at its disposal until it is no longer needed.

Item 7. In Abkhazia the Abkhazian National Council is organising army units, and equipment necessary for these units. Uniforms, equipment and means are being provided by the Georgian Democratic Republic and are at the disposal of the Council”.

Both variants of the specified "Agreements" provided: from June 8th - introduction by Georgia of army units, but only for the necessary period established by the Abkhazian government, for the maintenance of order during the establishment of power in the country; these units should be at the disposal of, and submit only to, the Government of Abkhazia. According to the document of June 11th, the time of stay of the Georgian army units is limited to their necessity, the terms of which are also defined only by the Government of Abkhazia.

The "Agreement" defined the subsequent mutual relations of the sovereign states of Abkhazia and Georgia. The government of the Georgian republic, having verbally promised ANC the widest autonomy, immediately signed this so-called treaty between Georgia and Abkhazia in “development and addition” agreements on February 9th, 1918 (Archive AGM; Archive of GSSR). It is a surprising circumstance that both variants of the Agreement are signed by the same signatories: G.D.Tumanov and R.I.Kakuba (Archive AGM).

In the specified agreement there were points contradicting the political course both of Abkhazia and of the Union of Incorporated Mountaineers:

- Term of convocation of the Congress of the population of Abkhazia for “the definitive decision” on the question of the political system of Abkhazia was not actually established;
- Item 4 assumed the introduction of groups of the Georgian Red guards for help in the organisation of strong power in the country;
- Reasons according to which the external management of Abkhazia was transferred in Georgia to “the minister of affairs of Abkhazia” are not clear;
- All points of the Agreement radically differed from earlier declared postulates of Abkhazia, which was a member of the Union of Incorporated Mountaineers.

According to one of the points in the Agreement, it should have been reconsidered by the National Assembly of Abkhazia for the purpose of reaching a definitive decision on a political system for Abkhazia, and also mutual relations between Georgia and Abkhazia. The plenipotentiary representative of the Republic of Georgia assured the population of Abkhazia and its Legislature that Abkhazia, if it wished, had the right to leave the federal union with Georgia. Also, the "Agreement" from February 9th, 1918 and the "Agreement" from June 8th and 11th, 1918 did not provide for Abkhazia, which was already a part of "the Union of Mountaineers", to be considered as a part of Georgia in any respect. (The report of ANC session, June 23rd, 1918).

Georgian historians consider that after signing of the treaty on June 8th 1918 Abkhazia definitively became an "autonomy" as a part of Georgia, which allowed it to enter military formations on its territory and this, in their opinion, was not occupation, but a protection of the integrity of Georgia in its struggle against Bolsheviks. However, neither the specified "Agreements", nor any other documents possessing legal force, testified about the consent of Abkhazia to its inclusion in the structure of Georgia, nor to the autocratic actions of the Georgian government and the uncontrolled input of its military divisions. Moreover, Abkhazia during the same time was a member of “the Union of incorporated Mountaineers of the North Caucasus and Dagestan” and actions of the Georgian armies in its territory, according to international law, were direct aggression and occupation which turned into political annexation of the country (the Statement of claim..., pp. 8 - 9).

Historians and politicians have argued until now on the legitimacy of this document and on its substitution. The main thing is that on June 17th-22nd, literally a week after its signing, on the basis

of item 4 under the pretext of helping ANC in the struggle against Bolshevism, armies of General G.Mazniev (Mazniashvili) which had occupied the coast as far as Sochi and Tuapse began to arrive (Archive of Abkhazia). Such actions of the Georgian government perfidiously broke items 2 and 4 of the treaty just concluded, as all power was concentrated in the hands of Mazniev, instead of ANC. There could be no discussion about submission of the General to the Abkhazian National Council. Contrary to the "arrangement" military divisions were not at the disposal of ANC, and in the second half of June 1918, in an infringement of the essence and spirit of the "Agreement", completely occupied Abkhazia.

There was a military coup d'etat. Full-scale occupation of Abkhazia and its annexation by Georgia had been achieved. No action was forthcoming from international law, and the right of force which caused legal anarchy for many years and decades generated from Georgia a genocide of the Abkhazian people, annexation of the territory of Abkhazia and the beginning of the destruction of the Abkhazian ethnos.

Is it possible after that seriously to say that Abkhazia received, on the basis of this document, the widest autonomy as a part of Georgia? Certainly not! Firstly, in the text there is no mention of autonomy, and secondly, in the document there is no basis for acceptance of the state, administrative and territorial changes to the sovereign state which Abkhazia was at that time. And how could Georgia give autonomy to Abkhazia, which was a sovereign state as a part of the Mountain Republic? The Mountain Republic in the summer-autumn of 1918 conducted very active work towards obtaining recognition by western countries, getting invariable support from the government of Turkey and from the sultan personally. In its field of vision constantly there was "the Abkhazian question". The diplomatic representative in Turkey, G.Bammatov, in a letter from Constantinople on August 31st informed T.Chermoev about the Cherkessk club in Constantinople, at which delegates Tassunbei, Rashad-bei and Isa-pashi had visited the German Ambassador Count Bernsdorf in person on August 29th, 1918 and had mentioned the problem of Abkhazia. G.Bammatov wrote:

"I have received some materials from our representative in Abkhazia S.Basaria, of the most major importance concerning the Georgian actions there – there is a campaign against Georgia here in the newspapers for this reason, by Circassian journalists... It is necessary to submit a protest on behalf of the government concerning the action of Georgia within Abkhazia. I have transferred this protest to the Georgian government, with copies to representatives of Germany, Austria and Turkey in Tiflis ... But a written protest is necessary in the future".

He also informed the powers of the Fourfold Union about his protest, and demanded that they took necessary measures towards the withdrawal of the Georgian armies from Abkhazia. The same position in "the Abkhazian question" was also taken by official Turkey.

Upon the intrusion of the Georgian troops into Abkhazia, the government of the Mountain Republic immediately reacted. The chairman of the Mountain government Tapa Chermoev declared: "I, on behalf of my Government, protest most categorically against the type of action by Georgia in Abkhazia, a component of the Federal Republic of the Union of Mountaineers of the Caucasus, and in order to avoid serious consequences which could result from the specified policy of the Georgian Government, my Government believes it necessary to immediately disengage Georgian troops, officials and emissaries from Abkhazia" (the Union of Incorporated Mountaineers..., pp. 133-135). Simultaneously, the Mountain Republic which also included sovereign Abkhazia, requested the world community to take measures against the aggression of Georgia in the territory of Abkhazia, "which will bring the Abkhazian people to complete annihilation" 9. When Georgia sent military divisions into the territory of Abkhazia, there was an immediate protest from the Union of Mountain Republics concerning the illegal occupation and attempt at annexation with the assistance of Germany. In the letters it is stated that "the February revolution has allowed the Abkhazian people, according to historical traditions and to the clearly expressed national will, to reunite their historical destiny with the related people of the North Caucasus" and to enter into "the Union of Incorporated Mountaineers of Caucasus", as "has been ratified by the General Congress of the Abkhazian people, taking place in the city of Sukhum". On the illegal act of intrusion of the Georgian troops the Union government sent protest № 53 to the Minister-Chairman of Georgia on June 1st, 1918, in which was underlined the

excesses of the Georgian troops, committing outrages against the peaceful population of Abkhazia. In the letter “it is ascertained that as a part of the Georgian army operating in Abkhazia, there are regular German troops”.

The Minister for Foreign Affairs of the Mountain Republic, Gaydar Bammat, sent a note to the head of the German diplomatic mission in the Caucasus concerning the intrusion of German troops in Sukhum. We give quotations from this document:

“June 13th, 1918.

Mr. Minister! Following the message received by me about the occupation of the city of Sukhum by German troops, I have the honour to send herewith to Your Excellency a copy of my protest addressed to the President of Georgia on 1st June this year.

I have the honour to ask You, Mr. Minister, not to refuse to notify the Imperial government in Berlin of the point of view of the Government of the Union of Mountaineers of Caucasus on Georgian gangs being in Abkhazia and on the actions of agents of the Georgian Government in this district”.

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*9 Letter from the Abkhazian representative of the government of the Mountain Republic, S.Basarva, to the representative of the Turkish army, Gaydar-Bei, about illegal actions of the Georgian government in relation to the Abkhazian people.*

In the protest it is underlined that the occupation of Abkhazia by German troops grew out of a misunderstanding into which the German command was led by the Georgian government. The given document also testifies about the Sukhum district (Abkhazia) being a part of the Mountain Republic, about the gangster attack by Georgia on independent Abkhazia, and about German imperialists supporting Georgia in this. Even then it was already clear that the people of the North Caucasus republics, without consideration of whether Abkhazia was in this commonwealth or not, or whether it would be the will of the central government or not, would reject pressure from any aggressor, as occurred in 1992-1993.

After the May declaration of independence of the Mountain Republic, imperial Germany, believing that Abkhazia would be a part of the future state of Georgia, began to take an absolutely different position, unlike Turkey. The treaty on recognition of the Mountain Republic by Germany was not ratified, as Germany changed its policy about the “North Caucasus” question. Having entered into an agreement with Soviet Russia, Germany received freedom of actions in Transcaucasia, “separation of which from Russia is being recognized by Bolsheviks in exchange for non-interference by Germany in “North Caucasus” questions” (the Union of Incorporated Mountaineers... p.141).

On August 8th the ANC took the decision on creation of the commission for the preparation of elections for the Abkhazian Constituent Assembly, in which Abkhazia had to completely define the political system and solve the problem of mutual relations with Georgia. Under conditions of occupation and political annexation of Abkhazia, on December 17th, 1918 the Georgian government took its one-sided decision on the preparation of new elections to the ANC.

At this time General Mazniev inconsiderately trampled on “the independent rights” of Abkhazia. On July 4th, 1918 the Chairman of the National Council reminded the Georgian government that Mazniev had been given “extensive powers, up to the right to announce the introduction of a state of siege, but exclusively when conducting military operations” (against Bolsheviks - authors). He demanded cancellation of the order of the military minister in which Mazniev “without the permission and consent of the National Council” had been appointed as the Governor of Abkhazia and the chief of the Sukhum garrison (Central Archive of Abkhazia).

However ANC not only could not control Mazniev, but soon, on August 15th, 1918, was itself disbanded by the armed forces of the Georgian government. From October 1918 till March 1919 all civil management of Abkhazia was carried out with the direct intervention of Georgian control. The country was under another's government.

To exclude any undesirable development of events from ANC deputies, the Georgian administration again found a simple way out: deputies were accused of “Turkophilia” and, the ANC having been disbanded, were replaced with more appeasable people of Pro-Georgian orientation. Simultaneously, honourable old men of Abkhazia were arrested by Georgians. A reorganised ANC was turned into a body convenient in every respect for the carrying out of Georgian policy in Abkhazia and approval of the most severe retaliatory measures in relation to the indigenous population of the country. A growing discontent with Georgian policy was felt not only by the population of the country, but also by deputies within the newly-created ANC, as its Georgian members had started to consider the question of the inclusion of Abkhazia as an autonomous formation within the structure of Georgia. If one considers that at the moment of acceptance of this decision the numbers of Abkhazians and Kartvelians in the population of the country were approximately equal, it is hardly probable that they voluntarily selected 80 % of the ANC deputies as Georgians. It is obvious that this structure did not represent the population of the country, which (taking into account Russians, Armenians, Greeks, etc.) did not wish to join Georgia. Similarly, the Georgians had no historic, ethnographic or economic basis for their claims on the Sukhum district. There were only attempts by Georgia to grasp a very valuable and expensive province from a temporarily weakened Russia. Georgia, free and young, and not yet having been recognised as independent, while preaching the rights of small nationalities to self-determination, applied all forces towards incorporating the whole neighbouring country within its borders, i.e. completely absorbing the Abkhazian people, who were not related to Georgians. The Georgian annexation of the territory of sovereign Abkhazia was triumphant. In the occupied territory of Abkhazia under the influence of external force there was a change of government. In the new Council only Georgian citizens were admitted, and all Abkhazians, Armenians, Russians and others not wishing to be recognised as citizens of Georgia were excluded. Violent change of structure of the government of Abkhazia, infringement of the rules of election of governmental bodies of the country, deprivation of the right of participation in activities of directing bodies of the state and change of demographic structure of these bodies, banning people from participation in power structures according to a citizenship principle – all of these confirm the illegitimacy of such authorities. Actions of the Georgian government and its military troops in the territory of Abkhazia, regarding the replacement of power structures in the state, led to the situation that since August 15th, 1918 the existence of the legitimate government, ANC, had stopped. All subsequent Abkhazian documents of state were created by means of external military force, were not legitimate, and from the legal point of view were insignificant.

Violence, committed by Georgian guardsmen, overran all Abkhazia. Georgians occupied all administrative posts in the territory of Abkhazia, supervised all state organisations, and pursued a policy not corresponding to the interests of the Abkhazian people. Antagonism went deeper and deeper, and promised to turn into open rebellion against the usurpers. Aversion to Georgian policy and to the actions of its troops in Abkhazia was felt at all levels of civil society. The recreated Abkhazian National Council had not justified the hopes of the government of Georgia. On September 2nd, 1918 the Chairman of the ANC, Varlam Sharvashidze (Chachba) wrote indignantly to the minister of affairs of Abkhazia, R.Chkhotua, in Tiflis: “The arson of houses by the governmental troops, in the opinion of the population and from the point of view of the state, cannot be justified by any means” (Central Archive of Abkhazia).

The second Council was also disbanded by Mazniev on October 9th, 1918, and its most respected members were arrested and sent to Metehsk prison in Tiflis... Across all Abkhazia troops took punitive actions.

At the session of the third ANC on October 9th, 1918 which passed very argumentatively, attention was brought to the question of the originators and accomplices in the dispersal of the first ANC on August 15th. Deputies demanded “to re-establish the violently dismissed National Council which has the full confidence of the Abkhazian people, and is its lawful presidium”. The Council building was there and then surrounded by Georgian guardsmen, and the next day the third ANC was disbanded by force. The minister of affairs of Abkhazia was dismissed from his post by the Georgian government, and together with the district commissar of Abkhazia, I.Margania, was accused of a plot against the

Georgian Republic, and also a number of ANC leaders (S.Ashkhatsava, D.Alania, V.Chachba, G.Adjamov, etc.) finished up in Metehsk prison.

The commander of allied armies in the Caucasus, the English General Thomson, addressed the government of Georgia on this matter on December 5th, 1918. As is told in a document from the archive of Harvard university, he demanded the immediate release of members of the Abkhazian National Council, as the arrest of these persons "is illegal, without any presentation of charges" (Archive of. Georgia, 1989, № 11, pp. 152-153).

The Abkhazian government, which had fallen into a trap, undertook vigorous measures towards the breaking of the deadlock in the country. At last Abkhazians sent their representatives to the command of the Voluntary army with the request to help them to obtain release from their new conquerors... This action led to the political and administrative management of Abkhazia being arrested under instructions from the Central power. The representative of the Georgian government, E.Gegechkori, informed Tiflis from Sochi on September 15th, 1918 that "the Abkhazian delegation" from ANC had approached General M.V.Alekseev with a request to release Abkhazia from the armed intervention of Georgia (Archive of the USSR).

Then in September, a meeting took place between representatives of the Georgian republic, the Regional Kuban Government, and the Voluntary army, in which General N. V.Alekseev and Kuban representative N.Vorobyov participated. The latter declared that: "Georgia should begin its borders behind Abkhazia whose aspiration to self-determination cannot be ignored although some hundreds of Georgians live there" (Archive of Georgia, №11, p. 151).

The government of the Union classified these actions as a partnership of Germany in support of weapons in the hands of the imperialistic desires of Georgia directed against the North Caucasian Republic, and complicity in violence committed by the Georgian troops against the tiny Abkhazian nationality. It demanded an immediate withdrawal from Abkhazia of the Georgian troops, officials and emissaries, and also of the German troops which had illegally entered there. In the second document it says that after the ANC session on August 4th, 1918, the Abkhazian delegation was sent to Tiflis with a protest against the actions of Georgia, which considered Abkhazia as a part of itself and had directed its troops against Abkhazians and Kodorians, whilst German and Cossack troops had been directed against Gudaut Abkhazia. After the disbandment of the second ANC and arrest of its members, Extraordinary Commissar Chkhivikishvili was appointed by the Georgian government to rule the country, and immediately organised the looting of some Abkhazian and Armenian villages. His appointment coincided with elections for the new ANC, where by "new rules" for elections during the conditions of occupation he introduced non-Abkhazian representatives who were not connected with the interests of the territory. During this period there was a complete rejection by the people of Abkhazia of everything Georgian, including its policy (Archive of AGM).

Georgian politicians saw that elections for the ANC could not be entrusted to Abkhazians. Regarding the conditions of occupation of Abkhazia and its political annexation, on December 17th, 1918 the government of Georgia took the decision to prepare new elections for the ANC and to give autonomy to Abkhazia as a part of Georgia. Item 7 of "Regulations" defined the state language of Abkhazia as Georgian. This project was confirmed by the parliament of Georgia on December 27th, 1918.

Amendments to the law on elections as indicated above were approved, that ANC deputies could be selected from citizens of Georgia who were not living in Abkhazia, and from those who had acquired the right to a residence in Abkhazia after July 19th, 1914. Clearly, the results of elections had been predetermined - the Abkhazian National Council consisted of an overwhelming majority of Georgians, and Abkhazians there were "a suppressed minority". This unilateral decision was the definitive action on the violent joining of Abkhazia to Georgia, contrary to all norms of international law.

Representatives of the Abkhazian people continued to search for an exit from the situation which had developed. In January 1919 they held active negotiations with General A.I.Denikin ("Nashe Slovo", January 16th, 1919) and asked for ANC elections by Georgian rules and under supervision of the Georgian military to be suspended. In a special message on February 1st, 1919 General A.I.Denikin informed English Generals Forester, Walker and Milne:

“Official representatives of the Abkhazian people have addressed to me the under-mentioned application signed by members of the National Council: the Abkhazian people make a majority of the population of the Sukhum district situated on the Black Sea coast between the rivers Bzyb and Ingur. They were compelled to ask for help from the Georgians against Bolsheviks. Taking advantage of this, Georgians moved their troops into the Sukhum district, installed their administration, and in compliance with their usual methods have started to interfere with internal affairs and have led the most ruthless persecution against outstanding influential politicians of the Abkhazian people.... Therefore the Abkhazian representatives ask me to firstly suspend elections to the Council whilst under the influence of Georgian authorities, and, secondly to approach allied command about an immediate departure of the Georgian army from Abkhazia, to relieve the Abkhazian people of violence which could cause strong disorder and to give them the chance to start peaceful activities”. General A.S.Lukomski noted: “... Misunderstanding continued because of the attitude of the Georgian authorities to the Armenian and Abkhazian population in the neighbouring Sukhum district”. On February 26th, 1919 General A.I.Denikin wrote to the chief of the British military mission, General Briggs: “Official representatives of the Armenian national union of the Sochi district have approached me with a request to protect the Armenian population of the Sukhum district...”.

General A. I.Denikin demanded: “1) immediately to declare the Sukhum district (Abkhazia) neutral; 2) to remove the Georgian troops to behind the river Ingur; 3) to remove Georgian administration from Abkhazia; 4) to assign the maintenance of order to freely chosen Abkhazian authorities”.

Then general A.S.Lukomski wrote to the British command:

“Transformation of the Sukhum district, occupied mainly by the Abkhazian people, to a neutral zone would be the best exit from the created position, as English command has been informed, because Georgia had no rights of possession in this area. It would resolve all misunderstanding, and the loud but powerless Georgian government would, of course, obey this decision. But it has not been made...” (Denikin-Judenich-Vrangel. Moscow, 1927, pp. 96 - 98).

In January 1919 Denikin’s Voluntary army began a campaign on Sukhum, putting forward the claim for Abkhazia as a part of “uniform, indivisible Russia” to the government of Georgia. The Georgian troops constrained this attack, and the pro-Georgian ANC responded to it as follows:

From the Declaration of the social democratic faction of the ANC, March 18th, 1919:

“With the slogan of ... Self-determination of small nationalities, the democracy of Georgia, under the true guidance of the social democratic labour party of Georgia, has brought brotherly democracy to the Abkhazian people.

The democratic territory of Abkhazia is inviolable, and the Gagra site, as an integral part of it, should be within the territorial limits of its historical and natural borders (river Mzymta), and should now be in the hands of those self-determined people who wish to see within the territory a full celebration of revolutionary, democratic principles.

Proceeding from these preconditions, the Social-Democratic party of Georgia will support the following state system for Abkhazia in the Abkhazian National Council:

1. Abkhazia is a part of the Democratic Republic of Georgia, as an autonomous unit.
2. State affairs: foreign policy, armies, finance, monetary system, customs offices, general judicial establishments and the Senate, civil and criminal legislation, mail, telegraph, railroad and highways, except for local roads, concern central legislative and government agencies of the Republic of Georgia.
3. In all other affairs in the area of management, and the internal life of Abkhazia in general, regarding: education and general culture in Abkhazia; management of local governments - rural and urban; courts, except for general judicial establishments and the Senate; administration; local taxation; medicine and sanitary; maintenance of the rights of national minorities living in the territory of Abkhazia, etc., Abkhazia is autonomous, and all this is included within the competence of the Abkhazian National Council.
4. Until the development of the general Constitution of the Republic of Georgia, a minister of affairs of Abkhazia will be a member of the government of Georgia.

5. The democratic faction of the Abkhazian National Council will ensure that the stated positions have been included in the Constitution of Georgia”.

New elections for ANC were again conducted under the pressure of armed force. However, the Abkhazian representatives categorically declared that they would not accept any participation in elections controlled by Georgia, and flatly refused to recognise the right of Georgia to arrange their destiny. “Democratic principles were sacred for Georgia”, therefore N.Zhordania gave the order to the Georgian faction of the ANC to prepare “a Decree about the autonomy of Abkhazia”, which was immediately produced. In the conditions of occupation of Abkhazia by Georgia, on March 20th, 1919 at the first session of the newly-elected “on a democratic basis” ANC which under the decision of a session of Council was renamed National Council of Abkhazia - NCA (even the Councils were started from scratch by the Georgian government, specifying that the previous Abkhazian ANC meant nothing to it), with the prevailing majority of delegates being of Georgian nationality (with the input of military formations from Georgia there was an intensive settling of Abkhazia by migrants from the central and boundary regions of Georgia), the decision on the entering of Abkhazia into the structure of the Democratic Republic of Georgia as an autonomy was accepted.

The text of this decree contains only two points and 15 lines: “the First Abkhazian National Council elected on the basis of general, direct, equal and secret suffrage, at the session on March 20th, 1919 on behalf of the people of Abkhazia has decided:

1. Abkhazia is a part of the Democratic Republic of Georgia as an autonomous unit, and the government of the Republic of Georgia and its Constituent Assembly are to be informed of this.
2. For the drawing up of the constitution of autonomous Abkhazia and the definition of mutual relations between the central and autonomous powers, a mixed commission with equal numbers of members from the Constituent Assembly of Georgia and the National Council of Abkhazia is selected, and the positions developed by it, after acceptance by the Constituent Assembly of Georgia and the National Council of Abkhazia, should be included in the Constitution of the Democratic Republic of Georgia”.

The original was signed: NCA Chairman Emukhvari

Affairs secretary G.Korolyov

Stamped: “Operating office NCA”.

October 27th, 1920

(“Nashe Slovo”, March 21st 1919; Archive of Georgia, 1989, № 11, pp. 155 - 156).

That’s it, simply and clearly. It should be noted that the developed positions “after acceptance by the Constituent Assembly of Georgia and the National Council of Abkhazia, should be included in the Constitution of the Democratic Republic of Georgia”. But positions under the constitution should have been developed together with NCA, whereas actually, as will be shown further, this did not occur.

As a result of "elections" Georgian Mensheviks made the majority in NCA (27 deputies), and Abkhazians representing basically “independents” (R.Kakuba, S.Chanba, etc.) a minority (8 deputies). The representative of Georgian Mensheviks, Abkhazian prince D. Emukhvari, was selected as Chairman of the NCA (“Nashe Slovo”, March 20th, 1919). At this session the decision was accepted that NCA would have a legislature, and a commissariat executive, and according to article 7 of "Regulations" the state language of Abkhazia was declared Georgian. The draft decree “about granting Abkhazia the rights of an autonomy within Georgia” was sounded and prepared on December 27th, 1918 by the Constituent assembly of Georgia. (An article by D.Gamarkhia, Z.Papaskirn, and V.Chania in the newspaper “Sabchota Abkhazeti” of 3-4 August, 1990 was written in the Georgian language). This unilateral decision should be considered the definitive action on the forceful joining of Abkhazia to Georgia, contrary to all norms of international law.

By March 20th the Decree about the autonomy of Abkhazia (“Nashe Slovo”, March 21st, 1919) had already been accepted. Political annexation, including intervention of military Georgian administration in the activity of the machinery of state of Abkhazia and directed towards change of the political system of the country, became the main element of expansion, rather than the military

element, which was of secondary importance. The capture was not just of a part of the country, but of all of its territory, which was subsequently joined to Georgia.

After the signing in the ANC of the “Decree about the autonomy of Abkhazia”, the faction of social democratic internationalists revolted against illegalities concerning Abkhazia, and left the Social-democratic party of Georgia in connection with disagreement over a number of constitutional questions (Archive of AGM).

In May 1919 at the Parisian conference Georgian delegates presented a report containing the territorial claims of Georgia. The Georgian government also tried to give a historical substantiation of their interests in the Black Sea province. In the document it was specified that in the times of tsar David the Builder and tsarina Tamara the territory of Sochi and partly Tuapse districts were a part of “Georgia” or “Abkhaz-Kartvelian kingdom”, forgetting to say that the kingdom was Abkhaz-Imeretian, instead of Kartvelian, and especially not Georgian. As a substantiation, the fact was also given that the territory of the Sochi district was at some time under the control of the Imeretian kingdom and the Abkhazian princedom, up to its capture by Turks and Adygs in XVII century, though this fact has no relation to Georgia or to Kartalinia. The territory of Abkhazia, completely occupied at that time by Georgian troops, was also included in “historic, ethnographic and strategic substantiations of the future borders of Georgia”.

In the report it was said that “during almost three hundred years the border of Georgia at the Black Sea coast passed behind Anapa, reaching the mouth of the river Kuban; further, throughout XIV century the border gradually departed back to the river Makopse, and from XV century till XIX century, i.e. before the joining of this part of Georgia to Russia, the river Makopse (to the south of Tuapse) was always the border”.

These claims were presented as follows: “Defining their borders, the government of Georgia demands only those territories which always belonged to the Georgian people and which have vital value for them, but thereby do not concern the vital interests of other people...”

Proceeding from these general reasons and certain administrative possibilities, the delegation asserted that the territory of Georgia should include: “Tiflis and Kutais provinces, the areas Sukhum and Zakatal, the area Batum, two areas to the west of Kars (Olti and Ardagan) and some parts of the Black Sea area, and also Trapezund (Trebizond)” (Occupation and actual annexation.... pp. 61 - 62).

The town of Sochi appeared as purely Georgian, and all the Black Sea district as an ancient Georgian province. The most improbable fact in this history was that claims for this territory were put forward on behalf of Abkhazia, so it thus appeared that the northern border of Abkhazia passed near to Tuapse, and that this territory was occupied by the wish of the Abkhazian people who had a historical right to it (this document was created contrary to the opinion of the first ANC). Thus Georgia showed its territorial claims, particularly on Abkhazia, which never (except for the period of its occupation from 1918 to 1921) belonged to it. Georgia did not mention the opinion of the government and people of Abkhazia, or the decisions accepted by them concerning their joining to Georgia.

One of the basic infringements in acceptance of the above-stated document was that the decision of the question on the future of Abkhazia, according to item 7 of "Agreement" from June 8th, 1918, was represented only to the Congress of the population of Abkhazia. In the conditions of occupation and country annexation, and in infringement of the specified regulations, this document was accepted at a session of the non-legitimate NCA by a conciliatory commission of 5 persons from NCA and NSG, which initially defined “the Decree about the autonomy of Abkhazia as a part of Georgia” as not legitimate, and a legally insignificant document. However this Decree was ratified at once by the parliament of Georgia, but the business did not go further, because of contradictions between the Constituent Assembly of Georgia and the National Council of Abkhazia (even though this included a majority of Georgians).

At the opening of the renamed “National Council of Abkhazia” the representative of the Democratic Republic of Georgia, I.Ramishvili, declared: “We know the aspiration of reactionary groups of the people (Abkhazian - authors) to ‘independence’, but for this purpose the small nation is not yet ready and enslavers could take it and from this loop the people could not be released... ( Prophetic words. For already more than eight decades Abkhazia has tried to be released from the Georgian loop, a loop

of so-called “colleagues in the struggle to the great future” in which under plans of the Georgian colonizers there should be a genocide of Abkhazians). We are not similar to conquerors and the local land is not necessary to us, we search for colleagues in the struggle in which we will go together to great noble future socialism” (“Nashe Slovo”, 21st March, 1919).

Next day in the local mouthpiece of Sukhum Mensheviks, the newspaper “Nashe Slovo”, an amendment to I. Ramishvili's declaration was given: “The aspiration of the Abkhazian people to independent existence is quite natural. But this small nation is still not ready for this step, and under the name of independence different enslavers will throw a loop on its neck from which it will take many efforts to be released. When Abkhazia will feel capable of independent existence then our help behind it to the realisation of this step will be provided” (“Nashe Slovo”, 22nd March, 1919).

And we have had the opportunity throughout almost a century to be convinced that these words were nothing more than lies, shameless lies from several generations of Georgian politicians and their helpers the historians.

Grass roots diplomacy in “the Abkhazian question” had not played its last role. A “Memorandum” signed by the official representative of the people of Abkhazia, Lieutenant Alexey Hasaya, was addressed to the British Military Mission in Ekaterinodar on 10th June, 1919, and was directed for transfer to the British government. It contained the request: “to disengage the Georgian army and administration from the territory of Abkhazia”, then “a new election for ANC which will solve the destiny of Abkhazia” would be held. It was a question of infringements by Georgia of items in the Agreements from June, 1918. Requirements of this document were the following:

“1. Because Georgia had broken items 1 and 3 of the Agreement from June 11th, the Agreement had become void.

2. Because citizens had been excluded from elections, those who did not wish to recognise themselves as Georgian citizens as required by the decision of the ANC considered the new Council illegal and not expressing the will of the people.

3. Until a decision on the question of the re-selected Council, and guarantees of free elections, Georgian military divisions should be withdrawn from Abkhazia...” (Materials from Archive of the Ministry of Foreign Affairs of Great Britain. “The Abkhazian question, 1919”; “Republic of Abkhazia” newspaper № 86, from 28 - 29 July, and № 130 from 13 - 14 September, 2001).

To understand the position of the Georgian politicians in relation to the country and statehood of Abkhazia, we give quotations from speeches by deputies of the supreme body of Georgia, and it can be seen that these statements are greatly penetrated by lies and hatred and that the aims of the speakers are monstrous.

From the shorthand report of the session of the Constituent Assembly of Georgia on 2nd August, 1919, a discussion of conditions in Abkhazia:

“Our government has concluded the agreement which gave many different rights to Abkhazia and did not give any rights to Georgia. This is a big crime of our government. In the agreement there is more than one unclear article, and according to these articles people say that Abkhazia is already independent. What can we see? What is today's political position in Abkhazia? It has the highest legislature, the National Council, it has the territory, has the government, and this means all elements of an independent state. From this rostrum it should be declared: the independence of Abkhazia is an absurdity. There, in our opinion, no government is necessary, and the body possessing functions of the Constituent Assembly as it takes place today is also unnecessary. There is Abkhazia, there is a territory of Abkhazia, and in this territory we should have created a certain management and when we created such a body, we made a mistake, naming it not National Council of Abkhazia, but Abkhazians. If Abkhazia represents the territory, instead of the people, such a name even for this legislature is inadmissible...”

Even if all the noblemen of Abkhazia become bandits or robbers, even if they write letters to Clemenceau, Lloyd-George and everyone, all the same it is necessary to exert tough measures against them...

It is necessary to adopt the same policy towards Russians who have settled in Abkhazia and extend all their support there. At the same time, we have carried on negotiations with them, and we are at fault in this.

Abkhazia is among the most dangerous suburbs. It is dangerous because the statehood and independence of Georgia is threatened from there by our northern enemy - Russia.

The Abkhazian people are incited against the Georgians and, God forbid, at the military front our position will become complicated, and we could suffer an accident in Abkhazia. Bolshevik meetings where propagandists oppose Georgia are often held in Sukhum and in other settlements of Abkhazia and accept corresponding resolutions... Such hostile action against Georgia is conducted even in the Abkhazian National Council...

This Abkhazian council is selected by a strange system in which suffrage was also given to non-subjects<sup>11</sup> of Georgia... If we leave the formal side and we look at the matter with eyes of real interest, I am sure that for us the present selective rule is rather harmful and unprofitable... In the National Council of Abkhazia our state interests must be reliably protected because the majority in this establishment is in the hands of our ruling party, and there should be a guarantee of our state and political durability in Abkhazia.

In general, in Abkhazia the situation is unsteady. There is a big Anti-Georgian movement over which supervision by Russian-Armenian Bolsheviks, Denikins and one part of the Abkhazian intelligentsia deepens.”

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*11 So in the text. The lecturer has forgotten that subjects exist only in monarchies, and in republics the people are citizens.*

Georgian Mensheviks committed excesses in Abkhazia and on September 29th, 1919 fourteen deputies from NCA send a letter about this addressed to the government of Georgia. But that government, since 1918 and practically from the very beginning of its existence, had pursued a policy of purposeful intrusion into all spheres of the life of Abkhazia, breaking all rules of law. It did not keep assurances declared by it about the stability of an autonomy, and created in the people deserved mistrust not only of Georgia, but also of the local legislature – the NCA. Deputies of Council I.Margania, D.Alania, M.Tarnava, M.Tsaguria, etc. wrote unambiguously on September 29th, 1919 about the inadmissibility of the annexation of Abkhazia by Georgia, having noted the arbitrariness and violence of the Georgian authorities and army.

“By a malicious irony, - they wrote, - the great Russian revolution which has given freedom and independence to almost all nationalities of the Caucasus has bypassed small Abkhazia, and in our country the great principles of revolution were absolutely smothered by the arbitrariness and violence of the authorities. And as all this violence was conducted in the name of the Georgian Government, in the Abkhazian mind there is a representation of Georgians as tyrants and enslavers” (Archive of Abkhazia ; Archive of AGM).

During this period, thousands of Greek and Armenian families left the country in which the Georgian aggressors committed excesses. In October 1919 at a session of NCA the question about “the criminal secret policy of the Georgian government, leading to cancellation of the autonomy of Abkhazia” (“Nashe Slovo”, November 9th, 1920) was considered. From November 1919, at schools in Abkhazia where teaching was conducted in Russian, the teaching of all subjects in the Georgian language was started with the aim of Georgian nationalization (“Nashe Slovo”, November 20th, 1919).

It became obvious that the government of Georgia contradicted the items in “the Decree about the independence of Georgia” adopted on May 26th 1918, in which they guaranteed to all people “ample opportunities for free development”. The so-called “autonomy of Abkhazia” appeared as fiction. The government of Georgia strengthened its reactionary policy in the field of international relations.

The National Council of Abkhazia, proceeding from the agreements, decrees and government assurances set forth above, repeatedly sent delegations to the Constituent Assembly for definitive registration of mutual relations between Georgia and Abkhazia, it being known that Extraordinary Representatives of the Republic of Georgia took part in the spadework in the National Council. The desired result was not achieved. Proclamations from the government about the stability of an autonomy were in practice far from the truth. In essence, since 1918 the Georgian government had expanded its area of intrusion more and more into all spheres of Abkhazian life, breaking even those rights about which there was no dispute e.g. in the commissions developing the draft of the Constitution of autonomous Abkhazia. The contradiction was expressed on the one hand by numerous assurances of representatives of the Georgian government about the stability of an autonomy, and on the other hand by intervention in the internal affairs of Abkhazia. This created mistrust in Abkhazia not only of state power, but also of the local legislature - the National Council of Abkhazia.

