

AND AGAIN:

**AGGRESSION, INTERVENTION AND OCCUPATION OF GEORGIA
AIMED AT RAZING THE SOVEREIGNTY AND TERRITORIAL
INTEGRITY OF THE COUNTRY**

**Statement of the International Law Institute of Law Faculty of
Iv. Javakhishvili Tbilisi State University**

On August 26, 2008 the President of the Russian Federation signed a decree on the recognition of the independence of Abkhazia and so-called South Ossetia, based on the recommendations of both houses of the Russian Federation Parliament. So, all was set on the proper place – the intentions of Moscow thoroughly kept off-stage became evident to the entire world community. The procedure of recognition was accompanied with the hypocritical statements about the humanitarian mission of the Russian Federation of protecting own nationals in Abkhazia and so-called South Ossetia “from genocide, conducted by Georgia”. As it could be anticipated now the “hot war” transforms into the phase of the political-legal aggression of Russia, aimed at the partition of Georgia.

In much the same manner as on 21 August, 1968, when the armed forces of the USSR occupied Czechoslovakia, in an attempt to restore the communist totalitarian regime in the country, on 7 August, 2008 the Russian armed forces invaded the Georgian territory with the aim which has never been concealed by the authorities of the Russian Federation – to raze the independence of the country.

The entire information machinery of Russia compelled the wittingly prepared inflow of misleading information on the world community, misrepresenting the real state of affairs. The ideological support of the aggressive actions of Moscow is being carried out, the latter being directed at the punishment of Georgia for allegedly conducting genocide in the Tskhinvali region, the Russian military valor is praised for rushing to “protect small Abkhazian and Ossetian peoples as well as the Russian citizens residing in these regions”.

Without any sense of honor the Chairman of the Constitutional Court of the Russian Federation V. Zorkyn joined the ideological war trying to prove that Russia did have a right to conduct the operation of peace enforcement without a sanction of the UN Security Council, as the Russian army protect Russian citizens, who are the majority of the South Ossetian population. Who but not him, must know the primary principles of the UN and the exclusive right of the UN Security Council to conduct peace enforcement operation in accordance with the Chapter VII of the UN Charter.

As a matter of fact the “home stock-up” is being realized, about which V. Putin explicitly announced in response to the recognition of independence of Kosovo and statement of NATO that Georgia will become a member of the organization.

V. Putin, D. Medvedev and S. Lavrov have not once declared that Moscow “will not allow Georgia to become a member of NATO”. However the recent developments shall be considered within the context of the ideological, political and military pressure being exercised by Russia against Georgia for long.

I. THE REVANCHIST POLICY PURSUED BY AGGRESSIVE NEO-BOLSHEVISM

Getting ready for forceful reincarnation of the USSR, the Russian authorities did aim at Georgia from the very beginning, since the country was one of the first of those declaring about the secession from