In the spring of 1920 the Abkhazian people boycotted elections for the Constituent Assembly of Georgia, demonstrating by this their political position and the legal status of the country as independent of Georgia ("Nashe Slovo", March 23rd and April 7th, 1920). Hence there were no legislative grounds for the registration of the so-called "autonomy" of Abkhazia as a part of Georgia. On May 6th 1920 the newspaper "Nashe Slovo" reported: "The Menshevik party gives the strong impression of regret at its dissociation from the Abkhazian intelligentsia, as a result of nonacceptance by the Abkhazian population of participation in elections for the Constituent Assembly". Despite this, at the Constituent Assembly of Georgia on July 20th, 1920, the drafts of "Regulations about the management of autonomous Abkhazia" and "Constitution of autonomous Abkhazia" were approved. Based upon articles 129-131 in the draft of the Constitution of Georgia, the territory of Abkhazia was recognized within the borders offered by commissions of NCA. In particular, it was written: "Abkhazia in borders: from the northwest to the southeast from the river Mekhadyr to the river Ingur".

In a statement from some NCA deputies to the Government of Georgia it was emphasised that three variants of the Constitution developed by the Constitutional Meeting did not reflect the real picture and did not match the requirements of the people of Abkhazia. The unreasonable policy of the Georgian government in relation to Abkhazia, directed towards the rupture of brotherly relations between the countries, was thus indicated, and led to violence, arson of houses, and genocide in relation to Abkhazians.

Before acceptance of the Constitution of the Republic of Abkhazia, the Constituent assembly of Georgia published the temporary Regulations below, about the control of autonomous Abkhazia: "1. Abkhazia from the river Mekhadyr to the river Ingur and from the coast of the Black Sea to the Caucasian ridge is an integral part of the republic of Georgia and within these borders autonomously operates its own internal affairs.

2. Autonomous Abkhazia has its own local legislature - the National Council selected for two years by citizens of both sexes on a general, direct, equal, secret and proportional electoral system.

3. All lands and possessions within Abkhazia and all persons living there, according to the general laws of the republic are subject to the autonomous control of Abkhazia. The state possesses all bowels of the earth, according to the general laws of the republic.

7. The state language of Abkhazia is Georgian. But the National Council has the right to allow the use of local languages.

11. Members of the National Council of Abkhazia, representatives of its executive power, and also civil servants of autonomous Abkhazia promise to swear fidelity to the Constitution of the Republic of Georgia.

25. The right of general or partial revision of the Regulations about autonomous Abkhazia belongs both to the Parliament of Georgia and to the National Council. Amendment and confirmation of the Regulations are carried out by the Parliament of Georgia in the manner defined by the law".

At its discussion at the NCA session on May 21st, 1920 opinion on the inexpediency of the autonomy of Abkhazia as a part of Georgia was expressed. Abkhazian deputies warned that the autonomy

would be followed by a merging, with the absorption of Abkhazia by Georgia (Zukhbai). Menshevik deputies, represented as a majority in NCA by Georgians, Mingrelians, Svans, etc., supported the autonomy. The assurance was not at all convincing that if autonomy with the normal number of rights did not take place, it would always be possible to separate. Today it can be seen that this was nothing more than the short-sighted illusions of incompetent politicians (Archive of AGM).

Struggle concerning the constitution and autonomy of Abkhazia continued. The work begun on drafts of "the Decree about autonomy" and "the Constitution of Abkhazia" met difficulties, owing to disagreements between NCA and the Georgian government. In Constitution drafts it was said that Abkhazia was a part of the GDR as an autonomy, but:

"It, Abkhazia, is independent in so far as its independence is not limited by the present Constitution and, as that, it possesses all rights which have not been transferred to the Central power" (Dzaphsha 1995, p. 116).

It is necessary to pay attention to the reasonable performance of deputy Kakuba in the course of the NCA session on September 20th, 1920. Confirming that ruling circles of Georgia receded from the co-ordinated order of consideration of drafts of the Constitution of Abkhazia, he asked the question: "What does this Decree represent? Yes, we united on an autonomous basis, but on what basis... Those conditions on which Abkhazia is a part of Georgia should be certainly noted. These conditions are not fully discussed, not developed, not accepted. We name these conditions Constitutional. It is hardly probable that this is correct. It is simply an agreement between Georgia and Abkhazia. An agreement concludes if there are two parties. When the agreement concludes, they should be equal, and if different there will not be an agreement, but a fiction...

All of us assert that Abkhazia voluntarily enters as a part of the Republic of Georgia. The voluntary decree is made according to how profitable it is to those making this decree. Abkhazia makes it as it is profitable to it, and develops conditions under which it wishes to join with Georgia. Georgia too has an inalienable right to say no, I don't need you, go away. It is not only logical, it is a method used throughout history...

According to the Decree (from March 20th, 1919 - authors), the commission is created on an equal footing, mixed in equal numbers, both parties are represented in equal numbers... The Commission reaches a certain decision, which is represented to the Constituent assembly (Georgia - authors) and in NCA. Neither of these can change these decisions. But they can reject them entirely.

Decisions are subject (to confirmation and ratification - authors) in Legislative institutions. The Constitution draft should be simultaneously presented to NCA and to the Constituent assembly and should be confirmed by both".

NCA made the following decision after this speech: "Recognizing in the question of the order of acceptance of the Constitution that it is obligatory to be guided by 2nd point of the Law from March 20th" (Archive of AGM, Report 21: About NCA session from September 28th, 1920, pp. 99 - 210). In one of the detailed "notes" addressed to the chairman of the government of Georgia, a delegation from the National Council of Abkhazia under V.Sharvashidze's presidency (members of delegation I.Pashalidi, A.Ubiria, V.Gurdjua, D.Zaharov, M.Berulava, M.Tarnava, D.Alania. M.Tsaguria) declared in November 1920:

"During the existence of the Special Transcaucasian Committee, Abkhazia and Georgia concluded an agreement on 9th February, 1918 mainly defining their mutual relation as the union of two state formations... These mutual relations have been further formulated in the agreement between Abkhazia and the government of the Republic of Georgia on June 8th, 1918".

However, "the Decree about autonomy..." remained on paper, and three various drafts of the Constitution were not approved and accepted owing to disagreements between NCA and the Georgian government.

The NCA delegation arrived in Tiflis on November 6th, 1920 for work on the draft of the Constitution of Abkhazia in the mixed commission, on an equal footing together with representatives of the Constituent Assembly of Georgia ("Nashe Slovo", November 9th, 1920). The Georgian government flatly refused to consider and accept the future Constitution of Abkhazia in the Constituent Assembly and National Council, unless the NCA delegation did not participate, even in

its discussion. The Constituent assembly (Chairman V.Lomtadze) and the Government of Georgia (N.Zhordania) rejected the proxy status of “the constitutional delegation” of the NCA in Tiflis, did not allow the “commission mixed in equal number (from Abkhazian and Georgian)” to be generated, and did not permit this commission “on a parity basis” to consider “the Constitution of Autonomous Abkhazia” which was actually co-ordinated by the NCA. Regarding a "Note" from the NCA delegation dated November 7th, 1920 to the Government of Georgia, the latter did not even find it necessary to answer. The Constituent Assembly of Georgia announced on November 28th, 1920 in the Georgian language (ref. №4461) the unacceptability of the “existence of the mixed conciliatory commission on (parity) basis equal in rights”. It considered that such a commission would actually appear above “the sovereign supreme body” - the Constituent Assembly of Georgia, and therefore that Assembly “unilaterally... has counted... has made itself... it is the unique and competent organ of legislation in the field of the Republic Constitution, in particular for autonomous Abkhazia”. As for questions about the “existence of an Autonomous region and its relation to the Centre”, they could be considered after “acceptance of the general Constitution”, and could “become a separate chapter of basic Laws” (Archive of AGM). In this way, item 2 of the Certificate from March 20th, 1919 was totally violated.

Due to this, members of the constitutional delegation from NCA made their last statement on December 5th, 1920, in which they said: “Because of such a radical divergence of the points of view of National Council of Abkhazia and the central power relating to the working out and acceptance of the Constitution of Abkhazia, the delegation is leaving” (“Lit. Georgia”, 1989, № 11, p. 157). The delegation returned with nothing. At the NCA session on January 4th 1921 the report of the returned constitutional delegation was heard and approved. As the process of preparation, consideration and the statement of “Constitution of Abkhazia” and “Regulations about the management of autonomous Abkhazia” occurred without the participation of the Abkhazian party, it did not find approval at the NCA session where a protest in connection with infringement of the legislative rights of the NCA was made because of consideration of these documents by the Constituent Assembly of Georgia. These documents could not have any validity, as they also contradicted item 2 of the NCA Decree from March 20th, 1919, which was recognised during that period by the Constituent Assembly of Georgia. Besides, Abkhazia boycotted elections for the Constituent Assembly of Georgia in the spring of 1920, which did not give Georgia any legislative basis for decision-making concerning the "autonomy" of Abkhazia. The NCA, at the session, made the definitive decision: “About an immediate recall of the delegation, in connection with infringement of an order of discussion of the Constitution according to item 2 of “the Decree...” from March 20th, 1919 (Archive of AGM; Report № 36 of NCA sessions, December 4th, 1920).

The political background during the working out of three variants of Constitutions of Abkhazia in 1918 - 1921 was the occupation and annexation of the country by Georgia, and according to the press and the government of Georgia, it had all been done in the interests of the people, of whom the majority in Abkhazia during that period were already Georgians - such documents were not passed by any legislature of Abkhazia and did not receive any approval from the people of the country. In Tiflis on December 29th, 1920, the small Constitutional Commission of the Constituent Assembly of Georgia unilaterally presented the definitive drafts of “Regulations about the management of autonomous Abkhazia” and “Constitution of autonomous Abkhazia”. This fourth variant of the Constitution of Abkhazia was accepted unilaterally by the Constituent Assembly of Georgia on February 21st, 1921 under the conditions of annexation and the Georgian occupation, in infringement of norms of international law as well as the previous agreements between Abkhazia and Georgia, so was by definition not legitimate. It also should not have been put into effect, as it was not ratified or confirmed by the basic law of the country - the Constitution of Abkhazia.

In Georgia, Soviet power was established on February 25th of the same year. The document concerning Georgia's relation to Abkhazia was imposed during conditions of military occupation and annexation of the country, against the will of the Abkhazian people and government, and was not legitimate. Articles concerning Abkhazia in the Constitution of Georgia did not come into force, and from the legal point of view are insignificant.

It is necessary to consider the events occurring in Abkhazia in the context of civil war. In 1917 - 1921 there were attempts at the construction of statehood in several different ways:

1. The republic of Abkhazia was included within the Union of the Mountain people of the North Caucasus. This movement was headed by S.Basaria. Statehood had been defined by the Constitution of the Mountain Republic and it had been legitimate since 1917. The official termination of its existence is not available. It is thought that its formal existence terminated with the signing of a treaty between the Russian Federation and Georgia on May 7th, 1920. Legally Abkhazia was a component of the Russian state for all of the period until May 1920, remaining formally a member of the Mountain Republic which under the decision of the All-Russia Central Committee was transformed on January 20th, 1920 into the Autonomous Mountain Socialist Soviet Republic which was a part of RSFSR. Considering that the real facts about the withdrawal of Abkhazia from the structure of the Mountain Republic are not known, two infringements of international law took place:

a) Military expansion of Georgia against sovereign Abkhazia, a member of the Union of the Mountain people, which led to annexation;

b) Exclusion by Russia of Abkhazia from the structure of the Union of the Mountain people, in infringement of the Allied Agreement of October 20th, 1917 (the Statement of claim..., p. 10).

2. Abkhazia became a part of Georgia as an autonomous republic. Ideologists in this direction were deputies of the ANC, later NCA (Kakuba, Emukhvari, Sharvashidze). Realisation of the given project started after the arrival of Georgian military formations on the territory of Abkhazia, and its annexation in June 1918, after which the supervising body of the country, ANC, became non-legitimate. During this period the NCA accepted a number of political documents, namely: "the Decree about the autonomy of Abkhazia", "the Constitution of Autonomous Abkhazia", "Regulations about the management of Autonomous Abkhazia". As a consequence the listed documents, accepted by the illegitimate highest ruling body of the country, the National Council of Abkhazia, during the period of occupation of the country by Georgian troops and political annexation, are insignificant and should be disavowed.

3. Independent Abkhazia. A number of ANC deputies of pro-Abkhazian political orientation (Alania, etc.), adhering to this viewpoint, were in a minority in the illegitimate ANC. This political line had found support since 1918 among ethnic Abkhazians - makhadjirs, Turks and the Turkish government.

4. The pro-Russian, Bolshevik direction which arose after the October revolution in Russia. It was headed by E.Eshba etc., and it appeared to be the most popular among the people of Abkhazia who in 1921 created the legitimate government, which headed the country throughout the next 70 years of Soviet power and provided continuity with the modern government of the country.

Throughout all the period until the overthrow of the Menshevik government in Georgia, the relation between Georgia and Abkhazia had not been confirmed in an appropriate way, and hence was not legally obligatory for either party. The population of Abkhazia possessed Russian citizenship, whilst Georgia, which proclaimed independence and separated in 1918 from the Russian Republic, presented to its population only its own Georgian citizenship. Therefore a full distinction between the countries, in terms of ethnic structure of their populations, statehoods, and citizenship of their inhabitants, resulted. They were different countries. Thus, Abkhazia since that period has remained a sovereign state, the subject of international law.

It should be stressed that in the absence of any consolidation of Abkhazian society, leading to confusion in the minds of the population, conditions arose in the country which allowed criminals and fraudsters to prepare a basis for seizing power, territories, and even the culture of the Abkhazian people. An important role in this process was also played by so-called leaders of the Abkhazian state of all ranks, guided by momentary benefits or empty promises of their Georgian patrons, and totally forgetting about their fatherland. A major factor was also the passivity of the Abkhazian people, who frequently were not informed about sudden changes in these historical processes which directly concerned them. As history has shown, the above situation continued throughout all XX century, and still continues up to the present time.

Throughout the relevant period of approximately three years, changes in the administrative power of Abkhazia, constant attempts at decision-making by the pro-Georgian or pro-Abkhazian sides, and

mutual recriminations occurred repeatedly, until, at last, in 1920 the Georgian troops were expelled from the territory of Abkhazia by the forces of the Voluntary army of General A.I. Denikin. This had no influence upon any change of statehood of Abkhazia. Under the conditions of the Georgian annexation the question of independence of the country could not be solved. It is necessary to note that all extremist actions in relation to Abkhazia were taken by a country which did not exist until May 26th, 1918, had gained independence only one year previously, and for that period had not yet been recognised as a state by any country in the world.

In Georgia there was an active revolutionary process, and on 11-12 February, 1921 a Bolshevik revolt overthrew the Menshevik power in Georgia, and the Revolutionary Committee of Georgia was formed on February 16th, 1921.

As is known, the first attempt to establish Soviet power in Abkhazia in 1918 had no success, because it had not been supported by the population. But when the country had endured the deadly embraces of Georgia, the point of view of the people on such "friendship" changed. Up to 1921, there were a number of events in which Abkhazia, in conditions of occupation by Georgian troops, tried to be released from the death grip of its neighbour and "friend". During all of the Georgian occupation of the country, activities of the Bolshevik movement were observed. In March 1920 the District Committee of the Russian Communist Party of Bolsheviks – RCP(b) - appealed for a boycott in the territory of Abkhazia of elections to the Constituent Assembly of Georgia, and in many areas of the country this occurred. From September 25th, 1920 a partisan movement against the Georgian aggressors developed in Abkhazia.

The Kodor Revolutionary Committee (Revcom) of RCP(b) at its session on February 17th, 1921 made the decision to prepare for armed revolt, which proves there was no voluntary reunion of Abkhazia with Georgia. As confirmation, an Appeal on February 20th, 1921 from the Revcom of Abkhazia to the Abkhazian people, calling for an armed revolt against the Georgian invaders, said: "When Soviet Russia proclaimed the full autonomy of all small nationalities of the former Russian Empire - Bashkiria, Kirghizia, Turkestan, Azerbaijan, Dagestan and all the mountain people of Terek, the Menshevik Georgian government with blood and iron suppressed the lawful aspirations of Abkhazian, South Ossetian and Adjarian people to autonomy".

And, as subsequent history has shown, these words are fully applicable to later events, especially after 1990 when Abkhazia again began the struggle for restoration of its sovereignty.

Events in Transcaucasia from February 1921 developed with kaleidoscopic diversity: a telegram on February 17th, 1921 from the Extraordinary Commissar of the south of Russia, G.K. Ordjonikidze, spoke about the readiness of the Red Army to come to the aid of the risen Abkhazian people in their struggle against Georgian Mensheviks. The Constituent Assembly of Georgia quickly accepted on February 21st the "Constitution of the Georgian Democratic Republic" and unilaterally confirmed the "Regulations about the management of autonomous Abkhazia" as a part of Georgia. At this time, fights with Menshevik Georgian aggressors began in Abkhazia - on February 24th, the 31st division of the 9th Kuban Red Army freed Gagra, on February 26th freed Gudauta, and on February 25th parts of the 9th army occupied Tiflis. After the Constituent Assembly had been disbanded, the decree about creation of the Georgian Soviet Socialist Republic was accepted.

Abkhazian armed groups, supported by parts of the 9th Red Army, together crushed Mazniev and freed Sukhum on March 4th, 1921. By March 8th all territory of Abkhazia to the Ingur had been released from aggressors, and at the 1st Congress of Soviet delegates of farmers and workers there was a declaration of the independent Soviet Socialist Republic of Abkhazia within its historical borders. This event was confirmed by a radio message on March 31st, 1921 to V.I. Lenin, I.V. Stalin and G.V. Chitcherin (the Union of Incorporated Mountaineers..., pp. 372, 373).

The motives for acceptance of such a decision were the fact that the chauvinistic policy of Georgian Mensheviks strengthened the tendency towards the restoration of full independence of the country, and national self-determination among the Abkhazians making the majority of the population of the Sukhum district. The same policy created among Abkhazians a mass desire to cast in their lot with Soviet Russia. Therefore at a meeting of ranking officers on March 4th, 1921, the following unanimous decisions were reached:

- “- Abkhazia should be declared a Soviet Socialist republic;
- Soviet Abkhazia should enter into the all-Russian federation directly;
- The general policy in Abkhazia should be moderately cautious in relation to the bourgeoisie and peasantry”.

The new Revcom of Abkhazia was created on March 6th, and its structure included E.Eshba (chairman), N.Lakoba and N.Akirtava. Then the Organisation Bureau of RCP(b) was created in Abkhazia. At the second Regional Congress of working Mountaineers on March 8th, the message “confidence is expressed to Abkhazia, that there will be no return to the menshevik-bourgeois government” was addressed to the Revcom. As soon as March 31st, 1921, independence of the state was declared in Abkhazia in the form of the Abkhazian Soviet Socialist Republic, and the idea about political, national and state sovereignty was realised. On May 21st, 1921 the Revcom of the Soviet Socialist Republic of Georgia recognised the independence of the Soviet Socialist Republic of Abkhazia. Abkhazia also continued to remain a sovereign state, the subject of international law, after 1921.

The establishment of Soviet power in 1921 was perceived by the people of Abkhazia as a deliverance from the Georgian occupation and the repressive rule of the Menshevik party. Also, if in 1918 Soviet power had not received support in the country, after the three-year occupation of Abkhazia by Georgia during which period the military Georgian administration disbanded the legitimate government of the country (ANC) and installed its own management, the situation had changed. The people saw Bolsheviks as the force which promised to relieve the country of aggressors, and believed it. And Bolsheviks, after the establishment of Soviet power, at once declared the independence of the Abkhazian state in the form of the Abkhazian Soviet Socialist Republic, having embodied the basic ideal for the sake of which the Abkhazian people throughout long years conducted a fierce struggle for political self-determination.

With the declaration of Abkhazia as an independent, sovereign republic, both the territorial integrity of the country within its historical borders and their inviolability were again confirmed. Apparently from the above material, activities of the Georgian government during all periods of its mutual relations with Abkhazia were aimed at the destruction of a stable society and of the integrity of this state. These activities concerned the military expansion of Georgia to Abkhazia, occupation of the country and its political annexation.

On the basis of these historical materials relating to the beginning of XX century, it is natural to come to the following conclusions:

1. Abkhazia in a struggle for independence formed military and political unions with neighbouring countries. This confirms the fact that Abkhazia de jure and de facto remained the subject of international law, i.e. a sovereign state.
2. After disintegration of the Russian empire in November, 1917 the Mountain Republic (the North Caucasian Republic) was proclaimed. Along with other North Caucasian countries it also included Abkhazia. Thereby de facto the Abkhazian statehood abolished in 1864 was restored.
3. At a congress of the Abkhazian people on November 8th, 1917 in Sukhum the first parliament - the Abkhazian National Council - which accepted the Constitution and the Declaration of the Abkhazian people was selected.
4. Even before the moment of formation of the Georgian Democratic Republic (GDR), Abkhazia as the subject of international law had concluded the Agreement with the Tiflis government on February 9th, 1918 which confirmed the sovereignty and territorial integrity of Abkhazia within borders from the river Mzymta to the river Ingur. Mutual relations were developed on the basis of equality of the parties.
5. In the agreement from February 9th, 1918 “concerning the establishment of mutual relations between Georgia and Abkhazia” there are no words about autonomy, and all attempts by Georgian politicians and historians to confirm otherwise have no basis.
6. Georgia, which proclaimed itself an independent republic on May 26th, 1918, occupied the territory of Abkhazia in the second half of June, 1918, on the basis of the treaty of June 11th, 1918 imposed upon Abkhazia, and with the direct support of Germany. The government of the Mountain

Republic made a protest to Georgia, and regarded these actions as aggression against Abkhazia and all North Caucasian states.

7. Up to the moment of formation of the Georgian Democratic Republic, Abkhazia was independent, not a part of Georgia, thus the territorial borders of Georgia had not been defined. Hence, at the moment of signing the Decree about the independence of Georgia on May 26th, 1918, in which in general there is no mention of Abkhazia, that independent country was de jure and de facto outside the limits of Georgia and remained a sovereign state.

8. The agreement between Abkhazia and Georgia from June 11th, 1918 de jure and de facto confirmed the full sovereignty of Abkhazia.

9. Throughout three years (1918-1921) Georgia, whilst occupying Abkhazia, tried to create legal documents confirming the joining of Abkhazia to its territory. This action was carried out by the unilateral decision of the Constituent Assembly of Georgia which accepted on February 21st, 1921 "Regulations about the management of autonomous Abkhazia", but this did not mean sovereignty loss de jure, as all undertaken actions were made without the consent of the people of the country, and territorial borders remained unchanged. Besides, a change of status of the independent sovereign state was not reflected in the Constitution of Abkhazia – the official document. As mutual relations between the countries had not been officially confirmed, they legally were not obligatory for either party.

10. In struggles against its enemies, Abkhazia as a sovereign state asked neighbouring countries for help: Russia at the beginning of XIX century, the states of the North Caucasus in 1917-1918, and also, in the struggle against Bolsheviks in 1918, - Georgia. These countries understood the reason behind their help in their own way. In particular, Georgia under the pretext of military help undertook the annexation of Abkhazia. Occupation proceeded from 1918 to 1921, till the moment of the termination of existence of the Georgian Democratic Republic. During this period in Abkhazia the legitimate government was liquidated, any display of independence was choked, severe retaliatory operations in relation to the people of the country constantly took place, dispersal of the authorities of independent Abkhazia occurred, and colonisation of the country by the aggressor - Georgia - took place.

11. All treaties and agreements concluded between Abkhazia and Georgia within the years from 1918 to 1921 could not have any validity, as they were imposed during the occupation and colonial enslavement of Abkhazia by Georgia. Thus, Abkhazia from 1917 to 1921, remaining de jure a sovereign state and the subject of international law, could not take advantage of the rights of a sovereign state de facto, as it was in the position of being an occupied, annexed country. Treaties, agreements and decisions of the state bodies of Georgia in relation to Abkhazia in 1918-1921 (including confirming the sovereignty of Abkhazia) cannot be considered legitimate and legal, as:

a) Abkhazia had at that time a transition period during which there was a search for its form of statehood whilst confronting both internal and external forces, and the state structures and their decisions were formed under the pressure of these primarily external forces;

b) Depending on the influence of external forces, which were the occupation, annexation and colonization of the country by Georgia, the expansion of Turkey, the development of the revolutionary Bolshevik movement, the intrusion of the Voluntary army of A.I. Denikin and support from the Union of Mountain people, each of these events formed different political views in Abkhazian society. In the country, inconsistent political and international decisions regarding the formation of the state were made;

c) The countries which were neighbours of Abkhazia were in a similar position. Georgia, for example, originally was a part of TDFR, then became independent, and in 1921 ended its existence as an independent state. Those agreements which were accepted during the occupation each time lost their force at a change of political regime or form of statehood, due to the absence of political and state continuity. For this reason they cannot be recognised as operating at the moment of termination of the transition period with its chaos and instability. Therefore all events which were taking place in Abkhazia during 1918-1921 should be considered in the context of civil war and statehood formation.

12. The treaty between Soviet Russia and Georgia on May 7th, 1920, which recognised the Sukhum district (but not Abkhazia) as a part of the Georgian state, had no legal force as Abkhazia two years prior to the signing of this document was occupied by the Democratic Republic of Georgia as a result of military intervention. Thus, this document is a recognition by one party of the fact of its annexation by the other party. The treaty itself lost force after the occupation of Georgia by Soviet Russia. At the same time it is necessary to note that after the treaty was concluded on May 7th, 1920, the Entente countries, primarily England, were compelled to recognise Georgia as being under the influence of Soviet Russia.

13. The "autonomy" of Abkhazia was not legally drawn up. Only during the last days of the republic's existence, on February 21st, 1921 to be exact, did the Constituent Assembly of Georgia (whose elections the Abkhazian population boycotted) accept the Constitution of Georgia, having completely ignored item 2 of the Decree from March 20th, 1919. In the Constitution some kind of autonomous government of Abkhazia (the Sukhum area), Batum territory and Zakatal area was mentioned (Article 107).

14. The Constitution of Georgia did not come into force. On February 25th, 1921, Tiflis became Soviet.

15. The accepted Constitution of Georgia, with the articles concerning Abkhazia, did not create any rights or duties for the latter, as these articles were not accepted by legitimate order and are not reflected in the Constitution of Abkhazia or in any other legal documents expressing the sovereign will of the people of the country.

16. The policy of the occupational Georgian authorities in Abkhazia resulted in the extreme discontent of the multinational population of the country, which promoted the establishment there of Soviet power on March 4th, 1921. The new regime was perceived as providing deliverance from the armed intervention, occupation and colonial government of Georgia in Abkhazia.

So, in 1918 the intervention which led to the occupation and political annexation of Abkhazia was carried out by Georgia. According to its definition, annexation (from Latin - joining) means an aggressive kind of violent capture of all or parts of the territory of another state or nationality, and also the violent retention of a nationality within the borders of another's state. It is the acquisition by one state of the sovereignty over the territory of another, with or without the consent of the latter and without any treaty, as a result of either conquest or actions which may not lead to war, but trample on the will of the other state. Having an aggression component, in this case it covers a wide spectrum of actions, for example, "application of an armed force by the state against the sovereignty, territorial inviolability or political independence of another state, or otherwise incompatible with the United Nations Charter". Thus the listing of infringements of the constitutional norms of the annexed country is not obligatory, because the presence of the invader in the annexed territory is important as the factor which interferes with the will of the people.

All agreements concluded between Abkhazia and Georgia within the years from 1918 to 1921, even confirming the sovereignty of Abkhazia, could not have any validity as during this period the annexation of Abkhazia by Georgia took place. Annexation is illegal if it has occurred after formation of the relevant nation or national state, which occurred in Abkhazia. International law does not recognise the legality of domestic or international documents accepted during military occupation and political annexation of a state. Abkhazia, from June 1918 until 1921 was in the condition of being an annexed state, and all decisions of its state bodies were accepted with the participation of, and under pressure from, the Georgian military authorities. Therefore all decrees and decisions accepted by Georgia concerning the sovereign state of Abkhazia, and also those accepted by the state of Abkhazia itself, are void and insignificant, having lost their validity because of contradictions to the imperative norm. They should be disavowed by the Government of Republic Abkhazia (the Statement of claim..., p. 15).

International law, referring to annexation and intervention, especially the armed intrusion of one state into the internal affairs of another and directed against its territorial integrity, political independence, etc., allows the annexed state the right to struggle against such intrusion. The actions of Abkhazia, which took place during its struggle against Georgian domination in 1918-1921 when the Abkhazian

people were periodically rising in a struggle for freedom and independence, were violently suppressed by chastisers. Thus “state intervention into the affairs of another” is understood as the concept of “intention to force another state to operate according to the intervener’s will”.

Bringing Georgian divisions into Abkhazia in April and from the middle of June, 1918 in infringement of items of the Agreements from June 8th and 11th, 1918 led to:

- Illegal military occupation of the country proceeding till February 1921;
- Political annexation by Georgia;
- Violent change of political power and of the political system;
- Compulsory decision-making in the Parliament of Abkhazia, by the subordinates of the military power, directed towards the joining of the country to Georgia;
- The beginning of the genocide of Abkhazians, following a mass resettlement in the country of ethnic Georgians from areas of central Transcaucasia for the purpose of change to the demographic situation in the country, etc. (the Statement of claim...,p. 14);
- An attempt by violence to deprive the population of Abkhazia of their own Russian citizenship, and to turn the people of the country into Georgian citizens.

The fact of occupation did not mean any transfer of sovereignty of an occupied territory to the occupying party, as all these actions were made without the consent of its people, and its territorial borders remained unchanged. Military occupation does not permit distribution of the sovereignty of the occupying state across the territory occupied by its army (Item 22 of the Appendix to the Hague convention of 1907 on the laws and customs of overland war). Item 7 of resolution 34/103 of 1979 “calls for the removal of all occupation forces from territories, to give the chance to the people of all states to define and solve their own affairs”. Because only people have the right of sovereignty, they should also possess the right to define their own destiny and the destiny of their state.

Change of the status of the independent sovereign state Abkhazia in 1918-1921 is not reflected in one official bilateral document. Moreover, the state whose territory was occupied was formally considered as keeping *de jure* its sovereignty, as well as being subject to international law. This is the acknowledged position of international law, i.e. the imperative norm. Loss of such rights, according to classical international law, can take place only after the formal certificate of annexation.

In cases of infringement of the imperative norm the basic principle “agreements should be carried out” loses its force and such agreements should be reconsidered concerning the exclusion of questions falling under the imperative norm, or cancelled completely. Thus unlike usual revision or denouncement at which the consent of the parties is required, such consent of the signing parties is not necessary. At the same time the legality of an agreement is based on a presumption of the validity of the agreement,, and it can be challenged only on the basis of international law.

If a national liberation struggle using political means proceeds, the forces of national resistance or allies of the annexed country do not recognise annexation and continue to struggle for liberation. The question can remain in a condition of legal uncertainty for many years as has happened in Abkhazia. As annexation is at present defined in international law as illegal, any action associated with it, from the point of view of the international community, has no validity and does not lead to loss of the sovereignty of the state or its status as a subject of the law.

The resolutions accepted *post factum* by the Supreme Council of the GSSR on November 18th, 1989, on March 9th, 1990 and on June 20th, 1990, which disavowed earlier confirmed official decrees and state decisions since 1921, recognised them as illegal and void, having now lost their validity, according to the Georgian politicians. This essentially makes our work, on revealing and confirming the necessary conditions for the sovereignty and statehood of Abkhazia, much easier. Only three years, from 1918 to 1921, were considered, as until that time Georgia as a state did not yet exist, and after that time by its own admission ceased to exist as a legitimate, independent, sovereign state, which formed the basis for cancellation of all legislative documents of that period. (the Statement of claim ..., p. 11).

## **2.5. The Soviet Abkhazia - the sovereign state.**

Under the conditions of Georgian occupation the Abkhazian people rose to an armed struggle which had the character of a national liberation. Achievement of this purpose was assisted by the approach of the Red Army and the establishment of Soviet power in the states of Transcaucasia. It is natural that in this situation the interests of Moscow and the Abkhazian national liberation movement coincided. In Abkhazia Soviet power was established on March 4th, 1921. At a meeting of ranking officers of Abkhazia the question of the country's future was considered, and delegates unanimously voiced the same opinion:

- a) Abkhazia should be declared a Soviet Socialist Republic;
- b) Soviet Abkhazia should enter into the all-Russian federation directly;
- c) The general policy in Abkhazia should be of moderate caution in relation to the bourgeoisie and peasantry.

At a mass meeting in Sukhum on March 8th, 1921 the following resolution was accepted, and later directed to V.I.Lenin:

"Today the workers of Abkhazia who were exhausted under the heavy yoke of autocracy from Georgian Mensheviks, footmen of imperialists, celebrate their freedom, welcome the Red Army which has come to the aid of the insurgent people of Abkhazia, and send warm greetings to the leader of world proletariat, comrade Lenin... and to the staff of the world proletarian revolution - the Third Communist International. The chairman of the Revcom of Abkhazia, E.Eshba.

Note by E.Eshba: From all settlements in Abkhazia, salutatory resolutions are sent from farmers' meetings. Workers enthusiastically welcome the Red Army".

On the basis of this resolution only, it already becomes clear what the relation of the Abkhazian people to the Georgian invaders was during annexation of the country by Georgia in 1918-1921, and also how the force was defined which after the difficult years of Georgian enslavement rallied the people of Abkhazia to beat out their aggressors beyond the limits of the native land.

Being guided by the Declaration of the rights of the people of Russia, on March 26th, 1921 at an expanded session of the Organisation Bureau (orgburo) of the RCP(b) and Revcom of Abkhazia it was decided to declare Abkhazia a Soviet Socialist Republic. The independent Soviet Socialist Republic of Abkhazia was proclaimed on March 31st, 1921. The report of the Batumi meeting on the structure of Soviet power and the Communist Party in Abkhazia said:

"Heard: about the structure of Soviet power and Communist Party in Abkhazia.

Decided: until the Congress of Councils of Abkhazia, the question of a federation of Soviet Abkhazia with Russian Soviet Federative Socialist Republic (RSFSR) or the Soviet Socialist Republic of Georgia (GSSR) is left open, and Abkhazia is declared a Soviet Socialist Republic.

The party organisation before the conference carried the name orgburo of RCP in Abkhazia and worked under the direction of the Caucasian bureau of the Central Committee of RCP. Orgburo took necessary measures to overcome national hostility sown by Mensheviks between the people of Georgia and Abkhazia".

On May 21st, 1921 the Revcom of the GSSR recognised the independence of the Soviet Socialist Republic of Abkhazia (ASSR) and accepted the Declaration of the Revcom of GSSR on the independence of ASSR. We show items from the text of this document:

"Menshevik power, being in essence the power of the Georgian bourgeoisie, along with oppression of workers in Georgia, with especial force suppressed any display of revolutionary activity by national minorities, which created terrible antagonism among different nationalities in Georgia, nationalities living in this territory from time immemorial.

Soviet power replaces oppression by equality and the brotherly union of all workers without distinction of nationalities. The unique true means of overcoming national prejudices and strengthening the rightful union of workers is the right of nations to self-determination, as proclaimed by the Great October revolution.

Proceeding from this, the Revolutionary Committee of the Soviet Socialist Republic of Georgia recognises and welcomes the formation of the independent Soviet Socialist Republic of Abkhazia... Revcom of the Soviet Socialist Republic of Georgia".

However, danger of an encroachment by Georgia on the sovereignty and territory of Abkhazia remained. This was understood both by politicians of free Abkhazia, and emissaries of the government of RSFSR, who saw in Abkhazia not only a problem of mutual relations of two neighbouring countries, but also an interlacing of interests of the Entente countries, as well as a question of international policy in the broad sense. As an example, we give the following report: From P.P.Sytin's report to the Soviet government "Measures of localisation of danger from Georgian chauvinism" on April 22nd, 1921:

"Undoubtedly, it is necessary to approach this question cautiously, but it is impossible to make the essential interests of the International a victim of the chauvinism of a small nation taking such an important territorial position (as a gateway to India) between RSFSR on the one hand, and Turkey and the Entente on the other... It should not be forgotten that the diplomacy of the Entente, which has met persistent counteraction to its imperialist plans from Soviet Russia, looks at Georgian chauvinism as one of its integral chances in its struggle against Soviet Russia, especially if the Entente will be able to reach agreement with Turkey. To defeat Germany and Russia, the Entente has already made concessions and, wishing to break the unity of its enemies, has selected a line of least resistance, i.e. Turkey, caressing in every possible way its nationalist dreams of full restoration of the Caliphate with Constantinople at its head. Payment from Turkey must be its betrayal of Russia. Confrontation on this issue is rather probable, and as this could occur in the territory of Georgia this territory is becoming of major strategic value.

Thus, keeping enough strong groups of the Red Army of RSFSR within Georgia, and especially along the southern coast of the Black Sea and on the border with Turkey, should be one of the precautionary measures against local chauvinists, these measures also having a general political character....

The second measure weakening Georgian chauvinism, both territorially and financially, I would consider to be the separation of Abkhazia. It is necessary to confess that, as earlier in the Armenian question, Russia's error in ignoring the Kurds could always be seen. We will note, by the way, that in Turkish Armenia it would be quite possible to involve Kurds on the Russian side. After all, Kurds have never considered themselves as citizens of the Turkish sultan, and have always hated Turkish administration... The Soviet power has many chances to win people round, and Georgians have paid little attention to Abkhazia. Hardly anybody is interested in the sad destiny of these two peoples being wiped off the face of the earth by the chauvinism of Armenians and Georgians. The certain gravitation of Abkhazians to Soviet Russia has been well considered by Georgian Mensheviks and for this reason they have artificially separated Abkhazia from directly bordering with Russia, having occupied a small coastal strip to the north of the river Bzyb. It is necessary to immediately move the border of RSFSR to the right coast of the Bzyb, i.e. to the immediate vicinity of Abkhazia. If a question on the desired form of their state is put to the Abkhazian people, for example by plebiscite (it is possible to organise this in a very short time), there is no doubt they will take the decision to fully join with RSFSR, and such an action, in addition to its huge strategic and political value for RSFSR, will transfer into Russian hands the huge national riches of this country currently ruined by Georgians. Even if it is Soviet, Georgia itself (or especially Abkhazia alone), will never cope with the problem of the correct exploitation of the huge wood and mountain resources of this country, or even with the correct organisation of tobacco production, fisheries etc.

On population structure, Abkhazia cannot be under the authority of Georgia at all, because they (Georgians) are least in the total of inhabitants...

The separation of Abkhazia cannot adversely affect the foodstuffs of Georgia as one sometimes has to hear, because Abkhazia, plentiful with natural riches (till this moment almost unused, because only RSFSR has enough power to do it), hardly feeds itself...

After Abkhazia, it is necessary to pay attention to Mingrelia, a country also differing from Georgia in language and nationality and always burdened with Georgian sovereignty. Mingrelia directly borders Abkhazia on the river Ingur and stretches south to the river Rion. This territory includes the mouth of the river Rion, at which the building of a big port, able to replace Batum, has been projected for a

long time... the territory is extremely big in strategic relations, and also can be subordinated to the direct influence of RSFSR if, as with Abkhazians, autonomy will also be given to Mingrelians... This created position will probably be found to address one measure, namely: the strong seizure by RSFSR of the Transcaucasian railways, and not only in the sense of military protection but also concerning management, as in this last sense the underlined exaggeration of the value of narrow Georgian interests brings huge damage to Russia...”.

Independence was also received by other states of Transcaucasia. However, the central party leaders forced rigid submission to their influence and decisions, the states having accepted the corresponding document:

From the resolution of a meeting of the Caucasian Bureau of the Central Committee of RCP(b) on 2nd-3rd July, 1921, about the political position of the Transcaucasian republics:

“1. To admit the necessity of confirming the independence of the Caucasian republics (Georgia, Azerbaijan, Armenia), with the unconditional preservation of existing party relations between Central Committees of Communist Parties of these countries and the Central Committee of RCP”.

Using the slogan of Soviet power "Authorities should be local", Revcom of Abkhazia became the full owner of the country, and gave the necessary political and economic rights to the indigenous population. The Abkhazian intelligentsia, having believed in the independence of the country promised by Bolsheviks, supported this power. An economic upsurge in the country began at that moment.

After the declaration on March 31st, 1921 of the independent Soviet Socialist Republic of Abkhazia (the SSR Abkhazia) and its recognition on May 21st, 1921 by Revcom of Georgia, “the Workers' and Peasants' Union Treaty between the Russian Soviet Federal Socialist Republic and the Socialist Soviet Republic of Georgia” was concluded that very day. This treaty had no relation to SSR Abkhazia, which was not mentioned in it at all, thus confirming the sovereignty of Abkhazia and its independence from Georgia in the spring of 1921.

With the initiative of Georgian national chauvinists both in Georgia and in Abkhazia, intensive propaganda activities directed towards the formation in the country of a pro-Georgian atmosphere, with the purpose of creating favourable conditions for the joining of Abkhazia to Georgia, again began. In the press there were articles proving the political, economic and cultural unsoundness of Abkhazians as a nation and Abkhazia as an independent state.

From correspondence to the newspaper "Socialist-Federalist" about discrimination against Georgians in Abkhazia:

“Many new events have occurred in Abkhazia after the establishment of Soviet power. It is known that the so-called “independence of Abkhazia” was declared here, which in practice means the establishment of domination by Russians. It is completely impossible to describe the orgy reigning here. Russian politicians, "admirers" of Abkhazians, and some persons who have fallen in love with Russia, having all become privileged, have presented “the independence” of Abkhazia as hatred of Georgia...”

Almost all posts are occupied by Russians. Georgians suffer from prosecution and oppression. The words "Georgia" and "Georgian" have been transformed into abusive terms”. ( the signature “Sukhum Georgian”).

From the report in the newspaper "Socialist-Federalist" on E.Eshba's meeting with the public of Gali district about local population requirements, July 20th, 1921:

“Eshba’s answer, that for the Bolshevik party the question of an addition of Abkhazia to Russia or to Soviet Georgia is unimportant, did not satisfy the public. At the meeting propensity towards the union with Georgia was obviously shown. It is necessary to note one fact which caused a big protest. After Eshba had answered questions, a certain Jason Agumava spoke, and started to prove to those present that the native language of Samurzakans is ostensibly Abkhazian, and therefore demanded introductory training in elementary schools in the Abkhazian language; all the meeting unanimously declared their protest to the impudent speaker”.

From P.Mirianashvili's article “Apropos the “independence” of Abkhazia”:

“The Abkhazian separatists motivated their isolation, and separation from their native brothers, by considering that they ostensibly were not Georgians... Abkhazian national statehood did not exist yet, and neither did any Abkhazian national culture. We considered and consider nowadays the possible creation of Abkhazian national culture without a declaration of independence... The rescue is unity with Georgians, with Georgia”.

From correspondence in the newspaper “Socialist-Federalist”:

“The party in power should at least now rectify this error, and remind the Revcom of Abkhazia that independence was then the means of freedom from Mensheviks and introduction of the Soviet system within Abkhazia. Well, the independence of Soviet Abkhazia from Soviet Georgia is not now meaningful, and is rather harmful to both parties. We will look at what arguments will be put forward after that by leaders of Abkhazia in favour of independence.

We know that Abkhazians differ from other Georgians in their features, customs, belief and language. We are deeply sure that a wide autonomy will quite satisfy the labour peasantry of Abkhazia, and whoever demands more should firstly ask the people”.

From V.Kotetishvili's article “To the integrity of Georgia” in the newspaper “Socialist-Federalist”:

“Today we wish to call the attention of the working people of Georgia to “independent Abkhazia” where dubious persons develop old methods and sow rage to the detriment of Georgia.

And in such a corner, by what right can any "politicians" subordinate the majority? What reasons justify such impudent behaviour? Who has so inconsiderately granted the right to appropriate the larger part of the Georgian land? In the "Abkhazian" alphabet they have published a newspaper... Is this the independence of Abkhazia? Is it self-determination? Is it demanded by the working people of Abkhazia? No... Abkhazia both ethnically and linguistically, both historically and culturally, is a part of Georgia, and its question should be decided on the scale of Georgia, at the will of the working people of all Georgia.

Do not give the chance to the regenerated Abkhazians and Georgians to conduct any wild policy which will give a bad fruit for the territorial integrity of Georgia, for its national existence! In the interests of the working people we resolutely demand to clear Abkhazia of a different sort of adventurers. We demand to cancel the Declaration written somewhere in an "office" on the "independence" of Abkhazia and to reestablish live communication and the integrity of our country”.

Under this pressure and with a change of policy of the central party leaders in Moscow, pressure upon Abkhazia was deliberately increased with the aim of incorporating it within the structure of Georgia. Leaders of the country, being in an ambiguous situation, started to incline towards this idea. Being Abkhazians, they were obliged to carry out the will of the people. But as representatives of the multinational people of Abkhazia, there was a continuous Georgian influence on them both from within and from the outside. But most importantly, submitting to instructions from the central office of the Bolshevik party, they were obliged to carry out its decisions which contradicted the national policy and selfconsciousness of Abkhazians. It was a tragedy for the government of Abkhazia. The evidence for the above is contained in texts of speeches by the leaders of the country.

From a speech at the meeting of ranking officers of Abkhazia on July 23rd, 1921:

“... N.Lakoba has specified the necessity for a federal union between Soviet Abkhazia and Soviet Georgia owing to their ethnography, history and common way of life, and has also specified that Abkhazia cannot have a federal union with Soviet Russia because it is lagging behind Russia by four years. Besides, Soviet Georgia and Abkhazia are independent economically but in political terms they submit to the centre through RCP in the name of the Central Committee of the party of Georgia and Caucasian bureau of Central Committee of RCP; that is why it is absolutely irrelevant whoever Abkhazia will have a federal union with, the fact is to keep the idea of the Soviet power”.

From the report of the Chairman of the Council of National Commissars (CNC) of Abkhazia, N.Lakoba, at the third session of the All-Georgian Central Executive Committee in Sukhum on June 13th, 1926:

“Some people understand the Abkhazian republic in the sense that the Abkhazian republic is the republic for Abkhazians. Such a situation does not correspond to the reality of business in Abkhazia and this is why: though we are called Abkhazia, in Abkhazia we deal not only with Abkhazians.

Here the main peoples, by their numerical weight, are the following: Abkhazians, Georgians, Armenians and Greeks. But the Abkhazian should not argue thus: if I was oppressed earlier more than others, I now have the right to more freedom, and to more privilege in comparison with other nationalities.

... Some of our opponents always build their tactics on the weakening of the government of the republic of Abkhazia thus: Abkhazia will leave Georgia if it wants, will remain with Georgia if it wants... From Soviet Georgia, Soviet Abkhazia is not going to leave for anywhere, but together with Soviet Georgia, as a part of Soviet Georgia, Abkhazia will go, even to the next world if necessary... For the majority of workers in Abkhazia the answer once and for all is: the destiny of Abkhazia is the same as for Georgia... Abkhazia has included itself in the structure of Georgia..." ("Labour Abkhazia", 19th June, 1926).

Seeing the threat to the independence of the country, the government of Abkhazia made a desperate attempt to save the situation. The variant of entering the Soviet Socialist Republic of Abkhazia directly into the Transcaucasian Federation (Georgia, Armenia, Azerbaijan) as the fourth union republic was suggested, without first joining Georgia. This did not occur. Soon, under Stalin's instruction, steps towards the liquidation of the independent Abkhazian Soviet Socialist Republic were undertaken. At a session of the Central Committee of the Caucasian Bureau on July 5th, in the presence of Stalin, the decision on the question "About the situation in Abkhazia" was made, including the following points:

"1. To consider the existence of independent Abkhazia as economically and politically inexpedient. 3. To invite Comrade Eshba to present his definitive decision on the occurrence of Abkhazia within the structure of the Federation of Georgia as an autonomous region in the Russian Soviet Socialist Federal Republic (RSFSR)".

The accepted decision obliged the Orgburo of RCP(b) in Abkhazia and the Revkom of the Republic to work on the basis of economic unity with Soviet Georgia. Such a decision was based on the supposition that Abkhazia as an independent republic could not separately exist economically, although Abkhazia, both during that time and at present, despite having economic difficulties, was and is a self-sufficient country. To achieve the necessary result, RSFSR began an economic and financial blockade of Abkhazia. Strong pressure was also applied by channels of party and administrative powers.

The decision of the higher party body had no formal validity, but E.Eshba as a communist was compelled to consider the decision of the Caucasian Bureau and he chose association of the Soviet Socialist Republic of Abkhazia with the Soviet Socialist Republic of Georgia on the basis of the agreed federation. It was a compromise, because Abkhazia remained as a union republic (ASSR). On October 15th, 1921 at an expanded plenary session of Orgburo RCP(b) in Abkhazia, with ranking officers from Revcom, the decision about the independence of the Soviet Socialist Republic of Abkhazia was accepted:

"Proceeding on the one hand from the program of RCP on a national question, and from the new economic policy approved by 5th congress of RCP, and on the other from the facts developed during the domination of Menshevik national mutual relations between Georgian and Abkhazian peoples, the meeting completely approves decisions of the Batum meeting on March 28th of this year, and the declaration of the Georgian Revcom from May 21st about independence of the Soviet Socialist Republic of Abkhazia.

At the same time, considering not only the disproportionate economic power of Abkhazia, the small size of its population, and its historical connection with the Georgian people, but also the similarities of the economies and corresponding economic policies of Georgia and Abkhazia, the meeting finds the establishment of a close connection between both republics to be necessary and in view of the Sovietisation in the near future of these republics, the meeting considers it necessary now to register the specified connection of Georgia and Abkhazia by the official agreement of two union republics equal in rights".

On December 16th, 1921 SSR Abkhazia and SSR Georgia, as subjects of international law, signed the Alliance Treaty according to which there was an association with SSR Georgia on an agreed

federal basis, and through it Abkhazia was included into the Transcaucasian federation. A number of responsibilities of the Republic of Abkhazia were transferred into joint jurisdiction with Georgia. However, both the sovereignty of SSR Abkhazia and its territorial integrity remained.

It should be noted that during the specified period Abkhazia continued to formally remain a member of Mountain Republic, which under the decision of the All-Russia Central Committee was transformed on January 20th, 1920 into the Autonomous Mountain Soviet Socialist Republic which was a part of RSFSR. Legal confirmation of an exit of Abkhazia from the structure of the Mountain Republic is absent.

The status of Abkhazia as an independent state did not last long. Russia once again betrayed the people of Abkhazia. Despite favourable political conditions in Russia after the ending of the rule of tsars and the proclaimed right of the people to self-determination, the national policy of Bolsheviks in relation to the people of Russia was false from the very beginning. Division of nations into big and small, important and unimportant, advanced and backward proceeded. For various reasons the Soviet government created new state formations for some non-native people of the country and even raised their status, but limited the level of statehood for many native people, and for Abkhazians even lowered it.

The independent Soviet Socialist Republic of Abkhazia existed from March 31st, 1921 till February 17th, 1922. It was really independent as during this period it did not enter either Soviet Russia or Soviet Georgia.

We give quotations from the Alliance Treaty between SSR Georgia and SSR Abkhazia, December 16th, 1921:

“The Government of SSR Georgia and the Government of SSR Abkhazia, proceeding from the deep strength of national bonds connecting the workers of Georgia and Abkhazia... have decided to conclude the present treaty.

SSR Georgia and SSR Abkhazia conclude between themselves a military, political, financial and economic union.

Foreign affairs remain entirely under the authority of SSR Georgia.

Railways pass under the direct management of Transcaucasian Railways. Foreign trade goes under the control of a united Ministry of Foreign Trade of Georgia, Azerbaijan and Armenia.

In all regional associations, in particular in the Federation of Transcaucasian republics, Abkhazia enters through Georgia which gives it one third of its places”.

According to this treaty, SSR Georgia and SSR Abkhazia decided to conclude between themselves only a military, political, financial and economic union. To fulfill these aims, the two sides declared themselves united in a number of directions which thereby became areas of joint management. Thus, legal state relations between Abkhazia and Georgia arose on an agreed basis, and at the moment of signing of the above-mentioned Alliance Treaty Abkhazia and Georgia were two states equal in rights which were not connected with each other in any legal manner. They remained with the same equality of rights after signing of the Alliance Treaty, until February 1931.

In the Treaty it was also said that Abkhazia would be included into the Transcaucasian Federation through Georgia which would give it one third of its places. This treaty was ratified by 1st Congress of Unions of Abkhazia in February 1922. There it caused serious arguments. The leaders of Abkhazia, who were under pressure from the central Bolshevik government, were compelled to convince delegates that the treaty did not threaten the independence of Abkhazia. So the Chairman of the Council of Peoples' Commissars, N. Lakoba, in his speech to calm congress delegates, assured them:

“Georgia does not take away the independence of Abkhazia. If Georgia takes that away, we shall appeal to the revolutionary staff of RCP, to the Central Committee, to Comrade Lenin. Nobody is able to take away the independence of workers of Abkhazia, as long as Soviet power exists”.

Objectively speaking, this treaty was imposed upon Abkhazia under pressure from the government of RSFSR. Of that fact, there are incontestable proofs. The government of Georgia was interested in this treaty, as was Stalin, who directly supervised national policy in RSFSR. Being Georgian himself, he shared the national prejudices of his fellow-tribesmen towards Abkhazia and lobbied the interests of

Georgia. Even though a number of activities of the Republic of Abkhazia were conducted jointly with Georgia, the sovereignty of the Abkhazian SSR remained, as well as its territorial integrity. But at the same time, the joint colonisation of Abkhazia by Georgia and Soviet Russia began.

Nevertheless, SSR Abkhazia participated as a sovereign state in the creation of the Union of SSR, and in December 1922 its representatives signed the treaty on the formation of the USSR. Then the Congress of Councils of Abkhazia charged the Central Executive Committee of SSR Abkhazia to develop a new treaty with SSR Georgia, similar to the alliance treaty between the republics of Transcaucasia. Work on this treaty started after acceptance of the 1924 Constitution of the USSR. The association of the sovereign republics of Abkhazia and Georgia (entering at that moment in the structure of the association of the Transcaucasian states) was fixed on an equal rights basis in the Constitution of SSR Abkhazia (April, 1925):

“Article 5. SSR Abkhazia is a sovereign state which holds state power in the territory independently and irrespective of other any power. The sovereignty of SSR Abkhazia, in view of its voluntary joining into the Transcaucasian Socialist Federal Soviet Republic (TSFSR), is limited only by the subjects specified in constitutions of these Unions”.

This meant that in the specified documents it was a question of an association of republics equal in rights in the federation, but not about the entrance of one republic into another. The conclusion of the Alliance Treaty was fixed by the Constitution of Georgia from 1927, in which article 83 said:

“SSR Abkhazia owing to the special treaty ( chosen by us - authors) enters into SSR Georgia and through it into TSFSR”.

The constitutions of all union republics, including SSR Georgia and SSR Abkhazia, were based upon the Constitution of the USSR . In them there were headings devoted to the mutual relations of the two republics. These texts in each constitution were identical. Both constitutions were adopted at Congresses of the Republics in 1927.

In the second Constitution of Abkhazia, the territorial integrity of SSR of Abkhazia was also fixed; article 5 said:

“The territory of SSR Abkhazia cannot be changed without its consent”.

A feature of these constitutions is that in them were legally fixed and agreed federal state-legal mutual relations equal in rights for the first time, and these were legislatively fixed. Thus, Abkhazia continued to remain an independent, sovereign, territorially integral state, being thus de jure the subject of international law. After the election of a new structure of the Supreme Council, all political struggles for the restoration of real Abkhazian statehood proceeded within the precincts of parliament.

During this period, especially after 1925, the Georgian and pro-Georgian press in Abkhazia again began to show great activity, proving the necessity of a unification of Abkhazia and Georgia. But leaders of Abkhazia had also come to this idea a long time previously, which follows from their statements:

From N.Lakoba's speech at the 4th Congress of the Communist Party of Georgia on December 2nd, 1925:

“Comrade Kakhiani was right when he said that some ranking officers had thought about the direct entrance of Abkhazia into the Transcaucasian Federation...”

We have forgotten about this once and for all... In Abkhazia the idea that it is really independent and somehow wishes to leave Georgia to go somewhere will lead to its break-up like a house of cards. Comrades, our errors concerning the carrying out of a national policy within Abkhazia are not deliberate. They were mistakenly made during our practical work...

The first error concerns the question of mutual relations of Abkhazia and Georgia. We have made a bad constitutional mistake believing that Georgia is a corridor through which Abkhazia can enter the Transcaucasian Federation, and the Transcaucasian Federation, according to the same Constitution, should be a passage to get to the Union of Republics.

Our second error concerns language... The study of the numerical, cultural and economic situation of the nationalities occupying Abkhazia does not satisfactorily permit the use of only one Russian language...

The third error concerns the nationalities of the administrative authorities. Mingrelians, Armenians and Greeks have lately begun to say that they don't mind Lakoba or someone else, but do not agree that all the management in Abkhazia should be exclusively in the hands of Abkhazians...

We have honestly confessed to these errors and undertaken their correction..."

On February 19th, 1931 SSR Abkhazia was transformed into an autonomous republic and included within the structure of Georgia. The reduction in status of the republic was explained using the slogan "reorganisation of the state machinery of autonomous republics and areas". Objections were useless as deviations from the principles of the national policy proclaimed in October, 1917 had begun in the country at the end of the 1920s, and centralisation and the power of the party machine were established. In April, 1930 at a session of the Central Executive Committee of Abkhazia the question of the Alliance Treaty between Abkhazia and Georgia was considered, and the conclusion was that the treaty had lost its value, except for one point - the association of Abkhazia with Georgia. Stalin's opinion on the Abkhazian question was important, as were reprisals which developed in the country. Thus, the narrowing of the sovereign rights of the agreed republic of Abkhazia begun in the 1920s was finished. Heads of the country E.Eshba and N.Lakoba paid for this activity with their lives. After the death of Nestor Lakoba, in the years of Beria's control in Transcaucasia,<sup>12</sup> the Abkhazian Autonomous SSR actually ceased its existence, and the territory of Abkhazia from 1936 to 1953, as a matter of fact, was again occupied by Georgia. These years saw a massive, at times violent, resettlement in Abkhazia of peasants from areas of Western Georgia, mainly in Abkhazian villages in Ochamchira, Gudauta and Gagra regions for the purpose of the dissolution of Abkhazians in a Georgian environment. Even during the war (1941-1942) this planned resettlement on which huge sums were spent, not only did not stop, but on the contrary increased. At the expense of such unnatural mechanistic gain, the Georgian population in Abkhazia between the censuses of 1939 and 1959 increased by almost 70 thousand persons, whilst native Abkhazians only increased by 5 thousand persons.

Since 1988 a third wave of immigrants has strengthened the Georgianisation of Abkhazia, and the suppression of Abkhazians has increased. In 1990 in the autonomous republic the stream of immigrants from all areas of Georgia was directed. (In 1886 Abkhazians were 85.7% of the entire population of Abkhazia, and Megrels 6%, and in 1989 Abkhazians were 17.8%, and Georgians 45.5%). The purpose of this planned demographic aggression was to create an absolute majority of the Georgian population in Abkhazia at the expense of the strengthened immigration and outflow of Russians, Greeks, Armenians and other people living in the autonomous republic.

As a result of intensive resettlement in Abkhazia of people from Georgia, a demographic imbalance was artificially created, with the number of the majority Kartvelian nationality more than five times that of Abkhazians. Georgia has opposed Abkhazian requirements for self-determination, declaring that Abkhazians have no rights, as their number is below the number of Georgians in Abkhazia. The reduction of the independent republic of Abkhazia to an autonomous status and violation of its sovereign rights was a hard blow to the people of the country. For several decades it has been deprived of the possibility of defining the course of political, economic, demographic, cultural and other processes proceeding in Abkhazia, which for the native people has had, in essence, an ethno-destroying character. The reduction of the status of the republic was considered by the Abkhazian people in a national referendum on February 18-26th, 1931 as the latest treachery by Russia, and the referendum failed to trust either Soviet power or the government. The struggle of the Abkhazian people for independence by the carrying out of mass actions continued, taking place in 1957, 1965, 1967, 1978, and 1989. It is necessary to note the all-national peoples' movement in 1978, connected with acceptance of Brezhnev's Constitution of the USSR. National referenda and strikes occurred in practically all large cities of Abkhazia. The Abkhazian people demanded to include in the text of the Constitution a point on the right of a free exit by the Abkhazian SSR from the structure of the Georgian SSR.

Mass national protests reached their peak in 1989, when they resulted in direct interethnic conflicts. Ruling circles of Georgia and Russia irrespective of political orientation were not in touch with reality, remaining uniform in their imperial ambitions.

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*12 In 1931 Beria became the first secretary of the Central Committee of the CP(b) of Georgia, and in 1932 the first secretary of the Transcaucasian Regional Committee of the Russian CP(b), holding these posts till 1938.*

Originally, facing aggression and large-scale genocide of Abkhazians by Georgia, the Abkhazian national movement wanted the country to leave the structure of the Georgian SSR and enter the RSFSR. But after a number of betrayals by Russia of the Abkhazian people, their view of the problem changed. The requirement of receiving sovereignty, with state and political independence, was formulated by Abkhazia. This requirement was stated on March 18th, 1989 at a gathering in Lykhni, where more than 30 thousand people demanded a revision of the status of Abkhazia, to restore it to what it was during the period from 1921 to 1931.

It should be noted that all decisions across Abkhazia in the 1920s, including the changing of its statehood and political status, were made only by party leaders, mostly not being considered at Congresses of Councils of the Republic. And even if these matters were discussed, such pressure was put upon decisions by the higher party management of Georgia, the Transcaucasian regional committee of RCP(b), and sometimes the Central Committee of RCP(b), that the leaders of Abkhazia, submitting to these authorities on party lines, made decisions contradicting the interests of the country and its people.

Considering the interval of time from 1922 onwards, we are convinced that the struggle for historical justice during all these years has not stopped, as the Abkhazian intelligentsia have never lost their belief in the restoration of the sovereignty of the country. During this struggle by the people, only lawful resistance methods, including parliamentary, were used, namely: mass meetings of people, demonstrations and strikes, hunger-strikes, protests, picketing, and letters to authorities. Powerful protests by Abkhazian society were provoked by various sorts of legislation and constitutions which confirmed the non-independence of Abkhazia, or its accession to Georgia. Actually the Abkhazian national movement has not stopped all these years, though it was more secret for obvious reasons during the years of Beria, and has become more open recently. Memories of sovereignty were transferred from generation to generation, giving people confidence in the correctness of the struggle for restoration of the independent sovereign state.

A comparative analysis of all existing constitutions of Abkhazia allows us to estimate those difficulties which faced the country in its struggle for the preservation of its status as a sovereign state, and the struggle which was conducted by its people throughout the century for the preservation of its independence. In table 2 substantial extracts from these constitutions, defining the status of Abkhazian statehood, are given.

#### *Table 2*

From the Alliance Treaty of the Southeast Union of the Cossack Armies, Mountaineers of the Caucasus, and Free people of the Steppes. October 20th, 1917

“We the undermentioned Cossack armies, Mountain peoples of the Caucasus and Free peoples of the Steppes, conclude a union among ourselves with the purpose of promoting an establishment of the best political system, external safety and order in the Russian State, and also to provide security to members of the union, to support internal calm, to lift the general well-being and to ensure the blessings of freedom won by revolution.

I. Structure of the union.

Item 1. The union is made by the Cossack armies: Don army, Kuban army, Tersk army,

|   |   |
|---|---|
|   | <p>Astrakhan army, the Kalmyk people adjoined to the Astrakhan army, and united in the special union of Mountaineers of the Caucasus following Mountain and Steppes people:</p> <p>c) the Mountain people of the Sukhum district (Abkhazians);</p> <p>Item 2. Each member of the union keeps full independence concerning their internal life and has the right independently to enter relationships and treaties not contradicting the union purposes...”.</p>   |
| <p>From the constitution of the Abkhazian National Council.</p> <p>November 8th, 1917</p>   | <p>“1. The Abkhazian National Council is the national-political organisation uniting the Abkhazian people.</p> <p>2. The representative and the spokesman of the will of the Abkhazian people in communications with both governmental administrative agencies and political organisations is the Abkhazian National Council.</p> <p>4. Tasks of the Abkhazian National Council:</p> <p>c) Spadework on self-determination of the Abkhazian people;</p> <p>d) Maintenance and strengthening of communication of the Abkhazian people with the Union of Mountaineers of the Caucasus and carrying out the general political slogans, decisions and actions of the Central Committee of the Union”.</p> |
| <p>From the Constitution of the Georgian Democratic Republic - about autonomous control of Abkhazia.</p> <p>February 21st, 1921</p> | <p>Chapter 11, Independent ruling</p> <p>Article 107,</p> <p>Abkhazia (the Sukhum district), Muslim Georgia (the Batumi territory) and Zakatal (Zakatal district), being integral parts of Georgia, are given autonomous control in local affairs.</p> <p>Article 108,</p> <p>The positions of the autonomous boards mentioned in the previous article will be defined by a separate law.</p>   |
| <p>From the Constitution of the Soviet Socialist Republic of Georgia. February 28th, 1922</p>                                       | <p>Chapter 1 General regulations...</p> <p>1. Having dethroned the government of the Constituent assembly and all central and local bodies of the former Georgian Democratic Republic, workers, labour peasantry and Red Army of Georgia... establish in all territory of the country the sovereignty and proletariat dictatorship, having transferred all central and local government power to Councils of the deputies.</p> <p>Note: the structure of the Soviet Socialist Republic of Georgia includes on the basis of voluntary self-determination the Autonomous</p>  |

From the constitution of the Soviet Socialist  
Republic of Abkhazia.  
1925

Soviet Socialist Republic of Adjara, the  
autonomous region of South Ossetia and the  
Soviet Socialist Republic of Abkhazia which  
unite with the Soviet Socialist Republic of  
Georgia on the basis of a special alliance treaty  
between these republics.

#### Chapter 1

General regulations of the Constitution of the  
Soviet Socialist Republic of Abkhazia

1. Having dethroned the government of the  
former Georgian democratic republic in the  
territory of Abkhazia, workers, peasants and Red  
Army men of Abkhazia have formed the  
Abkhazian SSR and have established the  
sovereignty and proletarian dictatorship, having  
completely transferred all aspects of the  
government to Councils of workers, peasants and  
Red Army deputies.

4. The SSR of Abkhazia, having united on the  
basis of a special "alliance treaty" with the SSR  
of Georgia, through it is included within the  
Transcaucasian Socialist Federal Soviet Republic  
and, as a part of the latter, in the Union of Soviet  
Socialist Republics.

At the same time the SSR of Abkhazia declares  
its firm readiness to be a part of a uniform  
International Socialist Soviet Republic as soon as  
conditions for its occurrence are created.

#### Chapter II

5. The SSR of Abkhazia is a sovereign state  
which is carrying out the government in the  
territory independently and irrespective of other  
any power.

The sovereignty of the SSR of Abkhazia, in  
view of its voluntary occurrence in the TSFSR  
and USSR, is limited only by the subjects  
specified in Constitutions of these unions.

Citizens of the SSR of Abkhazia, keeping  
republican citizenship, are citizens of the TSFSR  
and USSR.

The SSR of Abkhazia reserves the right of a free  
exit from the TSFSR and from the USSR

The Territory of the SSR of Abkhazia cannot be  
changed without its consent.

6. The official language of state bodies of the  
SSR of Abkhazia is Russian.

Note. All nationalities occupying the SSR of  
Abkhazia are provided the right of free  
development and use of the native language in  
national, cultural, and government  
establishments.

7. The residence of all central official bodies of

From the Constitution of the Soviet Socialist  
Republic of Abkhazia  
October 27th, 1926, Sukhum

the SSR of Abkhazia is the city of Sukhum.

## Chapter XII

About subjects concerning Congress of Councils of the Soviet Socialist Republic of Abkhazia and the Central Executive Committee:

65. This Congress is responsible for all questions of a general meaning, except for those carried to the TSFSR and the USSR , namely:

- a) the general management of all internal policy of the SSR of Abkhazia;
- b) the general administrative division of territory of the SSR of Abkhazia;
- c) the publishing of general decisions about the acquisition and loss of rights of Abkhazian citizenship;

66. To exclusive conducting by Congress of Councils of the Soviet Socialist Republic of Abkhazia are submitted:

- a) establishment, addition and change of the basic contents of the Constitution of the SSR of Abkhazia;
- b) consideration of a question on change of borders of the SSR of Abkhazia according to basic laws of USSR and TSFSR.

## Chapter II

About agreed mutual relations of the SSR of Abkhazia with the SSR of Georgia.

17. The SSR of Abkhazia owing to the special treaty is included in the SSR of Georgia and through it in the Transcaucasian Socialist Federal Soviet Republic.

20. Congress of Councils of the SSR of Abkhazia, the Central Executive Committee and its Presidium, and local authorities of the SSR of Abkhazia will be organised on the basis of the Constitution of the SSR of Abkhazia.

21. The National Economy High Council, submitting to the Central Executive Committee and Council of National Commissars of the SSR of Abkhazia, carries out the instructions of the High Council of the National Economy of the SSR of Georgia.

22. Codes, decrees and the decisions accepted by the All-Georgian Executive Committee, with distribution of their action on all territory of the SSR of Georgia, have a binding force in territory of the SSR of Abkhazia, and the Supreme authorities of the SSR of Abkhazia in development of and addition to these decrees can publish legislative decrees having a binding force in territory of the SSR of Abkhazia.

23. In questions of general (finance, labour and workers' and peasants' inspection) and incorporated (national economy) state management in the territory of the SSR of Abkhazia, all decisions and orders of the All-Georgia Central Executive Committee, its Presidium and the Council of National Commissars of the SSR of Georgia have a binding force...

#### Chapter VII

About the state emblem, flag and capital of the SSR of Abkhazia.

101 - The State Emblem of the SSR of Abkhazia has the image of a gold sickle and a hammer against a landscape of Abkhazia. In the top part the red five-pointed star in sun beams is represented. The emblem is framed by an embellishment representing a wreath from corn, tobacco and grapes and surrounded by a red border with an inscription in three languages - Abkhazian, Georgian and Russian "The SSR of Abkhazia" and "Workers of the world, unite!"

102 - The national flag of the SSR of Abkhazia has a red or scarlet panel with the image in its top corner nearest the flagstaff of a gold sickle and a hammer, and over them a red five-pointed star framed with a gold border, under which are the four letters "SSRA". The relation of width to length is 1:3.

103 – The capital of the SSR of Abkhazia is the city of Sukhum.

From the Constitution of the Autonomous SSR of Abkhazia.

January 7th, 1935

#### Chapter I, General regulations

2. The Republic of Abkhazia is a socialist state of workers and labour peasantry, entering as an autonomous republic in SSR Georgia and through it in the TSFSR...

From the Constitution of the Autonomous SSR of Abkhazia.

August 2nd, 1937

#### Chapter I. The Social system.

Article 1. The Abkhazian Autonomous Soviet Socialist Republic is a socialist state of workers and peasants.

Article 6. The land, its bowels, waters, woods, factories, mines, railway, water and air transport, banks, communication facilities, large state-organised agricultural enterprises (state farms, farm vehicle stations, etc.), and also the municipal enterprises and the basic available housing in cities and industrial towns are state-owned, which means national property....

#### Chapter II. The State system.

Article 13. The Abkhazian Autonomous Soviet Socialist Republic enters the Georgian Soviet Socialist Republic with the rights of an

autonomous republic.

Out of limits of article 14 of the Constitution of the USSR and article 14 of the Constitution of the Georgian SSR, the Abkhazian Autonomous SSR implements government with autonomous rights...

Article 16. Laws of the USSR and the Georgian SSR are obligatory in territory of the Abkhazian ASSR. In any divergence between the Abkhazian ASSR laws and laws of the USSR and the Georgian SSR, laws of the USSR and the Georgian SSR operate. Article 17. Each citizen of Abkhazian ASSR is a citizen of the Georgian SSR and the USSR. Citizens of the Georgian SSR and all other union republics on the territory of Abkhazian ASSR have identical rights to citizens of Abkhazian ASSR.

Even at first sight the surprising frequency of acceptance and brevity of the period of existence of the main basic document of the country, the Constitution of Abkhazia, is obvious. So, from 1921 to 1937, for this small country five versions of the constitution were accepted. And if one considers that during the period from 1918 to 1921 there were three more variants of the Constitution of Abkhazia which were never accepted, it is possible to draw the conclusion that the constitutional situation in the country was abnormal. The reasons for this abnormality are partly given in our work, and we have made an attempt to clarify some details about the situation.

With the downfall of the Georgian state in 1921, history gave Abkhazia a chance to restore its statehood and independence, although this did not occur. The short-sightedness of politicians and heads of Abkhazia, and possibly other reasons, led to the people of the country again being downtrodden under the Georgian yoke. Though Abkhazia obtained the status of a soviet socialist republic, having kept its territory, its statehood was incomplete as the control of and responsibility for a number of powers were transferred to Georgia on the basis of "the special treaty". But this had already happened in 1918, and we know how it all ended. History taught Abkhazians nothing. Constitutions of 1925 and 1926 confirmed the status of Abkhazia, and the country continued to remain sovereign with limited statehood in the TSFSR, through SSR Georgia. Being in political and legislative chains, Abkhazia step by step made desperate attempts to break free of them, entering into the Constitution a unique item - the right of free exit from under the guardianship of Georgia. This did not mean that Abkhazia would immediately take advantage of this right, but there would be a freedom of choice which people have in the majority of countries. But Georgia, like a tick in the body of Abkhazia, did not spare even a thought about granting the slightest freedom, carrying out a complete genocide in relation to the Abkhazian people, by conducting a policy directed towards their utter annihilation.

It is known that in Soviet Russia there were no elementary principles of democracy, there was a dictatorship by the central party leaders, and from the middle of the 1930s came an epoch of repressive methods of ruling. In these conditions each leader was obliged to be a member of the unique communist party and strictly to execute its decisions. Thus advice and recommendations of "the leader of the peoples" Stalin were the order for their irreproachable execution. For this reason, against the will of the people of Abkhazia, and only on the basis of a decision at 3rd Session of Central Executive Committee RCP(b), the country was compelled to be a part of Georgia as an autonomous republic. On February 11th, 1931 the sixth Congresses of Councils of the Georgian SSR and the Abkhazian SSR made the decision on transformation of the "agreed" Abkhazian SSR into the Abkhazian Autonomous SSR as a part of the Georgian SSR, as was reflected in the constitution of Abkhazia of 1935. This decision by the heads of the country caused an instant reaction from the

Abkhazian people. A protest against the decision was made at a meeting in Duripsh which lasted from February 18th until February 26th, 1931, and the people of the country failed to trust the government of Abkhazia. After acceptance of the new Constitution of the USSR at 8th Extraordinary Congress in 1936, and the termination of existence of TSFSR, Abkhazia's autonomy status in the Georgian SSR was definitively fixed.

In 1937-1938 in Abkhazia there passed a wave of severe political reprisals. The chairman of the Central Executive Committee of Abkhazia N.Lakoba, presumably poisoned during a supper with L.Beria, posthumously appeared as "the enemy of the people". All his relatives and colleagues were subjected to arrests, tortures, and physical destruction. The place of the chairman of the Central Executive Committee of Abkhazia was occupied by Beria's protege Alexey Agrba (he was arrested on September 18th, 1937 and shot on April 21st, 1938). In the autumn of 1937 in Sukhum, open litigation concerning 15 "followers of Lakoba" took place. However, the reprisal process continued afterwards. On incomplete data, 2186 persons were arrested, and of them 748 were shot. In August-September 1941 the second wave of reprisals began, and it fell upon the rest of the Abkhazian intelligentsia who had escaped during 1937-1938. Over this period the mass deportation (eviction) of Abkhazians from their historic native land occurred. On March 13th, 1945 the Abkhazian Regional Committee (and after it - on June 13th - the Central Committee CP of Georgia) accepted the decision: "About actions for improvement of the quality of teaching and educational work at Abkhazian ASSR schools". This actually destroyed the Abkhazian national schools, cancelled teaching of the Abkhazian language, and provocatively opposed the Abkhazian and Georgian cultures against each other. The genocide of the Abkhazian nation began from that moment.

In the country, discontent with the policies of the Georgian government, who occupied all key party and state posts, ripened. The people sated with mockeries and humiliation from the "superior" Georgian nation, already representing the majority of the population in Abkhazia by then, were ready to act on uncompromising decisions. In 1957 the Abkhazian intelligentsia addressed the central Russian authorities for the first time about the question of a transition of Abkhazian ASSR to the jurisdiction of RSFSR, and in 1967 representatives of Abkhazian society repeatedly brought up a question before the Central Committee of the CPSU and other authorities about an exit of the country from the structure of the Georgian SSR.

Counteraction against the central power by the Abkhazian people, concerning infringement of statehood, was most severely shown in 1978 after acceptance in the USSR of "Brezhnev's" Constitution. The constitution of Abkhazia had been the last to be accepted. This acceptance occurred at an Extraordinary session of the Supreme Soviet in a building of the Abkhazian Regional Committee of the Communist Party of Georgia, surrounded by troops. Discussion of the Constitution was accompanied by indignant people holding meetings in all Abkhazian cities and by strikes. The Abkhazian people demanded inclusion, in the text of the Constitution, of an item about the right of a free exit of the Abkhazian ASSR from the structure of the Georgian SSR, i.e. realisation of the basic requirement for which the country had struggled since 1918, from the moment of the beginning of the annexation of Abkhazia by Georgia.

Naturally, nobody considered the will of the people, and the Constitution was accepted with preservation of its former text. The Abkhazian people were deprived of the opportunity to create a state, and under the decision of party leaders the sovereign territory of Abkhazia was transformed into an appendage of Georgia. This was all contrary to the declared slogan of Bolsheviks that all oppressed nations have the right to self-determination, up to separation. Because of suppression by the ruling Georgian party leaders, "the Abkhazian letter" was written and sent to the XIX All-Union conference of the Communist Party of the Soviet Union (CPSU). Its authors - representatives of the Abkhazian artistic and scientific intelligentsia - brought up a request for a change of the statehood of Abkhazia, i.e. its transformation from an autonomy as a part of Georgia into a union republic. As no decision was found to this question, the Abkhazian community created a national Peoples' Forum of Abkhazia "Idgylara" (Unification) which took this question to a meeting of thirty thousand in Lykhni. This meeting sent a request to M.S.Gorbachev to remove Abkhazia from the structure of Georgia, to

give it the status of a union republic, and to introduce into the territory a form of “special management” from Moscow.

The above actions of the Abkhazian people underline and sum up the more than 70-year-old struggle of the country for freedom, independence and sovereignty. The people of Abkhazia in their attempts to free themselves of annexation by Georgia, saw the decision to the problem of statehood as unity with Russia, confirming and supporting a policy of the Bolsheviks offered to them in 1917.

Since 1989, Georgia has carried out actions directed towards an exit of the country from the structure of the USSR. Considering developing political conditions, a forum of “Idgylara” on July 8th addressed the Supreme Soviet of the USSR about the immediate introduction in Abkhazia of “special management”. Work on an association of progressive forces of all North Caucasus was simultaneously conducted. On August 25-26th in Sukhum 1st Congress of the people of the Caucasus took place, with participation of representatives of informal public organisations (national movements) of Abasians, Abkhazians, Adygs, Ingushes, Kabardians, Circassians, Chechens. The decision was taken to create the Assembly of the Mountain People of the Caucasus, for the purpose of a reconstruction of the Caucasian Mountain state, with its capital in Sukhum. At congresses and assemblies in republics of the North Caucasus, the requirement was expressed to the government of the USSR of “acceptance of immediate measures” on the protection of constitutional rights of the Abkhazian people, and presentation to Abkhazia of the status of “special management”.

In connection with decisions of the Supreme Soviet of Georgia, directed towards its exit from the structure of the USSR, a meeting of thirty thousand representatives of the mountain peoples of Caucasus on May 31st, 1990 in Sukhum demanded the exit of Abkhazia from Georgia. On November 1st-3rd in Sukhum the Congress of the mountain peoples of Caucasus confirmed a unification of the people of Abkhazia with the peoples of the North Caucasus.

In February 1992 the government of Georgia cancelled the Constitution of the Georgian SSR of 1978 and announced a transition to the Constitution of 1921, according to which Abkhazia unilaterally was entered into its structure and “is an integral part of Georgia with autonomous rights in local affairs”, and thus did not appear as a subject of legal state relationships. All aspects of the Soviet period introduced in Georgia since April 25th, 1921 were declared illegal. In this connection it was necessary to revise the legal documents forming the basis of present treaties, certificates and agreements between Georgia and Abkhazia, concluded during the period from the moment of formation of the state of Georgia until the present time. These actions actually also denounced the Alliance Treaty concluded in December 1921. In the overall USSR, Georgia and Abkhazia were connected only by the Soviet legislative and standard documents, and all of them now lost their legal force. Accordingly, the items of the Constitution of Georgia from 1922 and 1927, defining the entrance of Abkhazia into the Georgian SSR, and through it into TSFSR, lost their validity. The decision of the Soviet government from 1931 about transformation of the Union Republic of Abkhazia to an autonomous republic as a part of the Georgian SSR also became invalid. Besides, Georgia left the structure of the USSR, absolutely ignoring all Soviet laws.

By the moment of conducting a referendum in Georgia on March 31st, 1991, concerning the restoration of state independence (Abkhazia did not accept participation in it), there was a law regulating the exit of a union republic from the USSR. According to this law, autonomous republics had the right to solve the question of their legal status independently.

It is necessary to note that according to the Constitution of the USSR of 1977 autonomous republics were proper states. They had their own constitutions, and supreme bodies of legislative, executive and judicial power. Besides, according to the constitution, autonomous republics possessed exclusive sovereignty on their territories, hence the sovereignty of Georgia did not extend to the territory of Abkhazia even during Soviet times, i.e. each of them had their own territory.

Thus during this period Abkhazia possessed both administrative and territorial sovereignty, though its foreign policy was limited - not in favour of Georgia, but conducted according to the competence of the USSR which solved all international questions for allied and autonomous republics.

Autonomous republics, according to the Constitution of the USSR, participated in the decision of questions considered by the government of the USSR, and it therefore follows that they were subjects

of the USSR. Further to this, in the law of the USSR from April 26th, 1990 "About differentiation of powers between the USSR and subjects of the federation" it is directly said that "autonomous republics are Soviet socialist states which are subjects of the federation - the USSR". Thus, in spite of the fact that Abkhazia was an autonomous republic in the structure of the GSSR, relations between Georgia and Abkhazia were relations between states which were subjects of the USSR.

In an all-Union referendum on March 17th, 1991 the majority of the population of Abkhazia supported the continuation of the USSR on the basis of the updated treaty.

In a counterbalance to wrongful actions of Georgia, the Supreme Soviet of Abkhazia on July 23rd, 1992 by a simple majority of voices (36 out of 65) accepted the resolution "About cancellation of the Constitution of Abkhazian ASSR of 1978", having restored the Constitution of the Abkhazian Soviet Socialist Republic of 1925. Thereby the orientation of actions on maintenance of the sovereignty of Abkhazia and on preservation in Abkhazia of the Soviet socialist system was underlined. The State Council of Georgia accepted on July 25th a decision declaring this resolution void and without legal validity.

On the basis of the above material it is possible to make the following conclusions:

- 1) The leapfrog of acceptance of an uncountable quantity of Constitutions of Abkhazia testifies to the infringement of human rights in the country, and the continuous struggle of the native people for their rights, territory, statehood and sovereignty.
- 2) From March 31st, 1921 to February 17th, 1922 there existed the independent Soviet Socialist Republic of Abkhazia. It was called "independent" as within this period it did not enter into either Soviet Russia or Soviet Georgia, and on May 21st, 1921 Revcom of Georgia recognised its independence.
- 3) Two independent states with equal rights, the Soviet Socialist Republic of Abkhazia and the Soviet Socialist Republic of Georgia, signed the Alliance Treaty on December 16th, 1921, and entered a military, political, financial and economic union. In this treaty it was stated that the sovereignty of the Abkhazian Soviet Socialist Republic remained (item 4). In February 1922, 1st Congress of Councils of Abkhazia ratified this Treaty.
- 4) Abkhazia, as a sovereign state, participated on December 30th, 1922 in the creation of the USSR, and the representative of Abkhazia signed the Treaty on the formation of the USSR.
- 5) The character of interstate relations between Abkhazia and Georgia was reflected in the Constitution of Abkhazia of 1925. The sovereignty of the Abkhazian Soviet Socialist Republic was fixed in item 5 of this Constitution.
- 6) The territorial integrity and sovereignty of Abkhazia were fixed in the Constitution of Georgia of 1927, in which it was underlined that the Soviet Socialist Republic of Georgia was a state which was under construction on a federal basis.
- 7) The "agreed" Soviet Socialist Republic of Abkhazia, by the resolute decision of party functionaries, was transformed into an autonomous republic, and included in the structure of Georgia, on February 19th, 1931. The Abkhazian people protested against this decision at a national meeting lasting from February 18th to 26th, 1931 and failed to trust the government or Soviet power. Though according to the Constitution of the USSR the Abkhazian Soviet Socialist Republic de jure possessed both administrative and territorial sovereignty, and relations with Georgia had the character of mutual relations between states which were subjects of the USSR, de facto the sovereignty of Abkhazia was reduced and seriously limited.
- 8) The violent inclusion of Abkhazia within the structure of Georgia was wrongful, as this was not legitimate, and did not express the will of the people of Abkhazia.
- 9) In Abkhazia genocide and discrimination proceeded with renewed force, the colonial policy of the Georgian government having begun from the moment of occupation of Abkhazia by Georgian troops in 1918. It appeared in numerous actions, including:
  - a) Ideological war against the Abkhazian people;
  - b) Intensive settling of the country by Georgians;
  - c) Change of ethno-demographic balance in the country;
  - d) Transformation of Abkhazians into a national minority in their own country;

- e) In connection with the excess of the Georgian population, the transfer of all supervising posts in the country into the hands of Georgians;
  - f) Introduction in the country of the Georgian alphabet and replacement of Russian and Abkhazian languages by Georgian;
  - g) Large-scale infringements of the rights of the native ethnos;
  - h) Assignment and joining of territory of Abkhazia to Georgia;
  - i) Suppression of attempts at restoring the sovereignty and deprivation of any possibilities for its return;
  - j) Attempts to transform the sovereign state into a province or region within Georgia, in which the small nationality of Abkhazians live.
- 10) Throughout all the period during which Abkhazia was a part of Russia and the USSR, the Abkhazian people represented themselves as an independent sovereign state, and conducted a constantly uncompromising struggle against Georgian chauvinism, attempts by Georgia to capture the territory of Abkhazia, and the colonial enslavement of Abkhazians.
- 11) Starting in 1917, after the annexation of Abkhazia by Georgia and the overthrow by military Georgian administration of the legitimate government (the Abkhazian National Council) in 1918, Bolsheviks supported the creation of an independent Abkhazia. They took up all force and responsibility in the struggle against the Georgian interventionists, and in 1921 freed the country. The legitimacy of the Bolshevik government was confirmed by both Georgia and Russia, and this government, which existed before the disintegration of the USSR, was given the name ANC, which nowadays corresponds to the Parliament of Abkhazia.
- 12) Having appreciated the "friendship" of the Georgian revanchists, Abkhazians undertook desperate steps to refuse the "embraces" of their neighbour and for almost a century counted on Russian help in this struggle against Georgian invaders, and assistance in establishing the full statehood and sovereignty of their country.

## **2.6. The Abkhazian statehood during the post-Soviet period.**

Disintegration of the Soviet Union in 1991 sharply changed the political situation in the country and its statehood. The government of the USSR, understanding that an irreversible process had occurred under the influence of centrifugal forces and, aspiring to give it a civilised character, developed the law defining rules for the exit of republics from the structure of the USSR. The Constitution of the USSR provided such rules, but the method of implementing them had not been developed. The legalised method of exit of republics from the structure of the USSR applied to both union and autonomous republics which were a part of such union republics, and was regulated by the Law of the USSR from April 3rd, 1990 "About the order of decision of questions connected with an exit of a union republic from the USSR".

"Article 3. In a union republic incorporating autonomous republics, autonomous regions and autonomous districts, a referendum is conducted separately for each autonomy. The people of autonomous republics and formations have the right to an independent decision on the question of staying in the USSR or remaining with a union republic leaving the USSR, and also on the question of the legal status of their states.

Article 6.... In a union republic incorporating autonomous republics, autonomous regions, autonomous districts or places of compact residence of national groups mentioned in the second part of article 3 of the present Law, referendum results are considered by the union republic Supreme Soviet together with the Supreme Soviet of the autonomous republic and corresponding Councils of People's Deputies.

Article 9. Referendum results in a union republic about an exit from the USSR, and also opinions of the governments of union republics, autonomous republics, autonomous regions and districts, are considered by the Congress of People's Deputies of the USSR on presentation from the Supreme Soviet of the USSR, in coordination with the Supreme Soviet of the leaving republic. The Congress of People's Deputies of the USSR establishes a transition period not exceeding five years, during

which time questions arising in connection with the exit of a republic from the USSR should be resolved.

Article 20. Upon termination of a transition period or at the prescheduled settlement provided by the present Law, the Supreme Soviet of the USSR convokes the Congress of People's Deputies of the USSR to make the decision confirming the end of the process, with agreement of interests and satisfaction of claims of the leaving republic, and also of the USSR, union republics, autonomous republics, independent formations and the national groups mentioned in the second part of article 3 of the present Law.

From the moment of acceptance of such a decision by the Congress of People's Deputies of the USSR the exit of a union republic from the Union is considered to have taken place, and People's Deputies of the USSR from the leaving republic lose their powers. The Congress of People's Deputies of the USSR makes corresponding alterations to the Constitution of the USSR”.

As follows from this document, all actions necessary for the achievement of sovereignty for each union or autonomous republic of the former USSR were specified. The resolution of the Supreme Soviet of the USSR on April 3rd, 1990 “About putting into action the Law of the USSR “About the order of decision of questions connected with an exit of a union republic from the USSR” was also accepted.

It should be explained that the exit of republics from the structure of the USSR or from union republics (with reference to autonomous republics) was possible before the commissioning of the specified Law, but only if the interests of the parties involved - the USSR and the union or autonomous republics – were not thereby harmed. If infringement of the rights or freedom of one of the interested parties occurred, or if there was an infringement of the required steps to exit from an agreed relationship by one of the subjects of international law, documents on the basis of which illegal actions were made were considered illegitimate and void from the very beginning. Georgian “law creations” concerned such cases.

On the basis of the Law relating to secession from the USSR, autonomous republics, in the case of an exit of the union republic from the structure of the USSR, possessed the right to independently solve the question regarding their remaining in the USSR, and the legal status of their republic. Georgia, having broken the Law of April 3rd, 1990 and having taken a unilateral decision for itself and for autonomous formations within its structure, left the Soviet Union. Leaving the USSR, it illegally included the independent state of Abkhazia in its area of interests, having broken Article 3 of the Law on secession from the USSR and having trampled on the basic norms of international law. At the same time, the government of Georgia denounced all legislative documents accepted since 1921 during the existence of the USSR and RSFSR.

The Abkhazian ASSR, which entered into the structure of the former Georgian SSR in 1931 as an autonomous republic, should have been excluded from this structure, especially as Abkhazia, following Item 3 of the Law on an order of secession from the USSR, made the decision to remain as a part of the Soviet Union. According to Item 2 the decision was taken in favour of the participation of Abkhazia in a referendum on March 17th, 1991 “about the necessity of preservation of the USSR as an updated federation”. In that referendum with 318 thousand people having the right to vote, more than 166 thousand people (52.3 % of the population) took part, and 164,231 people, i.e. 98.6 %, voted for preservation of the USSR. According to Item 24 of the Law of the USSR “About national voting (referendum) in the USSR” the Central Commission of a referendum of the USSR established that in the Republic of Abkhazia the majority of voices of the population had voted for preservation of the USSR, and accordingly for staying within its structure.

Here it is necessary to report that even without the Georgian enclave of Abkhazia, who did not accept participation in the referendum, 51.6 % of all citizens having the right to vote supported Soviet Union preservation.

It is known that before the disintegration of the USSR, Abkhazia put a question about restoration of its status as a union republic, which had been lost due to Stalin’s decision, and stated it was not going to leave the USSR, having voted for Union preservation. The Supreme Soviet of the Abkhazian SSR, realising the incompetence of actions by Georgia, accepted on August 25th, 1990 the Declaration on

the state sovereignty of ASSR and the Resolution on legal guarantees of protection of the safety of Abkhazia.

“The declaration on the state sovereignty of the Abkhazian Soviet Socialist Republic is accepted by the tenth session of the Supreme Soviet of the Abkhazian ACCP XI convocation on August 25th, 1990

... The Abkhazian Soviet Socialist Republic is a sovereign socialist state created on the basis of realisation by the Abkhazian nation of its inalienable right to self-determination, and leadership of the people in determination of their destiny. The sovereignty of the Abkhazian Soviet Socialist Republic extends across all territory of the Abkhazian SSR.

The Abkhazian Soviet Socialist Republic possesses all completeness of government power on its territory outside of limits of the rights voluntarily transferred by it to the USSR and the Georgian SSR on the basis of treaties concluded with them...”.

In the resolution of the Supreme Soviet of the ASSR “About legal guarantees of protection of the statehood of Abkhazia” from August 25th, 1990 facts confirming the illegitimacy of Georgian claims in relation to the territory and statehood of independent Abkhazia, based on the historical development of mutual relations between these countries, are given:

“1. To recognise that the Democratic Republic of Georgia, having broken the Treaty from June 11th, 1918, and also the Agreement concluded earlier between the Abkhazian National Council and the National Council of Georgia from February 9th, 1918, carried out military intervention in the second half of June 1918 for the purpose of the violent joining of the territory of Abkhazia and liquidation of the independence of the Abkhazian people.

This action, which broke an international legal principle forbidding the joining of other territories by force, was illegal.

2. To recognise as illegal and void the part of the Treaty between Georgia and RSFSR which concerns the territory of Abkhazia, because this treaty was concluded on May 7th, 1920 under conditions of military occupation of independent Abkhazia.

3. According to the Resolutions of the Supreme Soviet of the Georgian Soviet Socialist Republic from November 18th, 1989, March 9th and June 20th, 1990 all state structures, existing and having existed in Georgia since February 1921, are recognised as illegal and void, from which it logically follows that all agreed relations between Georgia and Abkhazia, concluded by former public authorities, are also illegal, and the situation of Abkhazia being within the structure of the Georgian Soviet Socialist Republic is deprived of legal validity. Hence, the lawful form of statehood of Abkhazia is the Soviet Socialist Republic of Abkhazia created by the free will of the people of Abkhazia and proclaimed on March 21st, 1921”.

Relations between Soviet Georgia and Soviet Abkhazia arose in a certain historical situation, and they naturally lost their force at the same time as the disappearance from the historical arena of the Soviet Union.

It is necessary to note one more essential factor defining the adherence of Abkhazia to the USSR – the citizenship of its people. To understand this, it is necessary to look back into history. It is known that Abkhazia, in the form of a district, department, or independent principedom, was a Russian province in Transcaucasia, along with Tiflis, Erivan and other provinces of the Russian Empire. The people of these territories were citizens of Russia and any question about citizenship of other countries or about double citizenship did not apply, and could not apply. However, the ethnic component of the people living there was preserved.

With the wreck of the Russian Empire and the creation of a new statehood i.e. the Russian Republic (which occurred on September 1st, 1917), the Provisional Government, being a legitimate body, introduced the institute of citizenship in the country, covering all territories of the former Russian Empire. This was the largest-ever change in legal regulations concerning citizenship. All former subjects of the Russian state, such as inhabitants of Transcaucasia, including Abkhazia, from this date obtained a new status as citizens of Russia. From this moment the principle of receiving Russian citizenship “by the right of blood” began to operate, i.e. if parents are citizens of Russia, the citizenship of those parents is automatically extended to children born to them.

After the October revolution, the reformed state was identified as the inheritor of both the Russian Empire and the subsequent Russian Republic, and retained the created institute of citizenship. The decree of November 11th, 1917 cancelled the division of inhabitants of Russia into ranks and estates, and the privileges corresponding to these categories were withdrawn. The same term was simultaneously confirmed for all inhabitants of the reformed state i.e. the Russian Federation, which was the name “citizen of RSFSR”. On July 10th, 1918 the Constitution of the RSFSR was accepted, which proclaimed all who earlier had citizenship of the Russian Empire as citizens of the new state. There was an identification of the new state which confirmed its continuity both from Imperial Russia, and from the Provisional Government. On October 25th, the very day after concluding the October Revolution, V.I.Lenin on behalf of Petrograd Temporary Revolutionary Committee appealed “To citizens of Russia”, confirming the continuity of the republican power of the Provisional Government.

Governors of separatist countries, in particular Georgia, which established sovereignty on May 26th, 1918 and created an independent state, refused Russian citizenship. At the same time, an agreement with Georgia which would have provided an option for creation of its own Georgian citizenship upon its secession of the Russian Republic, was not signed by the representatives of Georgia. Suitable treaties were signed only with Lithuania, Latvia and Estonia. They, under the conditions of the Brest-Litovsk treaty, were given independence. In this instance, Georgia broke the norms of international law concerning the method of exit of a country from the structure of another state.

Abkhazia as an independent sovereign state through the institute of citizenship continued to remain as a part of the RSFSR, and its inhabitants possessed only Russian citizenship. This citizenship was retained during the period from 1918 to 1921, during the annexation and occupation of Abkhazia by Georgia, as inhabitants of Abkhazia during this period did not declare a refusal of the citizenship of the RSFSR or take Georgian as its basic citizenship (or double, along with Russian). If such a choice had been made, but had taken place under the conditions of annexation, it would have been legally insignificant.

In Abkhazia, Soviet power was established on March 4th, 1921, and at the same time the independent Soviet Socialist Republic of Abkhazia was proclaimed and formed at the 1st Congress of Councils of peasants’ and workers’ deputies. From the moment of releasing Abkhazia from Georgian occupation, i.e. March 1921, the country made a choice in favour of staying in the structure of the RSFSR as a Union Republic, thus keeping the status of “citizens of Russia” for the population of Abkhazia.

The sovereignty of the Soviet Socialist Republic of Abkhazia, in view of its voluntary joining the Transcaucasian Soviet Federal Socialist Republic (RSFSR) “is limited only by the subjects specified in Constitutions of these Unions”... Firstly, inhabitants of Abkhazia upon joining the RSFSR did not lose their Abkhazian citizenship and did not acquire Georgian, and secondly, voluntary membership on an equal rights basis provided the possibility, in case of need, of an exit of Abkhazia from this association, as defined by the equality of the parties.

The regulation about citizenship of the USSR from 1931 confirmed that each person who was in the territory of the USSR was recognized as a citizen of the USSR if not a subject (citizen) of a foreign state. The same document included the additional point that if a citizen firstly of the USSR was also a citizen of the union republic where he lived, the choice of citizenship of that union republic was a personal prerogative for each citizen of the USSR. The people of Abkhazia mainly made the choice in favour of: a) preservation of their citizenship of the USSR; b) receipt of citizenship of Abkhazia, which they possess hitherto.

The law on citizenship of the USSR from 1978 confirmed an accession to citizenship of the country, meaning Russian citizenship, for those persons who had it at that time, i.e. confirmed the citizenship principle “by the right of blood” and “by the right of birth”. Citizens of Russia by “the birth right” were the persons who were born in the territory of Russia until the moment of signing of the Treaty on the formation of the USSR (till December 30th, 1922), at which signing Soviet Abkhazia, as a sovereign state subject to the law, participated and thus was one of the founders of the USSR even if they have subsequently lost this status. The Law on citizenship from May 23rd, 1990 was also the

same. Both of these laws accordingly confirmed the status of Russian citizenship for the people of Abkhazia.

Laws of 1978 and 1991 gave citizens of the USSR the right to reside in any part of it, i.e. in any union republic, whilst remaining a citizen of the USSR, and the right to have in addition an accompanying citizenship. These laws allowed for moving to and resettlement in union or autonomous republics with a special ethnic structure and their own republican citizenship by persons having an ethnic type unusual for these countries. Under these laws, immigrants to Abkhazia from regions of Georgia who had Georgian (additional) citizenship streamed in and created conditions there for the destruction of its ethnos and state structure. However it is necessary to note that legal registration of republican and autonomous citizenship in the country was formally absent, therefore throughout all the period of Soviet power only Russian citizenship existed in Abkhazia.

Citizenship is a legal condition. The uncontrollable change of a demographic situation connected with the settling in a country of persons of other citizenship, as events of the last decade of the 20th century have shown, leads to irreparable consequences, up to a change of the form of statehood, replacement of ethnic structure of the population of the country, genocide, and, most importantly, creation of a fifth column attempting the overthrow of the existing political system, as took place in Abkhazia.

The laws stated above, confirming Russian citizenship for the people of Abkhazia, officially did this by "citizenship acquisition in a procedure for registration". The people of Abkhazia had the right to Russian citizenship, as did the population of other former republics of the USSR (nowadays the CIS), and were by definition citizens of the Russian Federation as no other option had been chosen in a referendum on March 17th, 1991. For reception of the document confirming Russian citizenship, a simplified procedure was introduced. Registration of this document is undertaken only by law-enforcement bodies.

By 1991 in the territory of the ex-GSSR which also included the Autonomous SSR of Abkhazia, there appeared two states not connected with each other: Georgia, which had declared its independence and secession from the USSR and refused Russian citizenship by this declaration, and Abkhazia, which continued to remain a subject of the USSR and whose citizens had kept Russian citizenship. Hence, the legal state relations between Abkhazia and Georgia, created and regulated by Soviet legislation, ceased also on the basis of Soviet legislation.

It is a fact that from the moment of acceptance by Georgia of "the Decree about Independence" on August 25th, 1990 till the moment of disintegration of the USSR on December 21st, 1991, Abkhazia remained a subject of the USSR, and in this capacity it participated in negotiations during which the question of reforming the USSR was being solved. During this period, the chairman of the Supreme Soviet of Abkhazia was a member of the Federation Council of the USSR (after its abolition - a member of the State Council of the USSR) and a member of the Supreme Soviet of the USSR. Abkhazia did not accept participation in presidential elections in Georgia and in the work of its authorities, because it could not be a subject of the USSR and at the same time be a part of independent Georgia. Moreover, according to regulations about the exit of republics from the structure of the USSR, the Supreme Soviet of the USSR did not make a decision regarding the allocation of autonomous Abkhazia to the separated Georgia. After the termination of existence of the USSR the Supreme Soviet of Abkhazia on July 23rd, 1992, according to regulations about secession from the USSR, made the decision to cancel the Constitution of 1978 and revert to the Constitution of 1925, according to which Abkhazia was a sovereign state, the subject of international law.

It should be noted that actions of the Abkhazian SSR in this case were defined by the Law of the USSR "About differentiation of powers between the USSR and subjects of the federation" from April 26th, 1990, articles from which granted it the following rights:

"Article 1... Autonomous republics are Soviet socialist states, and are subjects of the federation of the USSR. Autonomous republics and autonomous formations enter into union republics on the basis of free self-determination of their peoples, and possess all completeness of state power in their territories outside of the limits of powers transferred by them to the USSR and union republics.

Relations of autonomous republics and autonomous formations with union republics into the structure of which they are included, are defined by agreements and treaties concluded within the limits of the Constitutions of the USSR, Constitutions of union and autonomous republics, and the present Law.

Article 6. The exclusive management of the Union of Soviet Socialist Republics in the name of its supreme bodies of state power relates to:

Item 2) acceptance into the structure of the USSR of new union republics, and confirmation of any new or amended status of existing autonomous republics, regions or districts;

Item 3) the resolution of disputes between union republics, or between union and autonomous republics or formations, if the question is addressed to bodies of the USSR;

Article 11.... In case of contradiction between the Constitution of a union or autonomous republic and the Constitution of the USSR, the Constitution of the USSR operates. In case of contradiction of laws and other decrees of the supreme bodies of state power of union or autonomous republics with the Constitution of the USSR, the laws of the USSR and other decrees of the supreme bodies of state power of the USSR, the decrees published by corresponding bodies of the USSR operate”.

The position of the Abkhazian side which had supported the creation of the updated Union, did not contradict either with international legal norms, or with the current legislation of the USSR. The Republic of Abkhazia at the moment of formation of the Georgian Democratic Republic (on May 26th, 1918) was a sovereign state. Whereas legal state relations between Abkhazia and Georgia had arisen from the Treaty of June 11th, 1918 and from some later treaties and agreements, Georgia could not unilaterally change the character of mutual relations with Abkhazia, and, especially, considered it as a vassal region dependant upon Georgia. It also contradicted the legislation of the USSR regulating the relations between union and autonomous republics. Thus, actions of the authorities of Georgia led to a rupture in legal state relations between Georgia and Abkhazia. The documents accepted by the Supreme Soviet of Abkhazia show that as a result of earlier decisions accepted by the Supreme body of the Georgian SSR, the entrance of Abkhazia into the structure of Georgia under any conditions lost its legal basis.

As a result of the denouncement by Georgia of all legislative decrees and other legal documents accepted during the period from 1921 to 1991, concerning mutual relations with Abkhazia, and also as a result of the unilateral acceptance of the decision by Georgia about secession from the USSR and creation of an independent state, the treaty about the entrance of Abkhazia into the structure of Georgia automatically lost its validity. It contradicted agreed relations between Abkhazia and Georgia. Occurrence of the Abkhazian SSR in the structure of the GSSR started under the conditions of Georgia entering into the structure of the TSFSR and the USSR. As Abkhazia continued to remain as a part of the Union, it accordingly continued to also remain a sovereign state within its 1918 borders as a part of the USSR, and the subject of international law.

In historical and political literature covering the period of the exit of Georgia from the structure of the USSR, reference is made to documents denouncing legal decrees and mutual relations of the specified states. Originals of these documents are not always accessible, however we will dare to give excerpts from them and to give short comments about their contents.

One of the documents which led to the cancellation of all mutual relations between Georgia and the countries which were in the USSR included the decision of the Extraordinary 13th Session of the Supreme Soviet of the GSSR on March 9th, 1990 “About guarantees of protection of the State sovereignty of Georgia”. On the basis of the resolution of the committee of the Supreme Soviet of the GSSR, a conclusion was reached about infringement of the treaty of May 7th, 1920 by Soviet Russia, which had allowed troops to enter into the territory of Georgia. This troop movement was classified by Georgia thus:

“...from the legal point of view as military intervention and occupation... and from the political point of view as actual annexation. Condemning the occupation and annexation of Georgia by Soviet Russia as an international crime, Georgia aspires to the cancellation of consequences of infringement of the Treaty... and to restoration of the rights of Georgia recognised by Soviet Russia in this Treaty. The Supreme Soviet of the Georgian SSR declares illegal and void the Alliance Workers' and

Peasants' Treaty between the GSSR and the RSFSR from May 21st, 1921 and the Alliance Treaty on the formation of the Federal Union of the SSR of Transcaucasia from March 12th, 1922”.

We cannot dispute the actions of the Georgian side, although it is necessary to note that:

- a) Russia did not legally recognise the annexation of Georgia, or therefore their denouncement of the specified treaties, which is why the actions of Georgia were unilateral;
- b) discussion of any question of the legitimacy of the above treaties is groundless, as they were concluded between Russia and the legitimate Government of Georgia which ruled the country for a long period from 1921 to 1991;
- c) the recognition of the legitimacy of those or other treaties in the case of a change of political system of the country is its right. However, this action inevitably involves a chain of political and legal consequences, including mutual relations with neighbouring and other countries. By its actions, Georgia broke the confidential additional item of the Treaty from May 7th, 1920, containing the demand about the right of existence of the Communist Party in Georgia. Furthermore, the previously-mentioned facts about the wrongful inclusion of the territory of the independent sovereign state of Abkhazia into the structure of Georgia allow the right of revision and denouncement of this treaty. In the amendment to the specified Resolution from March 9th, 1990 the Supreme Soviet of the GSSR decided on June 20th, 1990:

“To add the following paragraph to the Resolution:

... The Supreme Soviet of the GSSR declares illegal and void all the documents abolishing political and other institutes of the democratic Republic of Georgia, and also replaces all political and legal establishments which were supported by an external force”.

This amendment together with the basic document from March 9th, 1990 confirmed (according to the modern Georgian government and parliament) the non-legitimacy of all ruling bodies of Georgia working in its territory from February 1921 to March 9th, 1990, without any exception. It also disavowed all decisions of those "illegal", "illegitimate" authorities in its territory. This means that documents about the conclusion of treaties with Abkhazia are illegal, namely: the Alliance Treaty from December 16th, 1921 about association on an agreed basis of the Soviet Socialist Republic of Abkhazia and The Georgian Republic, and inclusion through it of Abkhazia in the Transcaucasian Federation (ratified by 1st Congress of Councils of Abkhazia on February 17th, 1922); items of the Constitution of Abkhazia from April 1925; Constitutions of Georgia, the Transcaucasian SFSR and the USSR, concerning the inclusion of Abkhazia in these structures on any basis; the decree about transformation of the Abkhazian Soviet Socialist Republic to an autonomous republic in the structure of the GSSR from February 19th, 1931 and all subsequent decrees, resolutions and decisions of state, party and other authorities at all levels.

It is especially necessary to underline the illegality and illegitimacy of all decrees and actions of the government of Georgia regarding the resettlement of the ethnic Georgian population from areas of the administrative territory of Georgia to Abkhazia during this period. This action was no more than a purposeful anti-Abkhazian policy of the GSSR management co-ordinated with the Georgian management in Abkhazia, which led to a change in the demographic situation in Abkhazia, by a replacement and destruction of the Abkhazian ethnoses.

The legitimacy of our conclusion is confirmed by the termination on January 2nd, 1992 of the Constitution of Georgia which had legal force during the period from 1921 to 1992, defining the political and statehood status of Georgia as a part of the USSR and Abkhazia as a part of the specified states. This fact is underlined in the Declaration of the Supreme Council of the Republic of Georgia on February 21st, 1992 which put a definitive end to the definition of its mutual relations with Russia and Abkhazia. This declaration underlines that the Republic of Georgia is the legal successor to the only Democratic Republic of Georgia of 1918-1921 under its Constitution of February 21st, 1921. Having liquidated all legal bases defining its mutual relations with neighbours, the government of Georgia, from the moment of its declaration of independence, confirmed the absence of its legal state relations with Abkhazia, i.e. the absence of legal state continuity. Firstly, in connection with its infringement of conditions of the aforementioned alliance law on the exit of a union republic from the structure of the USSR; secondly, because although in the 1921 Constitution of Georgia Abkhazia also

appeared as a subject, this document had been developed and accepted by the Constituent Assembly of Georgia unilaterally without any agreement from the Abkhazian side. It had not been ratified by the Abkhazian parliament, and therefore did not come into force; thirdly, the Alliance Treaty with Abkhazia from December 16th, 1921 lost its legal force by the Georgian denouncement of all legal documents concluded after April 25th, 1921 and with infringement by Georgia of all aspects of the Treaty.

Drafts of the new Constitution were prepared and published in Abkhazia. They were discussed by the public in the mass media. For August 14th, 1992 a Supreme Soviet session was appointed where discussion of these drafts and of a Treaty about mutual relations between the Republic of Abkhazia and Georgia was planned. This Treaty was developed by one of the authors of the present work, and presented as a draft<sup>13</sup>. These documents might or might not be accepted. But it was the civilised, parliamentary way - not only non-aggressive, but also non-separative. Georgia answered it with an escalation of violence.

An eyewitness of these events describes them so:

“Having answered by aggression and genocide an appeal by the Abkhazian party to solve a problem within the limits of political, parliamentary discussion, Georgia trampled on the main principles of international law. And one can hardly believe that one hundred thousand Abkhazian people were interested in this unequal war, or that violent actions by Georgian invaders from the first minutes of their intrusion into Abkhazia would force everybody to take up arms. Perhaps the people of Abkhazia taking weapons in their hands to protect themselves is called aggressive separatism?”<sup>14</sup>.

“The war in Abkhazia began with invasion there by the Georgian army on a day when the parliament of this republic planned to discuss the above-named draft of the federal treaty which would be presented to the Georgian party. Georgia brought down to Abkhazia all the power of its military potential, including fighting aircraft and armoured units. In reply to the standard civilised, parliamentary methods of settlement of mutual relations which were offered by Abkhazia, Georgia applied brute force. For thirteen months the people of Abkhazia were exposed to destruction, monuments of culture were ruined, and all the economic infrastructure of the republic was completely destroyed and plundered. During the occupation of most of Abkhazia, hundreds of thousands of people were compelled to flee the country, including Jews whose evacuation was organised by the government of Israel, and Greeks by the government of Greece. Abkhazia was reduced to a condition when the only possibility of self-preservation was armed resistance to an aggressor”<sup>15</sup>.

This military intrusion was undertaken to put into practice the proclaimed slogan “Georgia - only for the Georgians” using the force of a weapon, though, as is known, Abkhazia is not Georgia.

Initiated by the government of Georgia, the rigid policy of Russia in relation to Abkhazia was to urge and compel it to reunite with Georgia. However a blockade of Abkhazia by Russia which proceeded for some years did not serve the interests of the Russian or Abkhazian people and did not given the expected results. The people of Abkhazia incurred, in the war imposed upon them, incalculable destructions and were victims subjected from outside to anti-humane deprivations. They did not show the slightest wish to associate with Georgia. At the heart of this modern social and political reality lies the historical experience of relations between Abkhazia and Georgia which in many respects apportion forces and interests in the formed geopolitical triangle.

After the war the parliament of Abkhazia, taking into account the above-stated, accepted the new 1994 Constitution which proclaimed the Republic of Abkhazia to be a sovereign, democratic, legal state, historically affirmed in 1917 by the right of the people to self-determination, and confirmed the present-day sovereignty of the country by putting the new Constitution into action.

With the question of the sovereignty of Abkhazia there was an unsolved problem - namely, its recognition by the world community - which required examination of the legal situation connected with the claim of Abkhazia to its statehood and sovereignty. The necessary documents were sent to the specialised international non-governmental organisation “Commonwealth of lawyers for cooperation in ATR”. This organisation executed an independent expert appraisal and prepared the following document: “The conclusion from a legal estimation of the essence of “Statements about measures towards a political settlement of the Georgian-Abkhazian conflict”. As a result of this

analysis of the legal situation in Abkhazia and its mutual relations with the world community, authors of the Statement reached the following conclusions:

“Statements about measures towards a political settlement of the Georgian-Abkhazian conflict” is the international (interstate) treaty.

Both conflicting parties act in it with equal rights as subjects of international law who have not been connected with each other in legal state relations.

In content, the Statement testifies to the intention of the parties to establish relations which are formulated as confederative.

The professor of international law R.A.Tuzmuhamedov”.

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*13 Shamba T.: The draft of a treaty about mutual relations between the Republic of Abkhazia and the Republic of Georgia. Abkhazia, June 1992, №23.*

*14 Shamba S.: To a question on the legal, historical and moral substantiation of the right of Abkhazia to independence. International law, 1999, № 4, p.225.*

*15 Shamba S.: The negotiation process: hopes and disappointments. Abkhazia - Georgia: Obstacles in the way of peace. Sukhum, 2000, pp. 4-12.*

The results of the present authors’ consideration of the latest period of existence of Abkhazia are the following:

- 1) In connection with the apparent disintegration of the USSR, Georgia, declaring independence of the state, left the structure of the Soviet Union, unilaterally having broken off all bilateral, multilateral and international treaties defining its stay in the Union structure.
- 2) During the period since 1989 Georgia has accepted a number of state documents denouncing all international treaties and agreements with both Russia and Abkhazia which came into force since February 24th, 1921.
- 3) Georgia, on leaving the structure of the USSR, unilaterally made the illegal decision to include Abkhazia in this action, which was, on the basis of the documents presented above, a sovereign and independent state having the right to an independent decision of the question of staying in the USSR; on the right to be defined as an independent state or to remain as a part of the union republic leaving the USSR. Therefore, contrary to international law, the current legislation of the USSR and the obligations taken up according to the treaties signed by it, Georgia illegally declared Abkhazia to be within the state structure of its own territory.
- 4) The Supreme Soviet of the ASSR and the Abkhazian government, not concordant with this illegal decision, made a decision to remain as a part of the USSR, as the Constitution of the USSR of 1977 allowed, and the Law of the USSR from April 3rd, 1990 confirmed the right of autonomous republics to independently solve the question about the destiny of the sovereignty of their country.
- 5) According to the Law of the USSR dated April 3rd, 1990, the Supreme Soviet of Abkhazia defined the statehood of the country - since August 25th, 1990 Abkhazia has been proclaimed as a sovereign state.
- 6) Abkhazia, being under the jurisdiction of the USSR, held a referendum on March 17th, 1991 according to the legislation, which confirmed that the majority of the population of the country expressed a will to remain as a part of the USSR. Since September 1st, 1917 the Abkhazian people have had Russian citizenship which has never been interrupted. The population of Abkhazia have never refused this citizenship officially, through a referendum or in any other way, and have never accepted citizenship of another country.
- 7) According to referendum data, being based on the decision of the people about the declaration of Abkhazia as a sovereign state and on the basis of the people of the country belonging to Russia through a citizenship institute, the Supreme Soviet of Abkhazia accepted the decision about cancellation of the 1978 Constitution of Abkhazia and about temporary use of the 1925 Constitution of Abkhazia.

8) During the moment when discussion of the Treaty on the basis of mutual relations between the Republic of Abkhazia and the Republic of Georgia, prepared by one of the authors of this book should have begun, Georgia started a military expansion against Abkhazia, proceeding from August 1992 till September 1993.

9) After the war the Supreme Soviet of the Republic of Abkhazia, according to the will of its people, accepted the Constitution on November 26th, 1994 in which article 1 says: “The Republic of Abkhazia (Apsny) – a sovereign, democratic, legal state which has historically affirmed the right of the people to free self-determination”. Since this moment the people of the country have confirmed their second citizenship - Abkhazian.

The Georgian side has refused to recognise decisions of the government of Abkhazia, directed towards confirmation of its sovereignty belittled because of Georgia, and opposes the existence of the Republic based on the Constitution of 1925 in all possible ways. The question is, why is Georgia permitted to return to its 1921 Constitution proclaiming its sovereignty and independence, but Abkhazia cannot return to its 1925 Constitution? It appears that the reason is that the Constitution of 1925 provides the SSR of Abkhazia with independence and sovereignty, i.e. the usual double standards are being applied.

It is necessary to consider this problem from the point of view of current Georgian legislation in respect of the examination made of it by the Institute of State and Law of the Russian Academy of Sciences. The full text of “An expert judgement about current legal state relations between Georgia and Abkhazia” is given in one of our works<sup>16</sup>.

Quotations from this document are given below:

“... According to the 1995 Constitution of Georgia, Abkhazia is a territorial unit of Georgia (part 3, article 4) with undefined status, and the status of Abkhazia will be defined after “full restoration of the jurisdiction of Georgia in all territory of the country” (part 3, article 2). At the same time it is necessary to remember that the specified Constitution of Georgia was accepted when Abkhazia already actually was not in the structure of Georgia, and the overwhelming majority of citizens of Abkhazia, either directly or through their representatives, accepted no participation in production or acceptance of the Constitution of Georgia. World history knows separate examples of attempts to decide through a constitution the destiny of a people who were not accepting participation in the process of approval of such a constitution; however, as a rule, similar attempts have ended without results. For example, in the 1958 Constitution of France, the section devoted to the Commonwealth which France hoped to create under its aegis from its former colonies in the process of their receiving independence. But the young independent states were rather cool concerning the given unilateral initiative of France, and statements in the corresponding chapter of the French constitution remained invalid until at last they were cancelled in 1995.

In the same way, the Constitution of Georgia has an item about “jurisdiction restoration in all territory of the country”...

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*16 Shamba T. : National relations and the state-legal policy of Russia. Moscow, 1999, p. 121.*

Note that at the moment of acceptance of the Decree about the independence of Georgia on May 26th, 1918, Abkhazia was a sovereign state and was not within the structure of Georgia. It was occupied by Georgian troops later, at the end of June 1918. Moreover, in February 1918 an agreement was concluded between the authorities of Georgia, preparing for the declaration of state independence, and the authorities of Abkhazia. In this agreement, the existence of uniform and inseparable Abkhazia, with limits from the river Ingur to the river Mzymta, was admitted. However, Georgia believes in the infringement of all international rules of law, and that it has the right to accept in relation to Abkhazia unilateral documents dictating the conditions of its existence, as is occurring against the background of the international community and the indifferent attitude of the former Soviet republics. Considering the situation, the authors of “the Expert judgement...” make

the conclusion that “from the point of view of the legislation of Georgia which was accepted in 1989-1991 and has received amendments in the latest documents, Abkhazia cannot be considered as a subject defined in legal documents as a part of Georgia, and the legal state relations between Abkhazia and Georgia have stopped”.

In 1995 Georgia accepted a constitution in which the legal registration of the development of its statehood, formed from the Constitution of 1921, set the legalised inclusion of Abkhazia in the structure of Georgia as its purpose. This was despite the existing rule of law that unilateral acceptance by any state of a constitution fixing laws about the occurrence in the structure of the given state of any territory without the approval of the population of this territory, having its own authorities, cannot have any legal consequences. In the same way, conclusions by other states of treaties with a state considering any territory as its own (without the approval of the population of this territory) does not mean that the population of this territory cannot carry out the right to self-determination and separate from the structure of the given state. So, international treaties concluded, for example, with Great Britain or France before the disintegration of their colonial empires did not prevent the creation of new independent states in place of their colonies. International treaties (only if they did not exclusively concern colonies) did not automatically stop their validity after liquidation of British or French colonial domination, though it is obvious that the territory under the control of British and French governments was reduced. These governments cannot have responsibility for the execution of treaties in the territory of former colonies. It is impossible to solve the destiny of the population of any territory without considering the opinion of the population. The will defined by representatives of this population has found expression in the fact that a Russian military contingent with a peace-keeping function is located in Abkhazia, under the tripartite decision of the governments of Russia, Georgia and Abkhazia.

In a legitimate attempt to consider Abkhazia as a part of the territory of the Georgian state, the Georgian side refers to the Russian-Georgian treaty of May 7th, 1920 recognising the border between the RSFSR and Georgia on the river Psou, with inclusion in the structure of Georgia of the Sukhum district. But from an international legal position the fact of its signing was an infringement of the international rules of law, and its content from the legal point of view is insignificant.

Further, in “the Expert judgement...” it is written:

“As Georgia (as can be seen from the legislative acts of 1989-1991 given above) does not simply put into question all the decisions concerning itself during the existence of the USSR, but legislatively disavows them, there appeared a question of the legitimacy of the territory of Georgia under Soviet power, including a question on the legitimacy of the occurrence of Abkhazia in the structure of Georgia. International law recognises the transformation of administrative borders into state borders in the situation of any definitely isolated part of the state existing at some borders, and transformed into a new independent state. However, world history knows a lot of examples when at the transformation of any part of the state into an independent state new borders appeared. For example, Ireland, both before its gain by England and as a part of the British Empire, was understood to be a territory of the whole island. But when Ireland was granted the status of a dominion (officially called The Irish Free State) in 1920-1922, and then at the declaration of the independent Irish Republic in 1937, the northern part of Ireland remained as a part of the United Kingdom of Great Britain and Northern Ireland. At the disintegration of the Austro-Hungarian Empire in 1918-1920 a number of independent states were formed. In particular, Czechoslovakia appeared. Meanwhile Czechia before its occurrence in the structure of the state of the Hapsburgs was an independent state, but as a part of the Empire had certain administrative borders. Slovakia was included administratively into Hungary before the formation of the Austro-Hungarian Empire, and, as a part of that Empire, was also considered as a part of Hungary. At the same time Transylvania, which had traditionally been a part of Hungary, was transferred to Romania under peace treaties. From more recent examples it is possible to mention the Dayton agreements which provided for the creation in the territory of Bosnia and Herzegovina of the Republic of Serbia and the Muslim Croatian Federation. Thus between them appeared practically new borders not existing previously... World history knows the division into independent states of any part of a state which was a uniform administrative and territorial unit. So,

India was under the sovereignty of the British Crown from 1877 to 1947, and then at the declaration of its independence three states were formed in its place: Burma, the Indian Union and Pakistan (later, the state of Bangladesh was separated from Pakistan). There is no basis to the belief that international law guarantees the preservation of uniform states formed from ex-union republics after the disintegration of the Soviet Union, contrary to the will of the people living in them. The presence of settled administrative borders of Abkhazia allows the belief that it can form an independent state in these borders. Usually, the right to self-determination of the people in the form of an independent state is easier to realise and quicker to organise if the people, within the limits of the territory which is a part of another state, already having self-government, have formed effectively operating power structures. As already mentioned, independent power structures in Abkhazia began to be formed in December 1917 (let alone during the centuries-old history of Abkhazian statehood), and again after Abkhazia became an autonomous republic as a part of Soviet Georgia within the Soviet Union. In particular, under the Constitutions of the USSR of 1936 and 1977 and under the Constitutions of the Georgian SSR of 1937 and 1978, the Abkhazian ASSR, as well as other autonomous republics, had a variety of attributes of the state: its own Constitution, legislation, state symbols, etc.”. Today historical justice is restored. The Abkhazian people have a state with strictly outlined territory, the Constitution, a government system and political power, legislation, concrete national interests and priorities in foreign policy. De jure the sovereign Republic of Abkhazia is independent. It asks nothing from anyone and does not restrain anyone's interests. It insists only on recognition by the world community of its de facto natural right to exist and to be included in the system of normal international relations.

It is necessary to consider one more question. After the exit of Georgia from the structure of the USSR and restoration of its own statehood, Georgia has refused Russian citizenship and has restored its own Georgian citizenship. Abkhazia, having found, on the basis of the circumstances given above, its independence, sovereignty and own statehood, has kept Russian citizenship and has introduced the institute of Abkhazian citizenship. Attempts to restore the sovereignty of Abkhazia always caused military aggression from Georgia, and only the victory of Abkhazians in 1993 has radically changed the political situation and ethnic structure in the country. Military actions in a conflict zone compelled a considerable number of Abkhazians, Armenians, and Russians to leave Abkhazia. Considering the question of the population composition in Abkhazia with respect to international law, it is necessary to note that only Abkhazians, Abazinians and other representatives of the indigenous population of countries possessing both Russian and Abkhazian citizenship are citizens of the state by right of birth, plus right of blood, plus right of soil.

However, in the territory of the independent sovereign state of Abkhazia, there appeared persons of Georgian nationality with Georgian citizenship, who refused Russian citizenship and did not wish to receive Abkhazian citizenship. A similar situation took place in practically all states in post-Soviet territory. The problem was solved everywhere thus: persons who do not have the host state's nationality should define their citizenship themselves, without dependence on their number in the newly-formed sovereign state. This proves to be true in practice in the state of Kazakhstan where representatives of that nation make only 40% of the population. Possible variants are acceptance of citizenship of the country of residence; departure to the country of one's own citizenship; further residence in the country without its citizenship, like apartheid (with a number of restrictions to one's rights). It is a problem which Abkhazia should have solved a long time ago, as arrival to the country of persons of other nationality, in particular Georgian, without their acceptance of Abkhazian citizenship, is fraught with new excesses and problems.

### **Chapter 3. Legal basis of statehood**

- 3.1. Sovereignty and general provisions of international law.
- 3.2. Historical aspects of the sovereignty of Abkhazia.
- 3.3. Legal confirmations of statehood of Abkhazia.
- 3.4. Statehood and the sovereignty of Abkhazia.

- 3.5. Georgian aggression and attempted annexation of Abkhazia.
- 3.6. About so-called “refugees”.
- 3.7. The role of international organisations in the Georgian-Abkhazian conflict.
- 3.8. Prospects of a decision to the problem.

### **3.1. Sovereignty and general provisions of international law.**

Before considering the question of a substantiation of legal aspects of sovereignty, it is necessary to give an explanation of the formulations and interpretation of some concepts and definitions.

Examples include: ethnos, the people, a nationality, the nation, a national minority, etc. For Abkhazia, the ethnos is Abkhazians together with closely related people of the North Caucasus (Adygs, Abazinians, etc.). They represent an isolated ethnolinguistic group. An ethnolinguistic group living in the same territory may be presented as a nation, as a people or as a nationality. As

L.A.Steshenko remarks,

“...in a broad sense the nation category can be defined as ethnosocial (and not always related by blood), a community with a developed and fixed consciousness of their identity (a common historical destiny, psychology and character, adherence to national material and spiritual values and national feelings, national symbols), and also (mainly at a formation stage), territorial language and economic unity which further, under the influence of integration and migratory processes, prove ambiguous, quite often losing their main meaning though by no means disappearing. Owing to various vital events, national unity can be supported by both material and (for a number of nations) by spiritual and psychological factors, in particular a common origin and historical destiny”.

All of this has direct relation to the Republic of Abkhazia and its people, as Abkhazians are not simply the nation, but the host nation. The number of defining signs of a nation also includes unity of the territory which it occupies.

Representatives of other nationalities who are also a part of the nation live in each state simultaneously with the native people (ethnos). The term and concept of “the native peoples” were introduced for the first time in 1957 by the ITO Convention № 107 “About the native peoples conducting a breeding way of life, in independent countries” and were confirmed by the similar ITO Convention № 169 of June 27th, 1989: “About protection and integration of the native and other populations conducting a breeding and semibreeding way of life in independent countries”. The native people, according to the Convention, are understood as the people living on their lands before the arrival there of settlers from other areas. But for some reason Adygs, Abkhazians, etc. are not considered as native peoples living primordially on their lands, though a large quantity of people from the central areas of Transcaucasia were artificially moved to their country for the purpose of transferring the Abkhazian monoethnos to a small nationality, and realisation of the “legitimate” capture of power by the creation of an artificial Georgian majority in the territory of Abkhazia. Besides, Abkhazians do not conduct a “breeding” or “semibreeding” way of life, and represent modern civilised people who are, as history confirms, the indigenous population, living on their own land and possessing their own sovereign and independent state by definition. In advance, we will say that the representatives of the Georgian nation occupying Abkhazia in the XX century, by one of the definitions given above, do not enter the concept of “the people of Abkhazia” and are invaders and newcomers, as the French were invaders and newcomers in Algeria and the Portuguese in Angola and Mozambique.

Concerning the question of the right of a people or nation to self-determination, it is necessary to consider the problem from the point of view of the possibility of development of the given people or nation. If all the necessary conditions exist for self-development, the question of national state independence or self-determination does not arise. In conditions when the development of the people is limited by the actions of another state (occupation or annexation), or as a result of dictatorship of the numerical majority of the people representing another ethnos, especially if this majority was artificially created (as took place in Abkhazia), there is a question of the right of the people and the nation to self-determination, and in this case it is lawful.

A considerable number of conflicts in the world are generated by one more numerous nationality using force to suppress the aspiration of a small nationality to independence. This is because small ethnoses, as a rule, together with independence also ask for territory on which they can enjoy this independence. The aspiration of a small nationality to independence, which is strictly called separatism, begins with the “small” peoples trying to study history actively. Then near to the textbook of history of the people, the geographical atlas is always found. During this period amazing things happen: the small people will come across pages of history when they were not small at all, and occupied a bigger territory than they do today. Then they investigate the history of “big” people and do not find any similar facts in it. The conflict begins with this discovery, and expands as the small people learn more and more of the facts confirming that the present majority became the majority by the intended policy of genocide and assimilation of the small people. At this moment the first explosion occurs, and the people start to fight for their rights, territory and sovereignty as a whole.

It should be noted that Abkhazia has always owned and now owns its own territory, and in this respect has all the foundations of sovereignty. The country territory is some kind of material resource for any state, without which it cannot exist. This is both a natural and social condition of its existence and functioning. Change of ownership of territory should and can occur only on the basis of self-determination by the peoples and the nations. Old methods of appropriation of territory - annexation, previous acquisition and cession - have lost their value and can be abolished and disavowed, if this does not contradict the main principles of international law, and gain as a way of acquisition of territories is forbidden under modern international law. But this is the theory, and in practice it occurs in another way. In our case, Georgia immediately used the aim of its withdrawal from the territory of Abkhazia to its own advantage. As Georgian power over this territory increases, the power of Abkhazians is reduced i.e. Georgia's introduction of its ethnos at its own discretion leads to extermination of the native people of the country.

The principle of a national approach in the practice of building a state plays the major role. The degree of its influence on a policy is so great that neither religion nor ideology can be compared to it. Only the sovereignty of the nation can provide legitimacy to the state, and make available the closest connection between principles of nationality and legitimacy. Necessity for the presence of statehood is defined by the people living in the local territory.

The creation of new superpowers is based in most cases on the use and application of force, and military expansion against states which are weak in the defence or economic spheres. But if the stronger state, using brute force, tries to impose its power on other people, why do the people of the oppressed but self-dependent ethnos not throw off their oppressors even if the order imposed by the oppressors, and the territorial integrity of the country, will thus fail?. This was performed by the people of Abkhazia in 1992-1993.

The major sign of the state is the sovereignty. The sovereignty of the people means its full power or leadership in the decision of major questions during the life of the country, the government receiving the legal opportunity to independently solve all pressing questions of internal and foreign policy. It concerns both its internal make-up and the organisation of mutual relations with other subjects of international law, etc. Important, but not fundamental in the existence of a state is its recognition by the international community. Sovereignty is leadership of the state in the country within its borders and independence on the international scene, and it appears immediately with the creation of a state, getting de facto status without dependence upon its recognition or non-recognition by other subjects of international law.

World practice of development of statehood and international law established foundations and principles of sovereignty a long time ago. These are the presence of ethnos, the nation owning its own territory, cultural property, presence of a national language and traditions of statehood. Thus possession of territory is a material basis of state and national sovereignty. As a political basis of sovereignty, the existence of a stable, developed state is required, as well as a sufficiently developed political organisation and power structure. A legal basis of sovereignty is constitutions, declarations, international treaties fixing a sovereign equality of states, their territorial integrity, and non-interference in their internal and foreign affairs.

In the world there always have been and still are states with formal or limited sovereignty. Formal sovereignty is considered to be when it is legally and politically proclaimed, but actually, owing to the influence of other states dictating their will to it, does not happen. Partial restriction of sovereignty can be compulsory or voluntary. Compulsory restriction is imposed by the winning state after a war (or under the decision of the Central Committee of the RCP - the CPSU Central Committee as it was in Abkhazia in 1935-1990), and it always means servitude.

Voluntary restriction of sovereignty can be supposed by the state under a mutual arrangement with another for the sake of achievement of certain common purposes for them, and also when an association in the federation occurs, to transfer to it a part of the sovereign rights. But in this case the right of refusal of such voluntary restriction should remain, so that the federal treaty does not become one-sided.

After acceptance of the Charter of the United Nations, the principle of self-determination of the people has repeatedly, since resolution 545 (VI) in the General Assembly, received confirmation in United Nations documents. Among them it is necessary to name a document accepted by resolution 1514 (XV) from December 14th, 1960: the Declaration on the assignment of independence to colonial countries and their people. Other such documents include the International pact about economic, social and cultural rights and the International pact about civil and political rights (1966) and the Final certificate of the OSCE Meeting (1975), in which the right of the people to dispose of their own destiny is especially underlined.

The principle of self-determination of peoples is fully and clearly shown in the Declaration on the principles of international law, concerning friendship and cooperation between states according to the United Nations Organization Charter, and the resolution 2625 (XXV) accepted on October 24th, 1970 which includes: "Creation of a sovereign and independent state, free joining to an independent state, or association with it, or an establishment of any other political status freely defined by the people, are forms of realisation by these people of the right to self-determination".

In the Declaration it is also emphasised that each state is obliged to refrain from any violent actions which could prevent the people from realisation of the right to self-determination.

An important element of the considered principle is the right of the people to ask for and receive support according to the purposes and principles of the Charter of the United Nations if they are violently deprived of their right to self-determination. The declaration states that "nothing in the above should be interpreted as authorising or encouraging any actions which would lead to a partition or to partial or full infringement of the territorial integrity or political unity of sovereign and independent states, observing in the actions a principle of equality and self-determination of the people..."

Thus, the parties which signed the Declaration oppose applications under an unreasonable and far-fetched pretext, ostensibly rendering assistance in realisation of the right to self-determination, or any actions breaking the territorial integrity and political unity of states, already "observing in the actions a principle of equality and self-determination of the people", by other states or international organisations. But this document is directed towards preventing demagogic use of the slogan of self-determination for any hostile actions concerning a state in whose territory two or more peoples live, voluntarily realising their right to self-determination in the form of joint residence. Towards this, some of the international documents accepted within the limits of the CIS, including Agreements on creation of the CIS (item 5, 1991) in which the parties have confirmed "inviolability of existing borders within the limits of Commonwealth", are directed.

The right of nations to self-determination and statehood is one of the higher achievements of civilisation, based on equality and mutual respect of the rights of all peoples without exception. At the same time, problems of international relations and, in particular, questions of national territorial determination, world experience shows to be the most complicated and difficult to solve. The reasons for that are two opposite approaches to the principle of self-determination. On one interpretation, the right to self-determination assumes the right of people to solve the question of their destiny and to simultaneously solve the question of the status of the territory occupied by them, and hence to define, according to their freely expressed will, the form of the state and its borders. The other interpretation

denies the people of the annexed area or state the right to determine their destiny, and thereby the destiny of the territory occupied by those people, if the country from which they wish to separate does not agree.

The moral and political characteristics of recreated states, and the legitimacy of their existence and functioning, are directly dependent upon the legitimacy of their methods of creation and on their degree of support from the population. From experiences of the formation of new states in various parts of the world, it follows that the states which have arisen with the support of the masses always have more chances of survival and further development than the countries which do not have such support, especially if power belongs to another state. History testifies that states arise and perish as a result of periodically increasing contradictions and conflicts within themselves and as a result of contradictions between the old state which is becoming obsolete and a rising new state. This process is endless, never interrupted and not avoiding any country. Collapse of the Roman, British, French, Portuguese, etc. empires, and of the USSR, testifies to this. Both superstates and ordinary states pass this way, undergoing considerable changes, and in due course leave the world scene. This process will certainly concern all states existing nowadays, even the apparently strongest and most stable in industrial, military and other fields: the USA, Canada, France, etc. The processes observed in the modern world confirm that in the near future the main accent in mutual relations between peoples will be transferred from economic aspects to ethnic, which will undoubtedly result (and already has resulted) in collision between not only states, but also civilisations.

The final certificate of the OSCE Meeting confirmed the Declaration of Principles by which state participants should be guided in mutual relations. It solemnly confirmed that, proceeding from a principle of equality and the right of peoples to dispose of their destiny, "all peoples always have the right to define, under conditions of full freedom, when and how they wish, their internal and external political status without intervention from the outside and to carry out at their own discretion their political, economic, social and cultural development". All the international documents mentioned above proceed from this inalienable and non-cancellable right.

The subjects of international law involved in the process of self-determination are considered to be: the people, aspiring to take advantage of their inalienable law; the state in whose borders these people live; interstate organizations; struggling nations in the name of bodies of national resistance, as initial subjects of international law; and also transnational corporations, people and representatives participating in the economy, and international non-governmental organisations. As for the people, it is a question first of all of the population long since living in a certain territory - the host nation, which on occasions (and this concerns Abkhazia) makes less than 50 % of the whole population. But especially for this nation and these people, the possibility of their own development is provided. The requirement to honestly carry out the instructions of international law concerning the principle of self-determination is initially addressed to the state from which the self-determined people are separating. An unconditional duty of the state to respect the expressed will of the people corresponds to the right of the direct subjects of legal relations - the people making the free decision about their destiny, up to separation. Hence, the necessity of submission to the will of involved people represents the essence of the principle of self-determination. This is fair for the states whose evolution occurred in the background of natural historical events, as was the case in Abkhazia till 1864.

As to the development of evolutionary processes during the subsequent period in Abkhazia, it is necessary to take into account the settlement of a wide territory by people from areas of Central Transcaucasia (Georgia, Armenia) and from Russia, which completely changed the demographic condition of the country. In world opinion, such actions by an aggressive state are considered as colonial policy, annexation or occupation, and first of all steps must be directed towards the ending of the occupation and the exile of an aggressor from territory grasped by it, and towards the elimination of all consequences of such a policy. In the majority of countries which achieved independence, repatriation of newcomers and their descendants, even those who were born in the occupied country, was a consequence of illegal settlement by foreign people, as was the case in Abkhazia.

According to Article 27 of the International pact about civil and political rights, in the countries "where there are ethnic, religious and language minorities, persons belonging to such a minority,

cannot be refused the right... to use its culture, to practise its religion, to execute its ceremonies, and also to use their native language". It is the list of those human rights which were broken concerning the Abkhazian people. Resolution 47/135 of the United Nations the Declaration on the rights of persons belonging to national or ethnic, religious and language minorities had been accepted. But it was all declared for "national minorities", and after all Abkhazia was an original country, a state occupied by its native people, making a nation which by usurpation of power, and territory annexation, was made a national minority under a colonial regime.

In the advisory conclusion about Western Sahara the International Court, referring to the well-known Resolution 1514 (XV) of the General Assembly of the United Nations, confirmed that "application of the right to self-determination can be carried out only under the conditions of the free will of the interested people". The International Court also noted that Resolution 2625 (XXV) of the General Assembly of the United Nations "once again reminds us of the necessity to take into consideration the will of the interested people". Forms of realisation of sovereignty can be various - from national and cultural autonomy, territorial federation, or democratisation of the state up to full separation into an independent sovereign state. Resolution 49/148 of the General Assembly of the United Nations, called "World realization of the rights of the people to self-determination", says: "The General Assembly of the United Nations... underlines the importance of world realisation of the rights of the people to self-determination for an effective guarantee of human rights". Also, the resolution of the 49th session of the Committee of the United Nations on March 8th, 1996, on the destruction of racial discrimination, states in Item 7 Part V: "... The right of the people to self-determination is one of the main principles of international law". The question of how to carry out and reveal this will of the people is not legal, but political. Its decision depends upon the competence of governments, the local and central authorities which should ascertain the free will of each person in the given territory and, in case of self-determination of the people and exit of the territory from the structure of another state, to take all measures for the realisation of a peaceful, nonviolent change of statehood.

When there is a speech about the Republic of Abkhazia, many publicists and politicians necessarily add the definition "self-proclaimed", aspiring thus to underline the "second-rate" status of the country. It is necessary to be reminded that many states of the world, including the USA, "the sample of modern democracy", are self-proclaimed. As is known, in 1776 thirteen British colonies of North America accepted the Declaration of Independence, and thereby "self-proclaimed" a republic, and then by an armed struggle compelled their mother country to recognise their independence. Almost all South American states were self-proclaimed. In the 1820s they proclaimed independence and forced Spain to recognise their sovereignty through military actions. In Europe, Belgium and the Netherlands are included in the number of the self-proclaimed. Algeria too "self-proclaimed" independence and after a liberation war forced France to recognise the new state, despite the counteraction of some groups lamenting the sad destiny of one million French "refugees", or repatriates to be exact, lodged in that country in colonial sovereignty, and in the 1960s expelled from "their" land. As it is possible to see from these examples, the fact of self-declaration is not something unusual in world history or in international law.

The principle of the integrity and inviolability of a country also considers in an equal measure the prohibition of its violent partition or capture and seizure. Similar actions from abroad, from whomsoever they proceed, are classified as actions of direct aggression. Each state has a right and a duty to protect its territory and the citizens living on it. At the same time, the Charter of the United Nations does not use the concept of integrity of territory. It is a question of "territorial inviolability", and the given concept is not concerned with self-determination, but with the non-use of force between states.

It is well-known that at the collapse of the USSR, Yugoslavia, and Czechoslovakia, nobody showed a wish to infringe the integrity of these states. The world community never undertook to keep the borders of any state which signed the Helsinki Agreement. As V.P. Stupishin notes in the article "Nations and freedom, real and imaginary", to give up "the right to self-determination means to doom all ordinary people at best to violent assimilation, and at worst to extinction". Within living memory, numerous examples of imperialist colonial powers putting forward such slogans as "Algeria is

France”, “Mozambique is Portugal”, etc. have occurred, where the seized countries attached by force were declared “uniform and indivisible” territories of mother countries, who violently kept possession and confirmed that any self-determination by the people threatened the territorial integrity of the multinational colonial states and the firmness of their frontiers. The same occurs today in relations between Abkhazia and Georgia.

The concept of self-determination of the people has received a further development in United Nations documents. The General Assembly defined colonialism and all other forms of foreign domination and exploitation as an infringement of the right of the people to self-determination and of fundamental human rights, and as the right to self-determination is among collective human rights its negation also represents a mass infringement of human rights. However the world community organisations (the United Nations, EU) shut their eyes to these illegal actions by Georgia in Abkhazia. To show how political propaganda works in practice, as a veiled kind of leader to infringement of the rights of the people, we will quote from the letter written by A. Totadze, in charge of international relations for the Central Committee of the Georgian Communist Party, to the magazine "Dialogue" (1990 edition), in reply to A. Tausova's article “The day before” in № 13 of this magazine:

“The formation of the Abkhazian ASSR was an error from the very beginning, and it did not deserve this status basically because of two circumstances: the native Georgian population of Abkhazia quantitatively was much larger than that of Abkhazians, and under the practice operating at that time, for assignment of the status of a Soviet republic its population should make more than one million... Perhaps A. Tausova and like-minded people will explain to us whether Abkhazia ever existed, or where it was situated?

It is interesting why Abkhazians so assiduously voice the groundless opinion that in Abkhazia Georgians ostensibly lived in insignificant numbers, and its only indigenous population are Abkhazians. Why is attention directed only to growth in the Georgian population, whilst representatives of other nations have increased in much greater quantities? There is a question: how to answer the fact that Georgians have lived in Abkhazia from time immemorial?”.

Very good questions! We hope that they are fully answered in the present work.

The principle of self-determination mentions not only the rights of the people, but also relations between the state and the person. The rights and freedom of the person and the right of the people to self-determination are interconnected and mutually dependent. There cannot be a speech about using the rights and freedom of the person if its collective right - the right of the people to self-determination – is not recognized, and conversely, it is impossible to carry out the right to self-determination if human rights are broken. The resolution of the General Assembly 637 (VII) of the United Nations on December 16th, 1952 specifies this interrelation and mutual conditionality, in which it is noticed, in particular, that the right of people and nations to self-determination is the precondition for using all major human rights. Therefore all international certificates about human rights carry the right of the people to self-determination as one of the basic, fundamental human rights. Only the Abkhazian people living in their own territory can define their own statehood, or confirm it if it already existed a long time before its de facto sovereignty was interrupted owing to various influences both from the outside and from within. Hence, from the point of view of international law, the Abkhazian ethnos has all the preconditions necessary for the recognition of Abkhazia de facto and de jure as an independent sovereign state.

V. Ilyin notices that for the development of a people or nation, a symbiosis of national aims and the political, economic, social and cultural interest of the nation is always necessary, thus no idea can be separated from these interests. The policy is always the balance of forces equalising expansion and national will. For this reason, active resistance from the people of Abkhazia to the attempt at its annexation by Georgia, and to Georgia's political expansion, took place. Its forces were not in a condition to defeat such counteraction by the Abkhazian people, and it is impossible to change this attitude of the country - it can only be destroyed, as the leaders of “democratic” Georgia tried to do. It is possible not to recognise its sovereignty, it is possible to arrange a blockade, to transfer terrorists to the territory of Abkhazia - but these mean nothing, if there is a people and army in this country.

Imperialist formulas about “uniform and indivisible” possession, put forward under the pretext of protection of the territorial integrity of the state, in practice, as a rule, excused policies of annexation and national seizure. It is regrettable that such relapses into imperialism occur at different times, and currently this directly concerns Georgia and its mutual relations with Abkhazia. Revival of such ideas of serfdom is naturally accompanied by negation of the right to self-determination of the people, by which the fate of a silent appendage, in the form of the annexed areas, is prepared. The principle of self-determination assumes the possibility and legitimacy of change of the political status of the people, and thereby the possibility and legitimacy of change to the status of the territory occupied by it. On this basis, changes to borders of the state which result from occupation, breaking national independence, national unity, or the territorial and ethnic integrity of the people are lawful. Here there is no contradiction with the right to territorial inviolability. After all, as we already mentioned above, the principle of territorial inviolability concerns the protection of states against external encroachments onto their land.

At any real collision of principles as detailed above, it is necessary to ascertain:

a) Whether the "offending" government observes the principles of equality and self-determination of the peoples;

b) Whether the government really “represents all peoples” living in the territory of the given state, and whether there is no discrimination by “race, creed or colour of skin”.

If a state keeping the people within the limits of a territory does not answer these minimal requirements it should voluntarily agree in the name of justice that the people seeking self-determination will say so. The methods of self-determination are known - creation of a sovereign and independent state, free joining to an independent state or the establishment of any other political status.

Which form to select depends upon the will of the people. In a case when the state neglects its international obligations and applies repressive measures against the people demanding self-determination, they have a full right not only to show resistance, but also to address other states, or the international community, for help. All other states not only should render no help to the annexing state, but, on the contrary, are obliged to render to the people struggling for a statement of their right to self-determination, all necessary moral and material aid. In the particular case of Abkhazia, Russia is twice obliged to render such help - not only as a neighbour, but also as the original perpetrator of the present situation.

Concerning the institutional basis of statehood, it is necessary to consider the power which is violating the rights of the people, carrying out terror against the people, is not recognized by society and gives the need for civil disobedience. The international community recognised the following forms of the will of the people as an implementer of the right to self-determination: articles in the press, indignation, protests, revolts, national meetings, decisions of a representative body, and the resolutions of public organisations. The higher organized forms of direct democracy are plebiscites (referenda) 17. These actions are especially lawful if the power which is violating the rights of the people is foreign, and the government representing this country is an aggressor. In this case the annexed state falls under the criterion of “foreign dependence” or “other forms of foreign dependence”, as is the case concerning Abkhazia.

Consideration of infringements of these rights as penal international crimes becomes one of the legal guarantees of observance of the right of the people to self-determination. In the draft of “the Code of crimes against the peace and safety of mankind” developed by the Commission of International Law on the instructions of the General Assembly of the United Nations, special kinds of crimes are allocated as extremely gross infringements of the right to self-determination: an attempt at annexation, an establishment or preservation by force of colonial domination, forced submission of any nation, or part of it, to foreign domination, etc. The seriousness of such crimes is shown by the fact that they undermine the basis of existence of a human society, such as took place in Abkhazia up to the end of the 20th century.

Connection of these types of crimes with infringement of the right to self-determination is especially visible in the case of an annexation, which means not only violent seizure, but also forced retention of

the region by a foreign power, contrary to the will of its population. Annexation, according to the definition of aggression developed by the international community and accepted by the General Assembly of the United Nations on December 14th, 1974, is a part of this international crime and merits international responsibility.

It is very important to define what is necessary and sufficient for the recognition of state sovereignty. The basic attributes defining conditions of self-determination of a nation are:

- 1) presence of own territory and indigenous population united by citizenship;
- 2) presence of an operating constitution accepted by legitimate representative body;
- 3) statehood and power institutes - a working parliament possessing legislative powers;
- 4) laws accepted by parliament and obligatory for execution by both citizens and government institutes;
- 5) a general state language for the whole population;
- 6) political and economic independence from other countries.

According to the latest requirements of international law and the demands of people for self-determination or for the joining of one state to another, historical, ethnographic and economic reasons are usually considered, and also the will of the population of disputed territories (for self-determination) is taken into account. For the Abkhazian people, the nation possesses all these given signs.

It appears that for a recognition of the full sovereignty of a state this is insufficient. Practice shows that even the smallest state structure will be sovereign *de jure* only if and when its sovereignty is recognised by the majority of countries. The important factor influencing the existence of a state is its viability, and this concerns small states in a major way. Great powers possess full independence and sovereignty, but for small nations these always present problems. Their sovereignty, as well as their independence, is always in doubt, and subject to repeated investigations from their neighbours, especially if these are large states. However, small states, in the case of conflict situations, always have the possibility of obtaining help from other neighbours.

Expansionists, aspiring to the seizure and capture of another's territories, do not of course concur with this interpretation of the right to self-determination. They have always tried, and are still trying, to present this democratic form of mutual relations between peoples as undesirable and breaking the "lawful" status quo of "separatism".<sup>18</sup> This is also promoted by a substitution of the concepts which occurred in the Final Helsinki Agreement. The slogan "territorial inviolability", providing for the inadmissibility of aggression, annexation and occupation, and wars as a whole, was changed to the slogan "territorial integrity", thereby legalising all kinds of "Anschluss" and presenting an insuperable barrier to people, nations and ethnoses seeking realisation of their legitimate right for self-determination which, by the way, was declared by the same Helsinki Agreement and other international documents.

In resolution 2200 (XXI) of the International pact about economic, social and cultural rights, accepted on December 16th, 1966, it is stated that: "All peoples have the right to self-determination. Due to this right they freely establish their political status and freely provide economic, social and cultural development" (article 1 item 1). Having signed the Final Helsinki Agreement, the participating states were obliged to respect "the right of the people to dispose of their destiny", having confirmed that "all peoples always have the right to define, under conditions of full freedom, when and as they wish, their internal and external political status without intervention from the outside, and to carry out their political, economic, social and cultural development at their own discretion".

<sup>17</sup> As is known, the question on the independence of East Timor, occupied by Indonesia for more than 25 years, was solved by a referendum in 2002. After the fall of the dictatorship of General Suharto, the new authorities of Indonesia had to recognise the will of the people on the small island, of whom a third had been killed in 1975-1979 during the annexation and occupation of this territory.

<sup>18</sup> States preventing the fair requirement of self-determination for people use the term "separatism" in an abusive, offensive sense, although it only describes the evolutionary development of countries

in the course of formation of their statehood. Separatism is the political movement whose purpose is the separation from a state of part of its territory, creation therein of a new state (name) and diplomatic recognition of this state by the international community. Upon achievement of this purpose, separatism exists no longer. Along with separatism there are also other kinds of national movements: irredentism - movement for separation for the purpose of subsequently joining a territory to a neighbouring state, and autonomism - not encroaching on the territorial integrity of the state.

Some leading Georgian politicians name the struggle of the Abkhazian people for their rights as "aggressive separatism". Is it possible to name the aspirations of Abkhazians to solve their problems by civilized parliamentary means, in response to bullying Georgian chauvinism, as "aggressive separatism"? By the way, Abkhazians are supported by all non-Georgian nationalities in Abkhazia. Where is the line between separatism and sovereignty, and why does the concept of "separatism" concern Abkhazia? This label only confirms the desire of Georgia to grasp territory not belonging to it, therefore for a justification of its aggressive and expansionist actions it looks for and uses such labels. It is very strange that the international community has taken an absolutely clear approach regarding Abkhazia - it has affirmed that the self-proclaimed independent republic does not admit that it should remain an integral part of Georgia.

The time has come to call things by their proper names: chauvinism is chauvinism, annexation is annexation, liberation of the people is liberation. It is necessary to completely eliminate the double standard concerning self-determination: one rule for Algeria, Bangladesh, East Timor, Goa, Western Sahara, Macao, Palestine, Papua-New Guinea and many other countries and territories (even the USA, "a democracy stronghold", in 1775 eventually gained independence by "self-declaration"), and another for Abkhazia, for example.

The connection between observance of the right of people to self-determination and the prevention of international conflicts and wars was addressed in resolution 545 (VI) of the General Assembly of the United Nations, related to international peace preservation, which was accepted on February 5th, 1952. Infringement of this right always was an occasion for war, always led to bloodshed, and is considered as a constant threat to the world (*casus belli*). The general Assembly of the United Nations correctly speaks about the necessity of reckoning with the political expectations of all peoples, promoting these whilst preserving international peace and safety and developing a friendship between nations based on recognition of the principle of equality of the people and their right to self-determination. In practice, international relations, as well as available standard material, confirm that from both political and legal points of view the right of peoples to self-determination is both a precondition and a necessary condition of the world for friendship between peoples and between states. Thus the right of nations to self-determination as an imperative norm should always be recognised for all cases, no matter under what circumstances and on what basis the territory whose people bring attention to the question of self-determination was joined.

As for Abkhazia, there are some questions which are insufficiently explained in international documents, or are not considered at all during the study of problems of its sovereignty, unless a tendentious approach is taken at their discussion. These questions are the following:

- 1) How to solve the problem of restoration (not acquisition) of the sovereignty of Abkhazia, which was lost owing to aggression from the state which seized that country (Georgia), and also how to proceed if, thanks to a successful attempt, this sovereignty is returned, but the world community does not wish to recognise it?
- 2) What to do if one of the states (Georgia) concludes with the other (Abkhazia) a political, economic or military union by means of military or other force, imposes another hegemony, and thereby changes Abkhazia's status, statehood, ethnic structure of the population of the country, national policy and culture?
- 3) How to exist if neighbouring states (Russia<sup>19</sup>, Turkey) and world community organisations (the United Nations, the European Union, etc.), owing to unclear circumstances indifferently observe from the sidelines an occurring genocide, direct aggression and attempts at destruction of one of the most ancient ethnoses, and sometimes assist in these actions?

In Transcaucasia the situation has arisen in which the state of Georgia, existing for less than a century, using a policy of expansion and active military aggression during criminal non-action by the world community (and frequently with its complicity and help), could enslave, colonize, and for a while completely occupy the sovereign state of Abkhazia, carrying out a genocide leading to the destruction of its autochthons (the ancient ethnos of Abkhazians), and to the appropriation of territory primordially belonging to the Abkhazian people. The periods 1918-1921 and 1992-1993, when military and political expansion by Georgia took place in relation to Abkhazia, accompanied by intervention, occupation of the country and its political annexation, are known to the whole world. Finally, the occupation of 1918-1921 resulted in the violent change of a political system, which is defined as "the violent intervention of one state in the internal affairs of another, directed against its territorial integrity, political independence, etc.". The military intervention which took place during the specified periods is the most dangerous type, and represents aggression.

The right to an establishment of the fact of aggression, the most dangerous kind of international crime, belongs in each concrete case to the UN Security Council. In the case of direct aggression, the question of its identification does not usually arise - it is any military occupation and annexation with the use of force and weapons, or the blockade of ports or coast by armed forces of the invading state.

19 As for Russia, it is hardly possible to name the circumstances as unclear. Here we have both the influence of "the Georgian lobby" and fear of losing its position in the Caucasus (by the way, this has been lost for a long time, because of the cowardly policy of the Russian authorities - in the Caucasus, as is known, people first of all respect force and boldness), plus the desire not to think about the possibility of revising the results of the "Belovezhsky deal", and many other things.

Military occupation is classified as temporary occupation by armed forces of enemy territory during a war. The state, submitted to interventions, military aggression and an annexation attempt, being in an occupied condition, has the right to struggle against an aggressor by all means accessible to it. Thus self-defence can be individual if the state possesses sufficient resources for resisting aggression, and collective, being the victim state's right to reflect aggression together with other states, and it can address the third states with a request for help in resisting attack. Such help can be given in many ways - from delivery of weapons to direct participation in resisting aggression. Concerning both the beginning and termination of actions on the basis of collective self-defence, all rules obligatory for individual self-defence operate.

In the document accepted by the General Assembly of the United Nations on December 12th, 1973 [resolution 3103 (XXVIII)], it is stated to be true that "the struggle of the people who are under both colonial and foreign domination and the control of racist regimes, for realisation of the right to self-determination and independence, is lawful, and completely corresponds to international law principles" (item 1).

V. Chernichenko notes that the victim state has the right to use armed force in self-defence, but stipulates that it should be individual self-defence which provides a lawful application of force, and the main task, along with rejection of the armed invasion, should be the prevention of any escalation in armed conflict. Protective actions include the armed response of the state and the people, as a reaction by the victim state to the illegal application of armed force by the aggressor, i.e. one of the most dangerous methods of breaking the principle of the non-use of force. If the actions of an aggressor have the characteristics of a confrontation and occur in the territory of the victim state, any actions of the latter for the purpose of suppression of this infringement, proportional to its scale and intensity, are justified. According to article 51 of the Charter of the United Nations, self-protective actions should proceed only till the moment of acceptance by the Security Council of the measures necessary to end the heinous crime and restore international peace and safety.

As the above material shows, the international community possesses a sufficient arsenal of rules of law, and precedents for their decisions, in the field of problems to be considered. The question is only why till now have these norms not been applied to Abkhazia?

The United Nations declare that all people and states, irrespective of their sizes of territory, population or level of development, are in an equal position (which it is impossible to say about those

states which are not members of the United Nations). Tens of dwarfish, so-called ministates, as members of the United Nations, have sovereign rights on a level with those of China with its milliard population, or such giants as the USA, India and Russia, bringing their contribution to a common cause. Along with these there are states, in particular Abkhazia, whose equality with others even similar or smaller in population and in size of territory, does not, according to the world community organisations, grant the right not only to reception, but even to restoration of sovereignty. Thus the United Nations, declaring its position about the equality of all countries in respect of their sovereignty, distinguishes from the general list those who are less equal than others. A very strange approach to the definition of equality between the states is thus taken. It is supposed that only members of the United Nations can be subjects of the law. However, according to Roman law, each state is a legal body (*universalitas personarum*) and, as a legal body, is a subject of the law and should be recognised by the law (*lex generalis*).

Concerning interstate relations between Abkhazia and Georgia throughout the long period of their mutual coexistence, numerous infringements of international law occurred which seriously abused the rights of Abkhazians as a people and as a nation. Subjects of the law have the official opportunity to undertake legal actions which become legal facts when they are directed towards the conclusion, change or termination of legal relations. In particular, this allows Abkhazia to revise all earlier concluded interstate resolutions and agreements with Georgia, in connection with newly arisen circumstances. It grants Abkhazia the right to look at the problem from the point of view of humanitarian international law and to protect the people from such offences by Georgia as genocide, military expansion, annexation, chauvinism and extremism.

As international law is the special legal system regulating the relations between its subjects by means of legal norms, apparently Abkhazia, as a country possessing all the necessary attributes defining its sovereignty, should be recognised as a subject of this law. However, as a result of the information war intensively used against it, and introduced by Georgia to mislead the international community (*facta illicita*), the status of Abkhazia as a sovereign state *de jure* and *de facto* is not defined to this day. In essence, Georgia, in infringement of all moral rules and human laws, has imposed a political, military and economic blockade against the Abkhazian people.

This is a conflict based upon the parity of international and national laws. In the actions of Abkhazia there are no contradictions with any of the concepts of mutual compatibility of international and national laws: dualistic theory (Tripel), theory of the primacy of international law over national (Kelzen), theory of the primacy of national law over international (Gegel), the doctrine of dialectic dualism accepted in Russia. The dispute is conducted during the possession by one nation (Georgians) of another (Abkhazians), with assignment of territory of the latter to the former.

V.P.Panov considers the principles of international law, among the main points of which is the protection of human rights, people and nations, and following from this is the self-determination of people and nations. These principles are completely broken by Georgia in relation to Abkhazia.

When Georgia unilaterally found it possible to become a “self-proclaimed” independent sovereign state (having thus committed perjury by breaking their oath - after all, at some time or other all kingdoms and princedoms making modern Georgia had sworn “eternal fidelity to Russia”), for Abkhazia, despite its similar rights in this matter, Georgia made no such claim. Despite the principles of the United Nations and the laws of the USSR, to which both states submitted and should be guided by, Georgia not only does not recognise the rights of Abkhazia, but by means of armed forces, and with the support of some members of the United Nations, tries to force Abkhazia to refuse claims on the restoration of its own sovereignty *de jure* and *de facto* which it possessed to the full during different periods of history.

Simultaneously Georgia breaks the main principle of peaceful co-existence by creating and inflating the fire of military extremism in the region, and also breaks the principle of preserving peace and international safety, with all the consequences following from it: infringement of the territorial borders of Abkhazia, application of military force, and also constant threat of its use instead of the peace process for international disputes. The international community, in the name of the United Nations, OSCEs and the Council of Europe, shut their eyes to these infringements of international

law, acquitting Georgia from international responsibility for the infringement of one more main principle. Thus, over a period of more than ten years, there is a foul-smelling magnificent bouquet of infringements of international law by Georgia, whose direct accomplices are the world community organisations.

The question is whether the basic rights of sovereignty exist for Abkhazia, according to the norms of international law? Based on V.P.Panov's analysis, it is possible to make the conclusion that Abkhazia in its basic form can be considered as a sovereign subject of international law, and is in the full sense a state with all its prominent features, which owing to its circumstances is continuing to struggle for the preservation of its independence. Therefore it is of little value as to whether this state is a member of the United Nations or not. Sovereignty *de jure* is defined only by statehood with all its features, and a demand for sovereignty carries only the character of a claim.

This concerns the question of state recognition, in particular of Abkhazia, as a subject of international law. Abkhazia undoubtedly has the right to be the recipient of a recognition in international law, as it is a full state with a legitimate government, and as it is quite possible to see, a recognition in international law has been granted to weaker subjects. As for the recognition theory, Abkhazia according to the declarative theory is recognised as a subject of the law, which is confirmed by the International non-governmental organisation the Commonwealth Lawyers for Cooperation in ATR, in particular.

### **3.2. Historical aspects of the sovereignty of Abkhazia.**

Does Abkhazia have the necessary and sufficient requirements for its existence as an independent state and for its sovereignty? In respect of the stated material, it is necessary to express unequivocally that the following preconditions exist and also prove to be valid:

- a) The presence of its own nationality, characterised by its own language not having any analogues in the world except for related languages met only among the peoples of the North Caucasus; the national identity is an indicator of who a person considers himself to be, and to which ethnos he refers himself;
- b) The fact of existence of the indigenous population “Abkhazians” or their ancestors from II-I millenia BC, confirmed by chronicles from V century BC and historical annals from VIII century AD. Developed contacts not only with neighbouring states, but also with the countries of the Mediterranean, Persia, Golden Horde etc., have documentary proof;
- c) Statehood confirmed by historical data from the end of the first millenium B.C.;
- d) Presence of original Abkhazian language and culture, generated throughout several millenia, and use of different writing methods, since the early Middle Ages: for contacts with Byzantium, the Greek alphabet was used; with Romans, Latin; during the existence of the Abkhazian kingdom the Hutsuri alphabet, which was accepted in Iberia, was used. Later, from XIX century till now, Cyrillics have been constantly used;
- e) Constant struggle throughout the last two centuries against genocide by Georgia, directed towards artificial change of ethno-demographic conditions in the country; this artificial demographic imbalance allowed Georgia to accomplish annexation.

These, as well as other criteria and signs necessary for self-determination, show that the Abkhazian people have every right to state independence and sovereignty.

There is an opinion that one of the conditions for the right of people to self-determination is their number. But this is not true. In table 3 below, states are presented which are not only sovereign, but are also included in the Council of Europe, and whose population, including the basic ethnos, is the same, or even smaller, than that of the Republic of Abkhazia.

*Table 3*

#### ***Small member states of the Council of Europe***

*Population and area of some Council of Europe member states in comparison with Abkhazia*

| №№ п.п. | Страна                | Площадь<br>(кв. км) | Население<br>(чел.) | Основные<br>национальности                        | %<br>тит. нац-ти | в СЕ<br>(делег.) |
|---------|-----------------------|---------------------|---------------------|---|------------------|------------------|
| 1       | Абхазия <sup>21</sup> | 8 600               | ок. 200 000         | Абхазы, русские,<br>армяне, грузины               | ок. 50           | 0                |
| 2       | Андорра               | 453                 | 75 000              | Каталонцы, испанцы,<br>французы                   | 18               | 2                |
| 3       | Исландия              | 103 000             | 271 000             | Исландцы  | 99               | 3                |
| 4       | Кипр                  | 9 300               | 749 000             | Греки, турки                                      | 81               | 3                |
| 5       | Лихтенштейн           | 157                 | 31 000              | Немцы, австрийцы,<br>швейцарцы                    | 83               | 2                |
| 6       | Люксембург            | 2 590               | 425 000             | Люксембуржцы<br>(летцебургер),<br>немцы, французы | 80               | 3                |
| 7       | Мальта                | 316                 | 379 000             | Мальтийцы   | 93               | 3                |
| 8       | Сан-Марино            | 61                  | 25 000              | Итальянцы   | 95               | 2                |

### 3.3. Legal confirmations of statehood of Abkhazia.

The statehood of Abkhazians is defined by most historians as existing at the beginning of II-I centuries BC. However, the first legal confirmation of their statehood was the official document (manifesto) known as “Throne of the Abkhazian Tsars”, produced by the governor of the Abkhazian kingdom Bagrat III in XI century. The manifesto specifies the existence of the Abkhazian kingdom from the beginning of VIII century and, naturally, the presence of the Abkhazian governors and the Abkhazian ethnos who, whilst occupying their local territory of modern Abkhazia, extended both their influence and rule over all the territory of modern Georgia.

The official legal document confirming Abkhazians as autochthons is Results of census of 1886, from which, according to statistical data, the Abkhazian principedom was occupied by about 70 thousand persons, 59 thousand of whom were Abkhazians (Tab. 1). The census shows that 4166 Georgians lived in Abkhazia at that time, but as is known, the Georgian ethnos did not exist then, so for the sake of justice it is necessary to specify that they were Mingrelians (inhabitants of a neighbouring country) partially occupying Samurzakan.

The next similar official document is Results of population census of the Abkhazian principedom in 1897, which confirmed that the same number of Abkhazians (about 60,000 persons) were residing in the country, but the number of Georgians had increased almost fivefold relative to 1886. The reason for this phenomenon has already been given.

The presence of Abkhazian statehood is also confirmed in the Charter from February, 17th, 1810, according to which the protection of the Russian empire had been given to Abkhazia. The Charter includes:

“... We confirm and recognise you as our kindly loyal hereditary Prince of the Abkhazian possession under the Supreme protection of our great and glorious Russian empire, and include you, both your house and all inhabitants of your Abkhazian possession, in our loyal number”.

Hence, these four legal documents confirm that during different periods of time, since VIII century AD, the Abkhazian ethnos living in its own territory was a monoethnic autochthon. Historical science, being based on annalistic sources from V century BC to the middle of XIX century, does not confirm any change, destruction or replacement of the Abkhazian ethnos by any other peoples. All statements of Georgian politicians and historians that Abkhazians were never in Abkhazia and that it was a Georgian kingdom, and that Abkhazians is a name for Georgians, as well as fabrications that Abkhazians came down two centuries ago from mountains in Transcaucasia – all these are nothing more than myths which have in themselves neither actual nor legal historical grounds.

20 Data from K. Lye, World Factbook, N.Y., 2001.

Fig. 4. A map of "Georgia" when Kartli and Kakhetia were in the structure of the Caucasian region controlled by a Governor-General (beginning of XIX century).

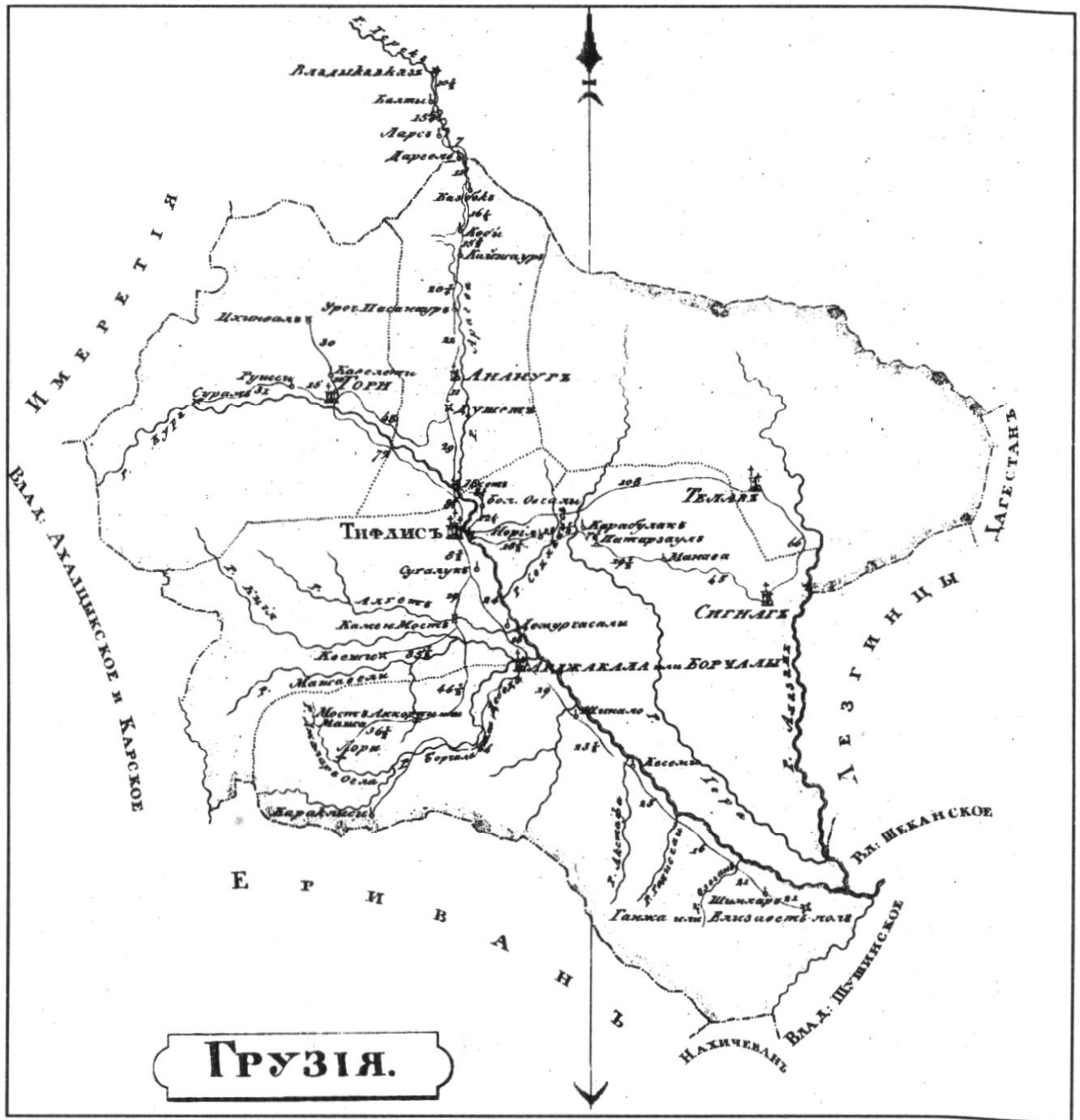


Рис. 4. Карта «Грузии» на период включения Картли и Кахетии в состав Кавказского наместничества (нач. XIX в.).

Confirmation of the territorial integrity of Abkhazia is contained in Kartlis Tshovreba where data on the transfer of complete power from the Byzantine Caesar (the ruler of the Western Black Sea Coast) to the Abkhazian Tsar Leon I is given, covering all territory from Klisur to the Kuban river. A little

bit later, when Leon II (nephew of Leon I) with the help of Khazars separated from Byzantines, he added northern areas of Colchis to Abkhazia. This happened in VIII century.

The document confirming that Abkhazia was an independent state until XVIII century is the map "Plan of operations of the troops of Major-General Sukhotin in Asia in the campaign of 1771" (Fig. 2). Analyzing this document, it is possible to draw the conclusion that 12 years prior to the signing of the Georgievsk treaty, i.e. during the time when possessors of princedoms of Transcaucasia called themselves Tsars of Kartli, Kakhetia, Tao-Klardjeti etc., the Russian military leaders gave the name "Georgia" to Kartli. Georgia, as follows from the map, was situated only in the central part of Transcaucasia. In XVIII and previous centuries, neither Imeretia, Guria, Mingrelia, nor especially Abkhazia had anything in common with so-called Georgia, which was given that name by Russian tsars and military men.

Another legal document of international value is "the Highest manifesto on the joining of Georgia to Russia", in which the representation of Russia shows the clearly defined border of so-called Georgia, which by 1801 consisted of two princedoms, namely: Kartalinia (Gori, Lori and Dushet districts) and Kakhetia (Telavi and Signakh districts). These two princedoms were all that comprised Georgia. There was no Imeretia, Guria, Mingrelia, or particularly Abkhazia. These listed districts made a Russian region in Transcaucasia, controlled by a Governor-General, during this period (Fig. 4).

The document confirming that the territory of Abkhazia was defined between the borders of Samurzakan (river Ingur) and the country of Djigets (Sochi area) is the book "Data on conveniences of apartment accomodation for all kinds of troops in Abkhazia (Short military-statistical review with apartment map)", representing the military-political research of Military authorities of the Governor-General of Transcaucasia, which was published by the 1st branch of the Department of the Joint Staff of Russia in 1843.

Besides these materials, there are sources which state that Russian authorities in Caucasus made the decision in 1864 to cut from the Abkhazian district (Princedom) in favour of Russia a site adjoining Sochi and belonging to Abkhazia, and to attach it to the Black Sea district. This attachment was confirmed in 1904 by the decree of the emperor of Russia. The border of Abkhazia was thus displaced from the river Mzymta to the river Bzyb (later this decision was cancelled).

"The New and full geographical dictionary of the Russian state, or Lexicon", 1788, was an important document which also defined the borders of Abkhazia, stating that "... Abkhazians are the free and numerous people living in the Caucasian mountains... The land on which these people live is called Absny in their own language. During former times these people lived only on the western side of the Caucasian mountains adjoining to the Black Sea, along the rivers going directly to this sea between Kuban and Engur. This latter river separates them from Mingrelians".

Thus, by 1788 the border of Abkhazia had been outlined. As for its southern border, it is known from historical sources that Samurzakan, situated on the right bank of the river Ingur, was a territory disputed between Abkhazia and Mingrelia up to the 1880s, and later prince Michael Sharvashidze, the governor of Abkhazia, confirmed that this territory, to the river Ingur, belonged to Abkhazia.

The relevant legal document confirming that Abkhazia owned the territory from the river Ingur to the river Mzymta, and was limited by the upper courses of the river Kodor and the Caucasian ridge, was signed on February 9th, 1918, even before the formation of the Georgian Democratic Republic (or actually Georgia as a state). This document was "Agreement" between the National Council of Georgia and the Abkhazian National Council. One of its items accurately established the borders of Abkhazia as a sovereign state, from the river Ingur in the south to the river Mzymta in the north. No subsequent documents from the period of formation of the Republic of Abkhazia, or from the incorporation of some princedoms of Transcaucasia into the Georgian Democratic Republic on May 26th, 1918, mentioned the borders of Abkhazia, and the problem of territorial disputes, both with Russia and with Georgia, was also absent.

All given documents confirm the absence of any legal obstacles to the self-determination of the Abkhazian people, and also the presence of the already existing sovereignty, territorial integrity and political independence of the Republic of Abkhazia, as a state and the subject of international law.

However, on May 7th, 1920 Georgia concluded the union with RSFSR, and one of its items attached Abkhazia to Georgia's territory, without the consent of Abkhazia. Representatives of Abkhazia were not invited to the discussion and signing of this contract, and were not informed about it at all. We will give the full text of some articles from this contract, directly concerning Abkhazia, with our comments:

"Article 1. Proceeding from the right, proclaimed by the RSFSR, of all peoples to free self-determination, up to full separation from the state into whose structure they are included, Russia unconditionally recognises the independence of the Georgian state and voluntarily refuses any sovereign rights which Russia had in relation to the Georgian people and land".

It is necessary to notice that in this article there is no concrete definition peculiar to international contracts. On the one hand, where the main principles of self-determination are mentioned, all is correct. But on the other hand, when the sovereign rights of Russia are included "in relation to the Georgian people and land", questions which, undoubtedly, should have been considered by career diplomats involuntarily arise: who are meant by "the Georgian people"? The answer is clear - the population of that territory in which Russia has established sovereignty, naming it "Georgia".

However, if Georgian diplomats named the territory of occupied Abkhazia as a Georgian state, such treatment contradicted international law. A very important question is why Russia, declaring the right to self-determination for Georgia, did not confirm and has not confirmed it concerning the independent state of Abkhazia, recognising in 1920 the annexation of this country by Georgia and continuing to recognise it till now? What justifies Russia's unwillingness to put its declared principles into practice, confirming the free will of the people of Abkhazia?

"Article 2. Proceeding from the proclamation in previous article 1 of the present contract of principles, Russia undertakes to refuse any intervention in the internal affairs of Georgia".

The treaty between Russia and Georgia and its decisions concerning Abkhazia were unexpected not only for the newly-formed state of Georgia, but also for the world community as a whole. During this period the Entente states were taking part in the re-partition of the territories of Transcaucasia. They issued strong-willed orders which resulted

*Fig. 5. "Border between Turkey and Armenia". A map of the Joint Staff of the USA Army.*

**ГРАНИЦА МЕЖДУ ТУРЦИЕЙ И АРМЕНИЕЙ ТАК, КАК ОПРЕДЕЛЕНА ВУДРО ВИЛЬСОНОМ**  
**Общая карта, сопровождающая решение Президента Вильсона относительно границы Армении**  
 Факсимиле, сделанное в 1935 г. в качестве сопровождения решения о границе так, как было напечатано в  
*Papers Relating to the Foreign Relations of the United States. 1920. volume III. pp. 795 FF.*



- |   |   |
|---|---|
| — Турецко-армянская граница               | — Железные дороги с узкой колеёй                  |
| ..... Другие межнациональные границы      | — Вспомогательные железные дороги                 |
| ..... Неустоявшиеся междувластные границы | — Транзитные железные дороги                      |
| ..... Старая турецко-русская граница      | — Главные города                                  |
| --- Границы вилайетов                     | — Горные перевалы и перевалы на армянской границе |
| --- Границы санджаков                     | — Другие горные перевалы                          |
| --- Границы кай                           | (все высоты приблизительно даны, в километрах)    |
| --- Железные дороги с широкой колеёй      |   |

ЭРЗЕРУМ

Названия вилайетов Эрзерума, Трапизунда, Ван, Битлис и др. даны по старым документам

Карта составлена под руководством майора Тоуренса Мартина из Генерального штаба армии США топографическим отделом Геологической службы США в сотрудничестве с Государственным департаментом с использованием материалов полевого наблюдения эссы Уайлора и карт турецкого Генерального штаба в масштабе 1:200 000, германских карт, изготовленных в годы войны в масштабе 1:400 000 и британских карт персидской и закавказской территорий в масштабе 1:1 000 000

*Woodrow Wilson*

**Рис. 5. «Граница между Турцией и Арменией». Карта Генштаба армии США.**

from the map of borders of Armenia defined in his own hand by US president Woodrow Wilson in 1920, presented as Fig 5. The map contains rather curious and valuable information. On the extract from it presented as Fig. 6, the reader can see that Georgia at that time consisted only of Tiflis province and Batumi region. Neither the Kutais province (an Imeretian principedom) nor Abkhazia, were in the structure of Georgia.

As we have already noted, on February 25th, 1921 Tiflis was occupied by the Red Army. During this period, when the Caucasian countries, including Abkhazia and Georgia, were a part of the USSR, Abkhazia in practice possessed territorial inviolability as a sovereign or autonomous republic. Nevertheless, in 1990 when Georgia unilaterally left the structure of the USSR, it appeared that this treaty presented the territory of Abkhazia to Georgia, and self-evidently gave the statehood of Abkhazia to Georgia also, and it therefore was an element in the capture and occupation of the

country and its political annexation. Since that moment even the truncated sovereignty of Abkhazia de jure has appeared to be completely cancelled.

*Fig. 6. Extract from a map of the Joint Staff of the USA Army concerning Georgia, the Kutais province and the Abkhazian district (Abkhazia).*



Рис. 6. Выкопировка из карты генштаба США относительно Грузии, Кутаисской губернии и Абхазского округа (Абхазии).

### **3.4. Statehood and the sovereignty of Abkhazia.**

Statehood is a special feature by which historical development of a country is noted, with a people who were able to create their own state or to restore a state lost owing to various reasons. It not only the property of a society and an indicator of its development. It is an ideology, and the public, political and cultural orientation directing the people towards development of the state, its protection, etc. As V.V. Ilyin notes in "Political science", the basic symbolic signs of statehood are the use of an official state language, state emblems (the arms, a hymn, a flag) and specific forms of the state (political) organisation of a society: forms of government, a political system, political relations, power structures etc. The problem of development of statehood is always acute, especially in transition periods of formation of states that were connected with the disintegration of empires and state unions. Abkhazia has already passed this way.

World experience in building states has revealed a number of the major factors in their legitimate formation and existence. These are: presence of a direct connection of the people with territory of residence, i.e. the right of the people to the given territory; aspiration of the people to political self-determination, i.e. to the formation of public authorities; ability of the people to provide the functioning of the state. All these factors are present regarding the Abkhazian state. As S.Shamba states in his work "To a question on a legal, historical and moral substantiation of the right of Abkhazia to independence", the Abkhazian state – which existed for twelve centuries, and was recreated in the 1990s - is formed by the Abkhazian people on their native land, and it independently

and successfully functioned under various historical conditions. During its development the Abkhazian statehood changed its form and content, at times weakening to the lowest level and even being interrupted, but never disappearing from the consciousness of the people.

The political desire of the Abkhazian people to maintain sovereignty, expressed in numerous actions throughout the centuries, always was and still remains the pledge of existence of their state.

Acceptance by Georgia of decisions which disavowed earlier operating official state documents has essentially facilitated work on demonstratively revealing the presence of the necessary conditions confirming the statehood and sovereignty of Abkhazia. As was earlier noted, the documents accepted by Georgia during the period from May 26th, 1918 to the termination of the Georgian occupation in 1921, and also during the following years, were insignificant from the very beginning, invalid, and had no legal power. They should be disavowed by the government of the Republic of Abkhazia, which would lead to the restoration of the initial status of the country (*restitutio in integrum*).

Abkhazia not only struggled for preservation of the USSR, and for its integrity, but wished to remain within it. This relationship was maintained up to the end, even when the Soviet Union was threatened with the danger of disintegration. But the centrifugal force of reorganisation and perestroika grew, and Abkhazia was the last to depart from the USSR. The forces which really united these countries were their proximity, both overland and by sea, the close unity of their Slavic horde and the Caucasian people, the historical association of their separate groups, their mutual gravitation to each other, and their interlacings of spiritual and economic interests. Too many vital threads, material and spiritual, were stretched between them.

The thesis about "the right of the people to self-determination" is constantly forgotten by politicians and government officials. This firstly concerns the United Nations, the OSCE and so on, which define the development of interstate relations. Irrespective of any decisions made by different governments or international organisations, Abkhazia has every basis and right to insist on the restoration and recognition of its full independence.

In fundamental research into the circumstances leading to loss of sovereignty, such as occupation and annexation of the state, V.Chernichenko shows that such characteristics as personality, the legal validity of the state, and sovereignty are closely connected with each other. Thus "the personality of the state" is understood as the role played by government personnel in the country and their position in defining state policy i.e. the personality of the state is defined through the realisation of a vector of the wills of separate representatives of the state and of social groups.

In a period of full occupation of the country, even if the state perishes, losing its personality, it keeps its legality, as the territory of the country and its population remain as subjects of international law, even after loss of statehood. If the people, being a source of the state sovereignty, remain, it is considered that the state sovereignty, as well as its legality *de jure* also remain. In this case the state *de facto* loses only its capability to function, because the society which generated this state remains, and upon the approach of favorable conditions the roots of the state will produce new shoots. It is easy to destroy state structures by occupation, more difficult to destroy economic interrelations, and impossible to destroy the spiritual aspect of a society and its culture. This thesis is confirmed in practice by the evolution of the Abkhazian state, which was subjected to military, economic and other expansion by Georgia during the period from 1918 to 1993. It testifies that even the long period of loss of the personality of the state and its international legal validity (as well as its "revival") depends on both objective and subjective factors.

At the same time the fact of occupation does not mean, in the opinion of V.Chernichenko, any transfer of sovereignty to the occupying party. Moreover, the state whose territory is occupied is formally considered as keeping its sovereignty *de jure*, as well as its international legality. This is the conventional position of international law, i.e. the imperative norm. Loss of legality, according to classical international law, can take place only after a formal acceptance of annexation. If a national liberation struggle by the use of political means proceeds, the national resistance force and allies of the annexed country do not recognise annexation, and continue the struggle for its liberation. The question can remain in a condition of legal uncertainty for many years, as has taken place in the case of Abkhazia. As annexation is defined in current international law as an illegal action, any document

supporting it, from the point of view of the international community, has no validity and does not lead to loss of the sovereignty of the state or to loss of its legality.

In our work we have shown that all activity of the Georgian government regarding mutual relations with Abkhazia has always been directed towards the destruction of the stability and integrity of that state. These actions concern: military expansion of Georgia into Abkhazia, occupation of the country, the attempt at annexation proceeding throughout more than 70 years, illegal resettlement of the Georgian population from the mother country into Abkhazia, and genocide in relation to Abkhazians. The purpose of these actions has been to create a superiority in strength of the Georgian enclave by changing the demographic situation in Abkhazia, having carried out the conversion of the indigenous population of Abkhazians into a small nationality, with appropriation of their territory and its inclusion within the structure of Georgia.

The retrospective recognition of the annexation of Abkhazia as void and wrongful means that although it was not earlier considered illegal, it is now recognized as legally nonexistent, and so are its legal consequences, so its actual consequences should be removed. But for many countries, subject to annexations, the full and real implementation of this postulate is impossible. As for Abkhazia, its life, development and the evolution of history promoted its exit from the condition of annexation. The reason for this was first of all the disintegration of the Soviet Union, and then the legal actions of the country's leaders to create an independent state – the Republic of Abkhazia.

The essential basis for recognition that the annexation of Abkhazia by Georgia was illegal is that, as shown in our work, the annexation of the country occurred after legal confirmation of the fact of formation of the Abkhazian nation, people and national state, which had already been recognised by the Russian empire in 1810, and this fact is confirmed by the corresponding international agreement. We believe, that the listed facts, supported by legal documents (*facta concludentia*), are enough to draw a legal conclusion.

Attempts to solve the problem of restoration of the sovereignty of Abkhazia began at once after the termination of the occupation of Abkhazia by Georgia in 1921. A partial success was achieved.

Abkhazia was an independent republic until 1922, and then again started to lose its sovereignty.

Work on the restoration of its sovereignty was especially intensive upon termination of the Georgian-Abkhazian war of 1992-1993, followed by termination of the Georgian annexation. Though Abkhazia established its own Constitution declaring its sovereignty, the international community and neighbours in the CIS did not support such a decision and did not recognise it. The General Assembly of the United Nations accepted on November 17th, 1989 the resolution 44/23 about the declaration of the 1990s as “Decade of international law”, but during all this time it could not or did not want to solve the question of the sovereignty of Abkhazia, or to punish Georgia for continuous actions of military extremism and aggression in relation to Abkhazia.

The reason for that is the superficial approach to the problem of mutual relations between Abkhazia and Georgia. The history of Abkhazia, as well as of other countries which were or are in a similar situation, confirms that the decision of the problem rests with the granting of sovereignty to countries dependent on other states. As for Abkhazia, as shown in our work it has historically remained an independent state throughout two millenia, possessing all the necessary features and attributes of sovereignty recognised today by the world community. It demands only one thing, that the international community should confirm and legitimise this sovereignty in the same way as it has done for other states in a similar situation. It is also necessary to remember that Russia, leaving the structure of the USSR having accepted its debts and obligations, has left alone all states within the administrative structure of the USSR, having given them the opportunity to develop and build their countries in their own way, and thus having confirmed that the territory of the USSR is not the territory of Russia. Also, the independent Georgian state became the successor to the Georgian Soviet Socialist Republic, having forgotten that its assignment extends only to territory which is actually Georgia. Abkhazia, which entered the Soviet state under special conditions as a part of the Georgian SSR, is not a part of Georgia, either in an ethnic, territorial, or administrative capacity. The territory of the Georgian Soviet Socialist Republic and the territory of Georgia are different concepts.

International law in this situation has a firm position - *nemo ex suo delicto meliorem suam conditionem facere potest* - nobody can improve their position by breaking laws.

Hence, the sovereignty of Abkhazia was defined and confirmed as a result of the disintegration of the USSR and its reallocation, together with further steps towards finding independence, including the self-determination of the country on the basis of a referendum. Due to the form of recognition, Abkhazia *de facto* and *de jure* is the subject of international law, and we hope that time will put everything in its right place.

Being the subject of international law, Abkhazia has restored its sovereignty as a state formed as a result of the division of the Soviet Union, leaving it with its indigenous population of Abkhazians living in the territory historically belonging to them. Thus all states of the world have been notified of the assignment of the government and the people of Abkhazia to the state and the territory.

### **3.5. Georgian aggression and attempted annexation of Abkhazia.**

Underlying the Abkhazian-Georgian conflict, unsettled problems regarding the sovereignty of Abkhazia not only resulted in 1992-1993 in military expansion, but also in the subsequent unextinguished process of Georgian military escalation and tension in the region. UNOMIG is powerless to solve the problem because of the unwillingness of the United Nations to completely unravel the tightened knot. The problem has thousand-year-old roots though it has ripened throughout the last century - and all this time has been fostered by powerful mini-imperialistic ambitions of Georgian politicians encouraged morally (and materially!) by the world community, at the heart of which is the basic slogan – “the political status of Abkhazia must be defined considering Abkhazia as a part of Georgia”. Thus, they have tried and are trying to impose upon the people of Abkhazia an absolutely unacceptable form of coexistence with Georgians, forgetting that the policy of such a dictatorship, which began more than 100 years ago, has not brought anything to the Abkhazian people except genocide.

In 1992 the parliament of Abkhazia made the decision to restore the sovereignty of the country.

Thereby, the Georgian annexation which had begun in 1918 was stopped *de jure*. Then it was stopped *de facto* as the Abkhazian government completely took control in all territory of the country.

The State Council of Georgia set a task for their military formations - the repeated annexation of Abkhazia and the physical destruction of Abkhazians, for the realisation of a numerical superiority of the Georgian component of the population in the country, with the subsequent abolition of an administrative unit of Georgia (autonomous Abkhazia). The military action (war) was prepared with the assistance of military-political strategists and carried the symbolic name “Sword”. At the beginning, ideological diversions were created, with the artificial kindling of national dissension. (During this period the countries had not yet been divided by state frontiers according to their choice of ways of development).

As T.Achugba notes in his work “To a substantiation of the state independence of Abkhazia” (2002), in Abkhazia, immediately after a referendum, educational institutions, enterprises, creative unions, sports teams and even the Ministry of Internal Affairs began to be divided by nationality at the initiative of Georgia. Two Offices of Public Prosecutor were created, then two parliaments, and eventually two governments of Abkhazia. The government of Georgia started the creation of illegal Georgian armed formations in the territory of Abkhazia, involving the Georgian diaspora of Abkhazia in their numbers.

On August 14th, 1992 the invasion of the Georgian army began, which had the aim of liquidating the statehood of Abkhazia and depriving its people of political independence. Georgia made an armed attack upon Abkhazia. The army of occupation pulled down cities, towns and other settlements, and destroyed the cultural values of the nation. The army included thousands of criminals who had been let out of jail especially for this purpose. They deliberately burnt the Central state archive of Abkhazia, which was the unique scientific research institute for Abkhazian studies, cruelly treated prisoners of war and wounded men, killed and raped civilians, and plundered and looted public and private property. The Georgian military-political authorities were guided by the principle “Abkhazia -

without Abkhazians”, which was officially confirmed on television by the commander-in-chief of the occupation army, Colonel G.Karkarashvili, on August 25th, 1992.

In the massacre of Abkhazians, including children, women and old men, the most active participants were the Georgian population of Abkhazia, especially inhabitants who were immigrants from the Stalin epoch. As a result of ethnic cleansing in the occupied part of Abkhazia, including Ochamchira, Sukhum and Gagra, practically none of the Abkhazian population remained. For example, according to the Office of the Public Prosecutor of Abkhazia, out of seven thousand Abkhazians living in Ochamchira, more than 400 were compelled to register as Georgians, hundreds were killed, and the others were forced to seek safety in flight.

The Georgian invaders conducted their main attack across East Abkhazia. Under instructions from the Georgian government, in this region they surrounded and isolated all exclusively Abkhazian settlements from the external world, including Tquarchel. Having been saved from genocide, Abkhazians and representatives of other nationalities from Sukhum, Gagra and other settlements of the republic came to Bzyb Abkhazia, and were clamped within an enemy ring and torn off from the external world, conducting an unequal fight with invaders, the same as in East Abkhazia. Thus, at the end of the XX century the Georgian nationalists, in the eyes of all the civilised world, carried out a deliberate systematic destruction of the Abkhazian people, which according to the already mentioned Convention of the General Assembly of the United Nations from December 9th, 1948 is qualified as genocide.

Once started, the war was directed towards the physical destruction of the Abkhazian ethnos, and simultaneously of other nationalities in the country: Armenians, Greeks, Jews and Russians. The Georgian special services struck their names from lists of tenants against their will, took written obligations that they would never return to Abkhazia, forced them to hand over keys from dwellings with all their furniture and belongings, and deported them under guard. Members of these gangster formations diligently carried out a change of the ethno-demographic structure of the country defined by the State Council of Georgia, but did not forget about themselves, raping youngsters and pregnant women, marauding, plundering, looting, and pulling out the teeth of old men and women to extract their gold crowns...

War against the civilian population and the peoples' volunteer corps (as Abkhazia at that time had no army) was conducted with extreme cruelty. Georgia used the most advanced weapons, which it had inherited from the USSR, against the civilian people of Abkhazia: the systems of mass destruction “GRAD” and “URAGAN”, the volumed (needle-shaped) shells, the use of which was forbidden by the Geneva Convention of 1949. The aggressor purposely and methodically destroyed the Abkhazian population of Abzhui Abkhazia, who comprised almost half of all Abkhazian people. During operations a number of the Abkhazian settlements were wiped off the face of the earth. In documents of the command of the 24th brigade of the Georgian army, taken by soldiers of the Abkhazian army as a trophy, the plan for a massed nuclear attack on December 26th, 1992 with 34 targets, including settlements in East Abkhazia, was discovered.

It is difficult for a normal person to imagine, at the end of the XX century, that a nation which is proud of its civilisation and nobleness, could raise its weapons against a tiny ethnos only because it had demanded the restoration of its trampled rights, i.e. against a people who at that stage only wished to gain independence and realise the natural rights given to them by God. But in Tbilisi they probably considered themselves above God. These “inhabitants of Heaven” usurped the right of the people of Abkhazia to a definition of their destiny. At their own discretion, and up to the destruction of Abkhazia, they tried to repeat what they had not had time to finish during their occupation of the country in 1918-1921.

Georgian mass-media covered the Georgian-Abkhazian war deceitfully. For Abkhazians, the war began with the absolutely unexpected invasion of the Georgian army. From the first hours this was accompanied by the cruel murder of civilians and by continuous looting. Georgian interpretations of the war always begin with its final phase – the hurried escape of the Georgians. The armed opposition to them which continued for more than a year is dismissed in half a line, approximately in the following form - “blood-thirsty Abkhazian rebels expelled innocent Georgians from their houses”.

And never a word about what preceded their expulsion. The circumstances which induced Abkhazians to take up arms, and the main reason for the expulsion of Georgians, are in every possible way ignored or misinterpreted.

Shamefully expelled in 2004, E. Shevardnadze only once gave any actual facts about the beginning of the Georgian-Abkhazian conflict and Georgian military expansion into Abkhazia. This occurred in November 1993 in A. Karaulov's telecast "the Moment of Truth". From his words it appeared thus: Shevardnadze and Ardzinba during a telephone conversation on August 12th, 1992 agreed to carry out joint actions for the protection of trains regularly plundered on the line between Ochamchira and Samtredia railway stations. That very day Shevardnadze ordered Minister of Defence Kitovani to go to Sukhum and there, having met with Ardzinba, to specify details of the actions planned by them. Exceeding his powers, Kitovani under his own initiative entered divisions of the Georgian armed forces into the territory of Abkhazia on August 14th, which began to move towards its capital Sukhum.

The Georgian population of Abkhazia in considerable numbers supported the Georgian national guards occupying the republic, took an active part in the operations, and in every possible way supported the advancement of the Georgian military units. The hands of many Georgians, living in Abkhazia, were soiled by blood. They participated in the plunder of national treasures, destruction of historical monuments, looting of Abkhazian dwellings, robberies and murders of Abkhazians and other excesses. All this occurred assuming that Abkhazians as a nation would be eradicated and would disappear as a nationality, and the people who left the country would never return. They were convinced of this by propaganda from the Georgian government, and were assured by President E. Shevardnadze personally. The most tragic part of this war was that the Georgian population of Abkhazia, not wishing to take part in a war, was systematically involved in it by the Georgian authorities, and so the war became a civil war. Behind the actions of these people there was a confidence in their impunity, guaranteed by the government of Georgia.

Abkhazians, peacefully living on their land, were very severely treated. The Georgian government, having considered that active armed forces were insufficient for the destruction of Abkhazians, also armed the local Georgian population. This was confirmed in an interview with the head of the Georgian parliament. The obvious question is who armed all the Georgian population, which was several times greater than the number of Abkhazians, and why was this done? After all, until August 14th, 1992 – the day of invasion by the Georgian army – Abkhazia did not undertake any aggressive actions against them. The question answers itself: they were armed for only one purpose - to kill Abkhazians.

Apparently, by giving out the weapons, leaders of the Georgian state decided that Georgians living in Abkhazia had more rights to live than local Abkhazian inhabitants. Otherwise, what was the reason to arm only one section of the people in the community? Weapons, as is known, have two missions - they can protect and they can kill. Nothing threatened the Georgian population of Abkhazia, behind its back there was the Georgian army which had invaded the country, but there was nobody to be protected from. Hence, they were armed to kill. And who to kill in Abkhazia if not Abkhazians?

With the victory of the Abkhazian people in this war, many Georgian settlers, being afraid of revenge for their own evil deeds or those of their compatriots, left the country, taking with them both their own and stolen property. Georgians whose hands and conscience were clean remained to live in Abkhazia, and in relation to them there are no elements of reprisals that are reflected in OSCE documents. The only commission on this question sent to Abkhazia by the United Nations Organization did not confirm the presence of persecutions (5/26795 on November 17th, 1993). It is necessary to underline that before the attack by Georgia on Abkhazia in 1992, throughout all historical periods there was no oppression by Abkhazians of other nationalities within the country, but it is impossible to say the same about the actions of the Georgian government in Abkhazia from 1918 to 1991. The eviction of Greeks from Abkhazia after the Second World War should not be considered in this respect, as the authorship and realisation of this process belonged to both Stalin and Beria, and Abkhazians only by a lucky chance escaped the same fate.

No action has damaged the prestige of peace-making activities of the United Nations in the 1990s more than its unwillingness to distinguish a victim from an aggressor. This was directly declared by Kofi Annan in his report at the 55th session of the General Assembly of the United Nations. Unsolved by international organisations, primarily the United Nations, the basic problem relates to definitions of the originator of aggression, its punishment, elimination of the consequences of aggression and acceptance of measures for their prevention, and the prevention of further escalation and aggression by an aggressor (e.g. Georgia). This situation leads to subsequent provocations and creates favorable conditions for the next act of aggression, and this statement is not merely words. After all, it is known that punishment for illegal actions is given not only because such actions were committed, but also to prevent their being repeated (*punitur non quia peccatur, sed ne peccatur*). Silence is a sign of consent to further offences (*qui tacet consentire videtur*), and is used by revanchist Georgia.

We see and feel today the breath of war in Transcaucasia, provoked by both the former and the present head of Georgia with the connivance and direct assistance of the United Nations which has not revealed, defined nor eliminated the reasons generating this escalation. But nothing contradicts consent as much as violence and threat (*nihil consensui tam contrarium est, quam vis atque metus*). The attempt by the Georgian government to represent the war of 1992-1993 as aggression by Abkhazia against Georgia is absolutely groundless, and with what follows from United Nations documents, this international organisation also agrees because:

- a) armies of the Georgian National Guard, and not Abkhazians, started war against the civilian population of Abkhazia, though the international organisation keeps silent about this;
- b) war began under a far-fetched pretext, and the true reason was the session of the Supreme Soviet of the ACCP planned for August 14th, 1992, concerning the statehood of Abkhazia in connection with the exit of Georgia from the structure of the USSR;
- c) Georgian interventionists, and not Abkhazians, invaded another's land to impose their will by means of the methods peculiar to fascists of all times: killing, and the destroying of all the rebellious and innocent. The United Nations has not said anything about the circumstances for the occurrence of the international conflict known as the war in Transcaucasia.

Knowing these three factors, it was easy to establish the true aggressor - Georgia, which attacked a peaceful sovereign country - but this has also not been done;

- d) even the fact that the war started by the Georgian aggressors was conducted in the territory of Abkhazia, where the people of the country lost their sons who were protecting their native country, culture, land, and their right to live on it outside of the Georgian yoke, has not persuaded officials from the United Nations that these actions directly classify Georgia in this conflict as an aggressor.

Aggression is a crime which, according to the status of the International court, arrives under its jurisdiction, as does genocide which the International convention defined on December 9th, 1948 as: “actions made with the intention to destroy in full or in part any national, ethnic, racial or other religious group by: murder of members of such a group, causing of serious physical injuries... premeditated creation for any group of such living conditions as are calculated to result in its full or partial physical destruction etc.”.

Once again the United Nations, the international organisation created for the purpose of prevention of wars and aggressions, became the protector of an aggressor which had managed to get the support of reactionary forces, being representatives of those countries who were interested in the destruction of the administrative state structures of the USSR, primarily in the Caucasus. That Abkhazia could remain as a part of the USSR or even in the form of an independent state, did not suit the United Nations and its rich sponsors in any way.

### **3.6. About so-called “refugees”.**

Not having solved basic questions by defining the true originator of aggression and instigator of war in Transcaucasia and, especially, by not having applied international sanctions against it directed towards the suppression of further attempts at aggression, the United Nations have untied the hands of Georgia in its further claims on lands not belonging to it. The slogan “Abkhazia is Georgia” has

not been forgotten by officials from the United Nations and their protege. Understanding that forcing Abkhazia to agree to a new annexation will not be possible, steps towards the creation in Abkhazia of the required demographic situation, which were carried out actively throughout the previous century by their Georgian wards, have been undertaken again within the United Nations. The problem is how to install in the country as large a quantity of Georgians as possible, then having artificially created a numerical superiority of this part of the population there, to return Abkhazia by “legitimate” parliamentary means to the bosom of Georgia. This group of Georgian people will naturally make a “fifth column”, by means of which it will be possible to dethrone the unshakeable government of Abkhazia and to enable the election in Abkhazia, as M.Saakashvili has stated, of a “proGeorgian” president. With this aim in view, at the request of Georgian political demagogues the United Nations declared all the Georgians wishing to settle in Abkhazia as refugees, and in its annual decisions demanded that the Abkhazian side provide Georgians with the opportunity of returning to the country.

Since the moment of connection of the United Nations to the peace-keeping process in Abkhazia, in its documents items continuously appear from year to year about “the political status of Abkhazia as a part of Georgia” and about the returning of refugees to its territory. The aim is to return refugees at any cost to Abkhazia, which belongs to Georgia. Georgia and world community organisations forget that the formal recognition of the presence of refugees from Abkhazia to Georgia is a recognition of Abkhazia as a sovereign country, as “refugees” (by the definition of experts of the United Nations) cannot be in one country, which is the category in which Georgia together with Abkhazia considers itself. Inside the country there can be only “internally displaced persons (IDP)”.

But this is not the main point. As Abkhazia is not a part of Georgia, the Georgians who left Abkhazia after its finding of independence are not refugees, but repatriates. The convention on the status of refugees, accepted on July 28th, 1951 by the Conference of Plenipotentiaries about the Status of Refugees and Repatriates, called according to resolution 429 (V) of the General Assembly from December 14th, 1950, makes the following definition of this category of persons:

“Article 1 - Definition of concept “refugee”

A. In the present Convention the term “refugee” means a person who:

2)...owing to quite proven fears of becoming a victim of prosecutions on the basis of race, creed, citizenship, an accessory to a certain social group or political convictions, is out of the country of their civil affiliation and cannot use the protection of this country or does not wish to use such protection owing to such fears; or, not having certain citizenship and being out of the country of the usual former residence as a result of similar events, cannot or does not wish to return to it owing to such fears.

C. Regulations of the present Convention do not extend any further for a person falling under the definitions of section A who:

- 1) voluntarily has again taken advantage of the protection of the country of their civil affiliation; or
- 2) having lost the citizenship, again has obtained it voluntarily; or
- 3) has acquired new citizenship and uses the protection of the country of their new civil affiliation; or
- 4) voluntarily has again settled in the country which they had left or out of whose limits they had stayed owing to fears of prosecutions;

F. Regulations of the present Convention do not extend to all those persons concerning whom there are serious reasons to assume that they:

- a) have committed a crime against the world, a war crime or a crime against humanity in the definition given to these actions in international documents, which were drawn up with the aim of acceptance of measures concerning similar crimes;
- b) have committed a serious crime of a non-political nature outside of the country which has given them refuge and before they have been admitted into this country as refugees;
- c) are guilty of committing acts contradicting the purposes and principles of the United Nations Organization”.

Thus, though officials from the United Nations consider that “all Georgians who left Abkhazia, running from the horrors of war, are refugees”, in reality it is a different matter. According to the

international documents on this question, the right to define “who is who” belongs only to the country which people left. For the country into which the people from another state arrive, refugees are only foreigners. Convention rules “do not extend any further for a person falling under the definitions of section A (refugee - author)”..., in the case where that person... “voluntarily has again taken advantage of the protection of the country of their civil affiliation” (i.e. for Georgians who returned to Georgia).

With the beginning of military actions, heavy Georgian army weapons and gangs of National Guard bandits came into the southern part of Abkhazia, and in this region the arson of houses of Abkhazians and Armenians began, together with beatings, tortures and shooting of the civilian population. The people left possessions acquired over decades and ran from the Georgian aggressors and the horrors of war, trying to escape from ethnic cleansing and their destruction due to their nationality. They ran to the north, over the river Psou to the Krasnodar region of Russia. No, the ethnic Georgians living in Abkhazia did not run. They met the Georgian bands named “guards” with flowers, Georgian flags, and greetings of welcome. From the horrors of war and ethnic cleansing ran Abkhazians, from the horrors of war ran Russians, Armenians, Greeks, Jews and people of other nationalities, as all of them on the lands seized by Georgians were subjected to mockeries, robberies, violence, and physical destruction. They ran beyond the borders of their country of residence and they, and only they, are “refugees”. There is no mention of this in United Nations documents, and the world community doesn’t want to know about it.

Having occupied the southern part of Abkhazia and seized Sukhum, Georgians dethroned the lawful government by force (*manu militari*). The legitimate Abkhazian government moved to Gudauta for the period of occupation. The invaders, having created their own, Georgian, government, started to introduce a military regime in the country. This was aimed at the destruction of all Abkhazians without exception, from young to old, and the violent removal from the territory of Abkhazia (in truth, only from its occupied part) of all foreigners. With this end in view, the expulsion from the country of ten thousand Greeks and Jews was organized. They were humiliated, compelled to board chartered ships without things which had been stolen from them, lost their homes and belongings, and were sent to Israel or Greece. There was a compulsory exodus of a mass of the people, with the violent deprivation of their right to live in their country of residence and of their citizenship. Nevertheless, this category of persons, according to United Nations rules, also has no right to the definition “refugees”, for although they were violently compelled to leave their country of residence, they “voluntarily have again taken advantage of the protection of the country of their civil affiliation”. This fact of a holocaust does not trouble officials from the United Nations in any way, and they are concerned only with the resettlement of the Georgian fanatics.

As for the category of “internally displaced persons”, the ethnic Georgians who left Abkhazia together with the Georgian army in 1993 cannot be referred to it by definition. The IDPs, according to decisions of the Viennese convention from May 23rd, 1969 and the quadripartite Agreement from April 4th, 1994 (Moscow) about voluntary returning of refugees and displaced persons, in the language of experts are called people who have left their native places but have not left the country. Displaced persons cannot count on the protection and help given to refugees.

The only real “internally displaced persons”, who left their houses during the Georgian occupation and ran away to Bzyb Abkhazia, are Abkhazians, Armenians, and Russians who ran from one part of their native land to another. Unfortunately, this basic definition is not accepted in the legal documents of Abkhazia.

Those who returned to their historical native land (in this case Georgia) from the country in which they lived before, are called repatriates (from latin “re” - a prefix designating renewal, + “patria” - “native land”). Such “returned home” people were one million Algerian Frenchmen, and it was of no value that the majority of them were born in Algeria, as was one of the presidents of France. In the concept of repatriation, such circumstances as one’s birthplace, or reasons for appearing in another country and returning from it, are not included. Millions of citizens of European countries occupied by Hitler - “displaced persons” who after the war returned to their countries - were repatriates also. Some of them had given birth to children in concentration camps or on German farms, but these

children were not considered as refugees from Germany, but were also repatriates coming back to their native land after having been born in another country. As we have shown above, based on data from population censuses, till the end of XIX century in Abkhazia there were practically no Georgians. Therefore all Georgians of Abkhazia (excluding Mingrelians from Samurzakan), possessed and still possess only Georgian citizenship, and were newcomers on Abkhazian land, so it is not their native land. We underline that the rules of Conventions “do not extend any further for a person falling under the definitions of section A” (a refugee - authors), in case that person “voluntarily has again taken advantage of the protection of the country of their civil affiliation”. One of the actions of the Georgian administration in the occupied territory of Abkhazia, along with a genocide in relation to Abkhazians and a holocaust to Greeks and Jews, was the issue of arms to all the suitable population - ethnic Georgians. If Georgian statistics specify that the so-called “Georgian refugees” make 250 thousand persons, in Abkhazia there is authentic data about more than 45 thousand of them listed by surname who were armed recruits. The Georgian military authorities gave out to each ethnic Georgian living in the territory of Abkhazia an automatic gun or other fighting weapon (even the numbers of the weapons which were given out to identified persons are known), and they were entered into the structure of the armed forces. Each such Georgian family provided a fighter against sovereign Abkhazia, or even two.

A.Otyrba gives the following information, making comments on a major interview of the speaker of the Georgian parliament by the “Nezavisimaya Gazeta”:

“The sensation is that since the termination of the Georgian-Abkhazian war, Tbilisi has persistently asserted that the refugees who left Abkhazia are innocent peaceful inhabitants, who were expelled by Abkhazians absolutely groundlessly. And here for the first time at official level this was refuted. On a comment from the correspondent that in Sukhum they declare today that they consider it not only possible but also necessary to accept the return of those refugees who did not commit crimes and were not at war against them, but the Georgian authorities do not allow them to come back, Nino Burdjanadze answered thus:

“I consider that those people who committed war crimes should be punished, whether they be Georgian, Abkhazian, Russian or Chechen. But the fact is that Abkhazians name as criminals all, without any exception, who took weapons and protected their houses, wives, children and families. Because of this, it turns out that none of the refugees should come back”.

Thereby, Nino Burdjanadze admitted that Georgian inhabitants of Abkhazia had been armed without exception. But, as is known, a person who has taken a fighting weapon in his hands is not a civilian person nor even a combatant. Naturally, these persons also do not enter the category of “refugees” or “displaced persons”. They are military criminals, and left Abkhazia together with fleeing members of the Georgian troops.

According to norms of the United Nations, “Regulations of the present Convention do not extend to all those persons concerning whom there are serious reasons to assume that they:

a) have committed a crime against the world, a war crime or a crime against humanity in the definition given to these actions in international documents, which were drawn up with the aim of acceptance of measures concerning similar crimes”.

Nevertheless, for officials of the United Nations, all these persons (though all of them ran from a fair penalty for murders, and for betraying their country of residence, together with fleeing Georgian troops) are “refugees”. All efforts by this organisation are directed towards the return of this part of the efficient aggressive population. The reason for this is clear.

The defeat of the aggressors and their flight was predetermined. The president of Abkhazia, during the conduct of operations to clear Abkhazia of invaders, stated that: with the proviso that ethnic Georgians did not take up weapons in their hands and did not oppose the people of Abkhazia, the option was offered to persons of Georgian nationality who were not participating in evil deeds against the people of the country not to leave Abkhazia, and each of them was guaranteed the rights of a citizen of the Republic of Abkhazia.

This address to Georgians did not achieve success. Euphoria at the beginning of a victorious campaign by the Georgian armada in Abkhazia completely untied hands for a genocide in relation to

the peoples of Abkhazia, and impunity for military and criminal offences turned the heads of ethnic Georgians. In this dancing “on the graves of the murdered”, begun by Georgia on August 14th, supporters and non-supporters of Gamsakhurdia joined together. Ethnic Georgians living in Abkhazia only found such permissiveness with the arrival of regular Georgian troops. In this, and with their returning to the so-called “Democratic Republic of Georgia”, the essence of Georgian culture was shown. As the newspaper “Droni” from September 4th, 1992 wrote: “input of the Georgian troops has encouraged the Georgian population. The hope has appeared that we are not alone”.

During the existence of the USSR, despite the evidence of a genocide and of ethnic violence from the Georgian administration, there was no friction in its relations with the multinational people of Abkhazia, including ethnic Georgians. It was one community, an amicable family building socialism. But the ambitions of political functionaries of Georgia extended much further, in the area of creation of the Georgian empire, and were especially shown after the disintegration of the USSR. Modern Georgian politicians, in achievement of these other-worldly purposes, did not shun and do not shun anything - from distortion of the history of Transcaucasia to the direct planning of Anschluss, the capture by military force of everything that a thievish hand can get, and its inclusion in the structure of Georgia. But there has come a day of reckoning, and Georgians have received what they struggled for.

This should be understood by officials from the United Nations. But the United Nations continue to prepare the next documents, trying to present these homebrew fighters as “innocent lambs”, victims of Abkhazian aggression. Moreover, there is a desire to drag into basic documents the subject of ethnic cleansing in Abkhazia in relation to ethnic Georgians, as one of the worst crimes against humanity, though special investigations have found no evidence of this phenomenon. In this respect, the United Nations is guided by hypocrisy and double standards.

Today Georgian officials, giving reasons for their claims to Abkhazia, refer to the quantitative structure of refugees. They assert that the number of refugees exceeds the quantity of people who have remained in Abkhazia, and this gives them the right to define the future of Abkhazia. From such an argument it appears that it is possible to justify any robbers, on the grounds that during a previous unsuccessful robbery there were more robbers than planned victims, and on this basis they should be allowed to repeat the crime. But according to all laws and ethical standards, the superiority in strength of criminals over their victims only accentuates the fault of the former.

As a result of the war started by the Georgian adventurers, and their utter defeat and subsequent departure with a considerable part of the Georgian population who had done evil deeds in the territory of Abkhazia, the status quo was restored, which has led to normalisation of the ethnodemographic situation.

Georgia puts one of the conditions for termination of the conflict as the returning of all refugees to Abkhazia. However, as all Georgians who left Abkhazia during the military Georgian expansion were either insurgents in the army of aggressors or their helpers, i.e. were military criminals, and because from the point of view of world practice their actions were illegal, their return would be accompanied by criminal investigation or investigation of war crimes, and the sentence of guilty in the courts.

Regarding criminal and war crimes against representatives of Russian, Abkhazian, Jewish, Armenian and other sections of the population, more than 45 thousand persons of Georgian nationality are under investigation for committing evil actions against the people of Abkhazia. These criminals consider themselves as refugees, and most actively demand their return, including through bodies of the United Nations, the European Union, etc. They know that their hands are covered in the blood of the innocent Abkhazian civilian population, and understand that upon their returning to independent Abkhazia there is only one road for them - to a dock. Therefore an indispensable condition of their returning is revenge, the condition that Abkhazia will be a part of Georgia.

Are they refugees? No! Firstly they, unlike other members of the population of Abkhazia having Abkhazian and Russian citizenship, were citizens only of Georgia and, having left Abkhazia, returned to live in the country of their own citizenship; secondly, they are not internally displaced persons, as they left for another country. The fact that they consider the Abkhazia occupied previously by them as a part of their country changes nothing. If the criminal aspect of these people is ignored, it appears

that they left the country by their own free will according to their own decision, as is the right of each citizen of a free democratic country. It was their choice, not made during the year of military actions. They did not run from the horrors of war, in fact during those horrors they freely lived in an occupied territory, enjoying the possibility of plundering the houses of other people in the country, believing that their lawlessness would remain unpunished.

Has the United Nations any right to demand the returning to Abkhazia of persons of this category?

No! Such a right is available only to the people who left Abkhazia in 1992 and 1993, really running from the horrors of the war started by the Georgian invaders, along with ethnic cleansings and genocide conducted by them in the territory of sovereign Abkhazia. Do ethnic Georgians have the right to return to Abkhazia? The answer is also no, as they were repatriated, returned home, and left Abkhazia by their own free will. Do they have the right to apply for residence in Abkhazia?

Undoubtedly, as everyone has the right to ask permission to reside in any country of the world. This, as a rule, involves a check by relevant bodies about any previous offences, the issue of a residence permit for a certain period, and decision by the host state regarding the possibility and expediency of granting citizenship to this person.

Georgia does not intend to solve this problem on the basis of compromise, as it is necessary to solve (partially at least) the question of “refugees” on the terms of the status of independence of Abkhazia existing today, and there would be a necessity to recognise the sovereignty of Abkhazia de jure. This is not included in Georgia’s revanchist plans.

The problem of “refugees” has one more aspect. As T.Achugba shows, the more the problem of refugees is publicised by Georgia, the more strongly Georgia can influence the international community, as the problem of mutual relations with Abkhazia becomes more crucial. The Georgian government will not attempt to improve the living conditions of “refugees” in Georgia, as in that case the international pressure on Abkhazia would decrease at once, and the problem of their return would never be solved.

We believe that any attempt to enable the uncontrolled return of so-called “refugees” (ethnic Georgians) without assigning them Abkhazian citizenship and cancelling their Georgian citizenship (which it is possible to name as repatriation), is directed towards a change in the demographic situation in the country, and the reconstruction of a “fifth column” whose purpose is to overthrow the government and seize power in sovereign Abkhazia. It is known that the settling of an independent state by foreigners deprives the indigenous population of their right to free-willed self-determination. The United Nations requirement about Georgian settlers, who ran from Abkhazia, returning from their historic native land of Georgia, cannot be considered from the point of view of international law as legal, as the fact of foreigners settling in Abkhazia has all the elements of the colonial policy of an imperialist country and is a nonsense in modern policy and practice.

If you have expelled aggressors (for example, fascists in the Second World War) from an occupied territory of the USSR, are you now obliged to return them to this territory for permanent residence, because during the occupation, within three-four years they became accustomed to living there, and this place became their native land? You will answer that this is an absurdity. Nevertheless, the suggestion that this absurdity must be carried out in Abkhazia is made by the international community, in the name of the United Nations and the European Union.

History knows a precedent similar to the Abkhazian situation. After the Second World War, Czechoslovakia evicted from their territory three million ethnic Sudeten Germans who had lived there from time immemorial. Nothing happened as a result, and nobody considers this fact as a genocide. Moreover, it was not an obstacle for the introduction of the Czech Republic into the European Union.

### **3.7. The role of international organisations in the Georgian-Abkhazian conflict.**

In the politics of the United Nations, which is formed by states which are called democratic but are not always so, an approach based upon double standards is defined as a choice of priorities otherwise dependent upon necessity. Declaring to the whole world that the basis of their principles is “care of human rights”, in real life the principle of “integrity of the states” is paramount, thus the interests of

individual nations and all mankind are sacrificed to the ambitions of leaders of the major countries or the politicians necessary to those leaders. As for “care of human rights” concerning Abkhazia, it is reduced to one thing - the world community has been anxious only to preserve the “right” of Mr. E. Shevardnadze to conduct a genocide and utter annihilation of the Abkhazian people as an ethnos within territory which has been the property of Abkhazia for a period of more than two millennia. It is becoming the same concerning the new president of Georgia. Universal justice does not define approaches to the question of granting self-determination to nations, but a group of international officials decides how separate people, nations or ethnos should live and develop. As a rule, the wishes of these people are completely ignored, and in most cases, as for example with Abkhazia, its opinion is not asked for at all, though its will has already been expressed over a long period quite lawfully and democratically through a referendum.

The question is to whom is this favourably important? (*cui prodest*). Analyzing the policy of the United Nations in the conflict in the territory of Transcaucasia, one is convinced that basically the corporate interests of countries entering in one way or another into the blocks representing the political, economic and regional interests of these countries sponsor the United Nations, or, to put it clearly, pay officials servicing this organization. The more such money for the United Nations machine a country allocates, the more it is guaranteed that its suggestions, even the most ridiculous and anti-human, will be accepted. We observe this in the examples of Afghanistan, Iraq... It appears that the USA can act for the protection (i.e. the interests) of itself in the territory of a distant, not neighbouring, independent sovereign state. Abkhazia has no right of protection of its people, independence and statehood even in its own territory. Where is the logic, where is the declared justice? Or is it only because the USA puts huge sums into this black hole called Georgia, because America arms the Georgian bandits and prepares special troops for the punishment of civilians in South Ossetia and Abkhazia, that Georgia is given the right to destroy the people of Transcaucasia - the most ancient ethnos – with impunity? All that matters is that Georgia has intended to clear a region for the further installation of USA military bases in the proximity of Russia.

In these plans the United Nations does not take a neutral stand. Its attitude has degenerated into that of the League of Nations, which tolerated fascism, leading to the start of the Second World War. During that period, as well as now, all unjust actions of the relevant organisation were made through double standards. The League of Nations justified Hitler's actions in the same way as the United Nations judges the actions of E. Shevardnadze, and nowadays of M. Saakashvili. Finally came the inevitable court of history, and the instigators appeared behind bars or on the gallows. In that instance those officials of the League of Nations who promoted the development of the anti-human scenario evaded judgement, as on their hands no blood was visible - they worked only with papers. Officials of the United Nations also hope for the same.

As an example, we will pay attention to the following: at the moment of acceptance of Georgia as a member of the United Nations (July, 1992), the country was ruled by the State Council of Georgia, an illegitimate body which came to power unconstitutionally. Georgia at that time did not represent a uniform political formation, its jurisdiction did not extend to Abkhazia, South Ossetia, or (partially) to Adjara, and in Mingrelia during this period there was a civil war between supporters and opponents of the ex-president. World practice does not recognise states if their power does not extend to those territories or state organisations which they declare as being within the structure of the state. But, as we see, Georgia, together with all of its infringements of international law, military expansion, genocide and war crimes, was included by the United Nations within its number. European states entered it with pleasure and honour into the structure of the Council of Europe, which was a nonsense in itself, and calls into question European and world law.

The deceit of the international community undertaken by Georgia consisted and consists of Georgia's presentation to it of the information that Abkhazians are really Georgians, and that all of their lives (and earlier) they have dreamt only to be in the bosom of Georgia, but that turncoats, to Russia's advantage, in every possible way pursue a policy of tearing Abkhazia away from its native mother country. The will of the people of Abkhazia, stated in the most democratic way by means of a

referendum, is thus ignored, and the Georgian government expresses friendship and love to the Abkhazian people by means of military aggression, tanks and machine guns, terror and sabotage. The view of the problem of mutual relations between Abkhazia and Georgia was formed in the world and in international organisations on the basis of its deceitful representation in a false and deformed way. As an example, we will give one small detail completely characterising the position of PACE and its view of the mutual relations of Abkhazia and Georgia. The lecturer T.Davis, concerning the draft of Georgia's demand to join the Council of Europe, in item 7 states: "Georgia has gone through two confrontations in Abkhazia (1992-1994) and in South Ossetia (1990-1993)". In other words, Georgia did not attack the sovereign state Abkhazia, not did it start the military conflict, but went through it as a victim of aggression from Abkhazia.

The leaders of Abkhazia know that the physical existence of the people of the country, and primarily its native ethnos (the host nationality), depends upon their every step at negotiations on conflict settlement between Georgia and Abkhazia. They learnt about "friendship to the grave" with Georgians, but understand that the primary goal of the Georgian government is "to drive all Abkhazians into this grave". The World community should have understood a long time ago that the form of coexistence imposed upon these peoples is absolutely unacceptable by definition. This proves to be true in various ways (e.g. ethnic structure, national culture), and is simply because these people were never represented by one statehood, and Abkhazia was always an independent state whose people had only Russian and Abkhazian citizenship. Also, it would be desirable to know for what reason, and on what legal basis, the people of Abkhazia, actually living independently, should agree to domination in their own country by an alien ethnos, with a change of their own citizenship to Georgian.

The international community, and in particular the United Nations, OSCE and other organizations, should remember that Abkhazia, annexed by Georgia in 1918, left its structure, as well as that of the USSR, following the disintegration of the latter. Then as a result of its military victory in 1993, it was released from its annexation and declared this to the international community. From then on Abkhazia became a completely sovereign, independent state, the subject of international law, without dependence upon its recognition by the international community. Besides, sovereign Abkhazia is a part of the Confederation of the Mountain Peoples representing the ethno-social political Union of the states of the North Caucasus, whose tasks include the protection of the statehood and independence of its members.

### **3.8. Prospects of a decision to the problem.**

International public law says: at the moment of destruction of a former state system (which the Soviet Union was) and with the organisation of a new one (the Republic of Abkhazia), when the old power concedes reins to the new government, and if this separation process is finished and confirmed by the national will of the people, with a recognition of independence by other governments *de facto*, all previous agreements and treaties lose their validity. Actually, the newly appeared sovereign state initially inherits the recognized rights and duties of a subject of international law, and then acquires new ones (*clausia rebus sie stantibus*).

With the disintegration of the USSR, the status of Abkhazia as a state was changed, and all international treaties were automatically invalidated owing to this, or to the special statement that corresponds to item 16 of the Viennese convention on the assignment of states concerning treaties, from August 23rd, 1978:

"A new independent state is not obliged to keep any treaty in force, or to become its participant, simply because of the fact that at the moment of state assignment this treaty was in force concerning the territory which is the object of the assignment of the states".

As to the problem of international recognition of the independence of Abkhazia after the disintegration of the USSR and creation of the Commonwealth of Independent States (CIS), it is necessary to note that by 1990 the statehood of the Transcaucasian republics had not been formed according to the laws concerning the formation of the CIS, though attention was directed to the question of revival of the updated union and on the possibility of self-determination of each nation.

The form of the new states was also not defined. Thus Georgia as a sovereign state should not have received recognition, as any decisions concerning the priorities of one nation affected the interests of others. Various obligations of international documents have legal abilities to form one indissoluble whole, and the parts concerning Abkhazia and its sovereignty should not have been separated from other parts of the same treatise. But the world community, pursuing its aims of the quickest disintegration of the USSR, shut its eyes to this essential infringement of international law and quickly recognised the sovereignty of Georgia.

We should notice that the deadlock which Abkhazia has reached in its attempts to restore its sovereignty was created by an information war. It is clear that this has been planned by the Georgian government, which in every possible way tries to convince the international community about discrimination against the Georgian people making the majority of the population of the country in Abkhazia. Dear reader, think about that twaddle - there are 95 thousand people now representing the Abkhazian ethnos, who have gone through genocide from Georgia throughout almost a century, and been subjected to discrimination by the Georgian part of the population of Abkhazia, which was 250 thousand people. As well as this, all managerial posts in the country belonged to Georgians, and a policy of Georgianisation of the language, culture and consciousness of Abkhazians was followed, controlled by the KGB, the Ministry of Internal Affairs and the Army i.e. the power structures which were under the full control of Georgia. Nothing but gibberish!

It is amazing that the Georgian view is supported by the international community in the name of the United Nations, the CSCE, etc. Even the most simple question - a recognition of the act of aggression by Georgia in relation to Abkhazia which was the victim, has not been solved. The Security Council, into whose duties enter official confirmation of the fact of aggression, cannot and does not do this concerning Abkhazia, and simply does not prosecute the aggressor. In the case of a possible consideration of a question on the act of aggression, someone from the members of the Security Council can always use a veto, but after all this will not change features of the act of aggression representing intervention of the state in affairs of another with intention to force the other state to operate according to its will.

We wish to show an interesting document clearly characterising double standards in the politics of Georgia and the inconsistency of its claims to Abkhazia. In the left-hand column we provide the full text of "the Statement about restoration of the state independence of Georgia", in which the Georgian government proves the requirements for a recognition and restoration of the sovereignty of the country, and furnishes convincing proofs in favour of its recognition. In the right-hand column we have placed only some parts of actual and legal proofs stated by us in the present work, and have entered them into the text of the above Statement, but having shown the given items relating to Abkhazia. The Abkhazian government, unfortunately, has not prepared a similar document, therefore we will dare to execute it for them. Simultaneously, in italics we will note discrepancies and distortions, not affecting any validity, which occur in the Georgian original of the Statement.

***The statement about restoration of the state independence of Georgia***

The statehood of Georgia originating in the heart of centuries (Pure lie! Statehood of "Georgia" never existed till 1918, and so there was nothing to restore. Speech can be only about Kartli-Kakhetia which Russians named Georgia at end of XVIII century - authors) was lost by the Georgian people in XIX century, owing to the annexation of Georgia carried out by Russian empire and abolition of its statehood (According to the Georgievsk treaty and the Manifesto of 1801, governors of Kartli-Kakhetia asked about inclusion of these princedoms in structure of

***The statement about restoration of the state independence of Abkhazia***

The statehood of Abkhazia originating in V century BC, was lost by the Abkhazian people in XIX century, owing to the annexation of Abkhazia carried out by Russian empire and abolition of its statehood . The Abkhazian people were never reconciled with loss of freedom. On the basis of the Allied treaty of October 20th, 1917 the abolished statehood of Abkhazia was restored through its introduction into the Southeast Union of the Cossack army, Mountaineers of Caucasus and the free peoples of Steppes. Congress of the Abkhazian people

Russian territory on Caucasus, as was received, therefore to speak about annexation is not truthful.) The Georgian people were never reconciled with loss of freedom . On the basis of the Statement about independence of May 26th, 1918 the abolished statehood of Georgia was restored and the Georgian Democratic Republic with its Constitution and representative bodies elected on the basis of a multi-party system was formed

In February - March, 1921 Soviet Russia, roughly having broken the peace treaty concluded between Georgia and Russia on May 7th 1920, by armed aggression occupied the Georgian state recognised by it, and then carried out its actual annexation.

Georgia was included into structure of Soviet Union involuntarily, and its statehood was restored (originated - authors) in 1918, and exists today. The statement about independence of Georgia and its Constitution have validity today as the government of democratic republic did not sign the document about capitulation and continued activity in emigration.

All period of violent stay of Georgia as a part of the USSR is noted by bloody terror and reprisals, last display of that was the tragedy on April 9th, 1989. The latent war against Georgia proceeds today, its purpose - to prevent aspiration of Georgia to freedom and democracy.

The Republic of Georgia Supreme Council, elected on October 28th, 1991 on the basis of multi-party, democratic elections, following the will of the population of Georgia, unanimously expressed by it in a referendum on March 31st, 1991, decides and for the whole world proclaims restoration of the state independence of Georgia on the basis of the Statement about independence of Georgia of May 26th, 1918.

The territory of sovereign Republic Georgia is uniform and indivisible. In Republic Georgia territory the Constitution and the Republic Georgia power have command only. Any action

accepted on November 8th, 1917 the Constitution of Abkhazia and elected the Government - the Abkhazian National Council.

In May - June, 1918 the Georgian Democratic Republic, roughly having broken the Agreement from February 9th, 1918, by armed aggression occupied the Abkhazian state recognised by it, and then carried out its actual annexation.

Abkhazia was included into structure of Georgia involuntarily, and its statehood was restored in 1917, and exists today. The statement about independence of Abkhazia and its Constitution have validity today as the government of democratic republic did not sign the document about capitulation and continued activity in the conditions of an occupation regime .

All period of violent stay of Abkhazia as a part of Georgia is noted by bloody terror and reprisals, last display of that was the tragedy on August 14th, 1992. The latent war against Abkhazia proceeds today, its purpose - to prevent aspiration of Abkhazia to freedom and democracy.

The Republic of Abkhazia Supreme Council, elected on October 28th, 1991 on the basis of multi-party, democratic elections, following the will of the population of Abkhazia, unanimously expressed by it in a referendum on March 17th, 1991, decides and for the whole world proclaims restoration of the state independence of Abkhazia on the basis of the decision of the first Congress of the Abkhazian people which took place on November 8th, 1917, on which the country Parliament (Abkhazian National Council) was elected and defined its main task as work on self-determination of the Abkhazian people, and also, according to decision of Orgburo RCP (b) and Revcom Abkhazia from March 31st, 1921 which declared Abkhazia as Independent Soviet Socialist Republic.

The territory of sovereign Republic Abkhazia is uniform and indivisible. In Republic Abkhazia territory the Constitution and the Republic Abkhazia power have command only. Any action

directed on restriction of leadership of the power of Republic Georgia or infringement of its territorial integrity, will be qualified as intervention in internal affairs of the sovereign state, and aggression as rough infringement of international law.

Primacy of international law concerning laws of Republic Georgia and direct action of its norms in territory of Georgia are one of the basic constitutional principles of Republic Georgia. The republic Georgia, aspiring to take a worthy place in commonwealth of the states of the world, recognises and equally follows all fundamental laws provided by international law, and provides freedom of the person, national, ethnic, religious and language groups as demanded by the United Nations Organization charter, the General declaration of human rights, and international pacts and conventions.

(Simultaneously being Aggressor, source of violence and genocide, and the cause of the international pressure in Transcaucasia).

The Republic Georgia Supreme Council declares that it will firmly observe the standard principles of political, economic and cultural cooperation with other states.

Restoration of the state independence of Republic Georgia completely corresponds to the United Nations Organization charter, the Helsinki and Viennese statements recognising and fixing the right of all people independently to define political destiny of the country.

The Republic Georgia Supreme Council hopes that the international cooperation of the states does not remain indifferent to lawful and fair steps of the Georgian people and recognises the revived state independence of Georgia that is one of the firmest guarantees of safety of Republic Georgia.

Signed by members of the Supreme Council and the Republic Georgia government.

Tbilisi,

April 9th, 1991.

12.30 am.

directed on restriction of leadership of the power of Republic Abkhazia or infringement of its territorial integrity, will be qualified as intervention in internal affairs of the sovereign state, and aggression as rough infringement of international law.

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The Republic Abkhazia Supreme Council hopes that the international cooperation of the states does not remain indifferent to lawful and fair steps of the Abkhazian people and recognises the revived state independence of Abkhazia that is one of the firmest guarantees of safety of Republic Abkhazia.

There is a fair question, which is on what basis has Georgia, making all conceivable and inconceivable infringements of the norms of international law, been recognised as a sovereign state? And why cannot Abkhazia, possessing the same if not more powerful arguments in favour of its sovereignty, find the freedom and rights which it deserves and for which it has all historical and legislative grounds?

Also, though the obvious does not require proof (*manifestum non eget probatione*), Abkhazia, given the position of the United Nations and the CSCE, will not be able to receive a fair decision from the international community. In our opinion, the only way to reach a positive decision in this matter is to knock on all doors and to prove the truth by means of legally convincing arguments. We hope that the present work will make a contribution towards untying this tightened knot.

The ethnic conflict which took place in Abkhazia throughout XX century was a consequence of the presence of sharp national contradictions resulting from the strong dependence of the Abkhazian people on the ethnically alien Georgian state, and on subjective actions by the persons who were at the head of this state and its forces, and the policy followed by them. Such actions of the state, in relation to the Abkhazian ethnos, as genocide, deportation, various sorts of national infringements and restrictions (language, culture, the government) were indefensible. But this is the roughest infringement of international public law, as it appears the hostage of actions by private persons (*Jus publicum privatorum pactis mutari non potest*). As an ethnos is a system of interconnected elements, any restriction to one of them (and furthermore to several simultaneously) will inevitably demand the restoration of these elements through a system of connections with a different community, and this leads to the ethnos replacement that is called genocide.

We cannot be judges of our own case (*perro index in causa sua*), therefore we believe that for the definitive decision of this problem it is necessary to transfer the process of its consideration by international organisations into a legal channel and to start to work in a legal field defined by these organisations. The international community provides a complex of legal means for the peaceful solving of international disputes, namely: direct negotiations, intermediaries, the resolution of disputes by international organisations. In our opinion, the most effective solution could become the international investigatory procedure (*inspection*) i.e. investigation by an international body (the international court or international arbitration) of the concrete circumstances and the fact sheet underlying the international disagreement. Though the conflict has reached a deadlock phase, it makes sense to again address those who will allow an investigation of its root causes by using legal means available to their organisation's legal department. In this case there will not be inexpedient use of a solely historical approach in an estimation of possibilities of confirmation of the sovereignty of Abkhazia. Both parties should present their demonstrative data on the basis of legal documents concerning this question. In the final instance, there should be an international court or other impartial proxy body able to make a corresponding decision. Transfer of consideration of the question of sovereignty to a legal environment will outline at once the limits of consideration of the problem and will define the borders of use of legal documents as arguments by the contradictory parties.

## Conclusion

Our last pages have been written, and we would like to hope that we have coped with the task which we set ourselves - through a prism of the history of the Abkhazian people, having emphasised the legal side of the problem, to consider a method of formation and development of the statehood of Abkhazia, the Republic of Abkhazia's affirmation that it is an independent and sovereign subject of international law. The materials given by us testify that Abkhazia under the basic requirements (principles) is in the full sense *de facto* and *de jure* a state having its own structure, form of government and method of functioning, which are fixed by constitution; there is absolutely no necessity to prove to anyone that Abkhazia really exists as a state within protected frontiers. The country possesses the characteristic features belonging to any sovereign state: territory, government, priority of the law, machinery of state and other features. The Republic of Abkhazia territory is occupied by the indigenous Abkhazian ethnos, the republic is multinational, representatives of more than 60 ethnic groups live there, and all them have the complete spectrum of civil rights. The government in Abkhazia is legalised and legitimate, and acts as the official representative of all the population of the republic. The government possesses leadership in relation to other institutes in

society, and it has state sovereignty. Abkhazia approached sovereignty for centuries, and it is now proved to be true by a numerous set of legal documents.

The terrible picture of a genocide of the Abkhazian people and an encroachment upon the sovereignty of the Abkhazian state, observed in the XX century, fell upon Abkhazia with the formation of the so-called Georgian democratic state. The fate of the Abkhazian people during Soviet time was even more terrible. The more I. Stalin and L. Beria (Georgians by nationality) usurped power in Georgia, Russia, and the USSR, the worse the fate of Abkhazians. And only Stalin's death, and Beria's execution for numerous crimes against humanity, rescued the Abkhazian people from the full catastrophe of destruction as an ethnos and a nation. At the heart of the conflict is the colonial policy of Georgia, the aggressor which has embraced chauvinism and fascism and, strangely enough, is supported in this criminal activity by the world community. Stalin - Beria policy was inherited by the president of Georgia, E. Shevardnadze. Today we observe a similar situation with the "hawk" fostered by the United States of America - Michael Saakashvili, supported by NATO countries, demanding a revenge in Abkhazia and South Ossetia, undertaking all conceivable and inconceivable actions, and infringing international laws or bypassing them (*contra legem facit qui id facit quod lex prohibet, in frandem vero qui salvis verbis sententiam enis circunventi*).

However their aggressive nationalist paranoid aim "to finish Abkhazia now and forever" was not carried out, in spite of the fact that the leaders of four-million Georgians, at the end of XX century, threw all the armoured power of the Georgian army into Abkhazia, rushing to gain one of its most "brilliant victories" over the hundred thousand Abkhazian people. But this crazy idea could not be carried out and will never be carried out. Leaders of Georgia and ideologists of imperialist national socialism have not considered the following circumstance: history does not remember that Abkhazia, i.e. the Abkhazian people, ever attacked anybody. These people, who are used to protecting themselves and defending their native land and homes, are impossible to defeat. They have on their side all of the North Caucasus, all progressive mankind, and all people of good will, who express sympathy and render all feasible help to the Abkhazian people because they are protecting their land. Naturally, the aggression of the Georgian soldiery in this undeclared war ended with utter defeat for Georgia. Probably Abkhazia, as the favourite child of the people of the Caucasus, was rescued by the Almighty, given the aspiration of the Abkhazian people to find and keep a worthy place in the constellation of the people of the Caucasus, Russia and the world – a desire quite favourable to God. The centuries-old dream of the Abkhazian people, of all the population of the Republic of Abkhazia, came true. Abkhazia definitively released itself from annexation by Georgia and has restored its status as a sovereign state, the subject of international law. What further?

The modern world community tends towards developments in two basic directions: globalisation and separatism. As T. Roosevelt said, "the twentieth century appears to us as a century in which destinies of many nations will be defined". Thus on the one hand, centuries-old borders of traditionally independent states (uniform Europe) are falling, and on the other, empires are collapsing, giving independence to ethnos and peoples, i.e. the priority of self-determination prevails over the indestructibility of states and their borders. This real situation enters into confrontation with regulations in the Helsinki Final Agreement, formulated and accepted in the years of the "cold war" opposition of two nuclear empires. In the above-named regulations, the illusion is presented that the world consists of states, whereas it really consists of the people. As these ideas have become outdated and ethno-destroying today, the struggles of peoples for national sovereignty, including their right to self-determination and hence to independence and freedom, leads, as in the case of Abkhazia, to never-ending international military conflicts. The Abkhazian people have no choice but to take all necessary measures for the protection of their statehood and sovereignty against any new military escalation (*si vis pacem, para bellum*), i.e. look for peace, but prepare for war. And this is correct, as wrongful violence is authorised to be overcome by force (*vim vi repellere licet*).

In our case, the right of the people to sovereignty and self-determination is much more serious than a simple infringement of the integrity of frontiers, because in Abkhazia there is a question about the existence of the whole population: is it really lawful to destroy Abkhazians for the sake of out-of-date principles of the OSCE or the United Nations? Also there is another question: what is more

important, the existence of people or the integrity of the state oppressing those people? What is more important for the world community – the peaceful development of countries and regions or never-ending wars and armed oppositions? After all, Cicero said that when the weapons rattle, laws are silent (*inter arma leges silent*). It would be desirable to hope that in the United Nations and OSCE, among representatives from the nations of the world who are called to solve questions of international safety and the rights of the people, the majority are capable of empathizing with the people they represent, sympathizing with their troubles, and helping to secure these people and ethnoses against any encroachment by new imperialists, colonizers and pseudo-democrats, under whatever slogans they mask themselves.

At the beginning of "perestroika" on the Russian "Montmartre" (Old Arbat), a painting by a young artist which had the name (then new to the Russian lexicon) of "Consensus" was displayed. In it was a camel on whose head magnificent deer horns, attached by ideologists of perestroika, had been represented. Now, the same ideologists from the CIS countries, and officials from the United Nations, OSCE and NATO try to attach on the head of Abkhazia the same horns in the form of Georgia. This will not happen! Think again, gentlemen, after all for such an action the head must be operated on, and it is also possible for many heads to be treated in the same way as one head (to which Georgia aspires), but on the other hand, this means blood, a lot of blood!

The legal documents presented by us which define the status of the statehood of Abkhazia *de jure* and the imperative norms of international law confirming the legitimacy of this status, are, in our opinion, the necessary key which will allow the Republic of Abkhazia (in the presence of the good will of the international commonwealth of nations) to open a door and join the number of states in the world community possessing their sovereignty *de jure* and *de facto* in full.

We believe that comments on a statement of historical data can cause irritation or even aversion for some historians (let alone politicians) having a different view of questions or events in the evolution of the states considered by us. Well, the information concerning this problem is ambiguous, therefore its interpretation, especially concerning the period until VII century, can appear disputable. We see the evolution of the people of Transcaucasia as having been in the manner stated by us, but nevertheless, considering the almost century-long experience of mutual relations between Georgia and Abkhazia, we know that a stream of unfair reproaches will take place, and even lies, etc. are also possible. We are ready to accept these blows, as an adversary has the right to such arguments (*audiat et altera pars*). At the same time, we ask any adversary to give a convincing reason for critical remarks, with references to the official legal certificates confirming such remarks, for the right of proof in this case should be given to the Georgian side (*ei incumbit probatio, qui dicit, non qui negat*). As the problem considered in this work is in the process of being solved, any constructive criticism will undoubtedly be useful, and we will accept it with gratitude. Along with this, we consider that it is necessary to pay the most basic attention not to words, but to the will and actions of the parties in this conflict (*voluntatem potius quam verba considerari oportet*).

## **List of tribes, nationalities and geographic names**

|            |                   |
|------------|-------------------|
| Aatsi      | Аатсы, ааци       |
| Abadzekhs  | Абадзехи          |
| Abaza      | Абаза             |
| Abazgia    | Абазгия           |
| Abazgs     | Абазги            |
| Abazinian  | Абазинский        |
| Abazinians | Абазины, Абазинцы |
| Abeshla    | Абешла            |
| Abkhaz     | Абхаз, абхазский  |
| Abkhazia   | Абхазия           |
| Abkhazian  | Абхазский         |

|             |                 |
|-------------|-----------------|
| Abkhazians  | Абхазы, Абхазцы |
| Absils      | Абсилы          |
| Absny       | Абсны           |
| Abzakhs     | Абзахи          |
| Abzhua      | Абжуа           |
| Abzhui      | Абжуи           |
| Adjarians   | Аджарцы         |
| Adygea      | Адыгея          |
| Adygs       | Адыги, Адыгейцы |
| Alanians    | Аланы           |
| Alarodis    | Алародии        |
| Alazan      | Алазань         |
| Anaklia     | Анаклия         |
| Anakopia    | Анакопия        |
| Apshils     | Апшилы          |
| Apsilia     | Апсилия         |
| Apsils      | Апсилы          |
| Apsny       | Апсны           |
| Apsua       | Апсуа, апсуйцы  |
| Aramaic     | Арамейский      |
| Arpachai    | Арпачай         |
| Artanudj    | Артанудж        |
| Assiria     | Ассирия         |
| Azega       | Азега           |
| Besleneevs  | Бесленеевцы     |
| Bzhedukhs   | Бжедухи         |
| Bzyb        | Бзыбь           |
| Chashis     | Чаши            |
| Chechens    | Чеченцы         |
| Chorokh     | Чорох           |
| Circassia   | Черкессия       |
| Circassians | Черкесы         |
| Daks        | Даки            |
| Dioscuria   | Диоскурия       |
| Djigets     | Джигеты         |
| Djurdjuans  | Джурджуаны      |
| Djurzan     | Джурзан         |
| Dvals       | Двалы           |
| Dzikets     | Дзикеты         |
| Eras        | Эры             |
| Ftirofags   | Фтирофаги       |
| Gagra       | Гагра           |
| Gagripsh    | Гагрипш         |
| Galidzga    | Галидзга        |
| Gallia      | Галлия          |
| Geerzan     | Гирзан          |
| Geniokhs    | Гениохи         |
| Gudauta     | Гудаута         |

|              |                        |
|--------------|------------------------|
| Gurdjes      | Гурджи, Гюрджи         |
| Gurdjistan   | Гурджистан, Гюрджистан |
| Guria        | Гурия                  |
| Gurians      | Гурийцы                |
| Gurzan       | Гурзан, Гюрзан         |
| Hetts        | Хетты                  |
| Hutsuri      | Хуцури                 |
| Iberia       | Иберия                 |
| Iberians     | Иберийцы               |
| Imers        | Имеры                  |
| Imeretia     | Имеретиа               |
| Imeretians   | Имеретинцы             |
| Iveria       | Иверия                 |
| Iverians     | Иверы, иверцы          |
| Ivratsis     | Ивраци                 |
| Kabarda      | Кабарда                |
| Kabardians   | Кабардинцы             |
| Kakhetia     | Кахетия                |
| Kakhetinians | Кахетинцы              |
| Karachaevs   | Карачаевцы             |
| Kardukhs     | Кардухи                |
| Kart         | Карт                   |
| Kartl        | Картл, картлский       |
| Kartalinia   | Карталиния             |
| Kartalinians | Карталинцы             |
| Kartli       | Картли, картлийский    |
| Kartvelia    | Картвелия              |
| Kartvelians  | Картвелы               |
| Kashki       | Кашки                  |
| Khaldia      | Халдия                 |
| Khanaenians  | Ханаанеи               |
| Khazaria     | Хазария                |
| Khazars      | Хазары                 |
| Khevsurs     | Хевсуры                |
| Khimerians   | Киммерийцы             |
| Khirpis      | Хирпис                 |
| Khorezm      | Хорезм                 |
| Khorezmians  | Хорезмийцы             |
| Koraksians   | Кораксы                |
| Kumiks       | Кумыки                 |
| Kurdjes      | Курджи                 |
| Kurds        | Курды                  |
| Laks         | Лаки                   |
| Lazika       | Лазика                 |
| Lazikans     | Лазы                   |
| Lykhni       | Лыхны                  |
| Mana         | Мана                   |
| Melankhlens  | Меланхлены             |

|                               |   |
|-------------------------------|---|
| Merkula                       | Меркула                                     |
| Meshekh                       | Мешех                                       |
| Meskhetians                   | Месхетинцы                                  |
| Meskhia                       | Месхия                                      |
| Meskhs                        | Месхи                                       |
| Mingrel (Mengrel, Megrel)     | Мингрел(менгрел,мегрел),<br>мингрельский... |
| Mingrelia(Mengrelia,Megrelia) | Мингрелия(Менгрелия,Мегрелия)               |
| Mingrelians(Mengrelians...    | Мингрелы, мингрельцы(менгрелы...            |
| Misimianians                  | Мисимиане                                   |
| Mokva                         | Моква                                       |
| Moskhs                        | Мосхи                                       |
| Mossineks                     | Моссинеки                                   |
| Mtshetsk                      | Мцхетский                                   |
| Mzymta                        | Мзымта                                      |
| Ochamchira                    | Очамчира                                    |
| Okhurei                       | Охуреи                                      |
| Okum                          | Окум  |
| Ossetia                       | Осетия                                      |
| Ossetians                     | Осетины                                     |
| Pitsunda                      | Пицунда                                     |
| Pshavs                        | Пшавы                                       |
| Pskhu                         | Псху  |
| Radtcha                       | Радча                                       |
| Radtelia                      | Радтелиа                                    |
| Rioni                         | Риони                                       |
| Sadze                         | Садзе, садзы                                |
| Sakartvelo                    | Сакартвело                                  |
| Samkhetia                     | Самхетия                                    |
| Samurzakan                    | Самурзакань, Самурзакано                    |
| Samurzakanians                | Самурзакане                                 |
| Sanigia                       | Санигия                                     |
| Sanigs                        | Саниги                                      |
| Scythians                     | Скифы                                       |
| Sebastopolis                  | Себастополь                                 |
| Selevkids                     | Селевкиды                                   |
| Shapsugs                      | Шапсуги                                     |
| Shashes                       | Шаши  |
| Slavs                         | Славы                                       |
| Sukhum                        | Сухум                                       |
| Svan                          | Сванский, сванетский                        |
| Svanetia                      | Сванетия                                    |
| Svans                         | Сваны                                       |
| Tao-Klardjeti                 | Тао-Кларджети                               |
| Tiflis                        | Тифлис                                      |
| Togorma                       | Тогорма                                     |
| Toobs                         | Тубы  |
| Tquarcheli                    | Ткварчели                                   |

|            |         |
|------------|---------|
| Tskhali    | Цхали   |
| Tskhum     | Цхум    |
| Tskhom     | Цхом    |
| Tuapse     | Туапсе  |
| Tushes     | Туши    |
| Ubykhs     | Убыхи   |
| Vratsis    | Враци   |
| Zikhozians | Зикхозы |
| Zikhs      | Зихи    |

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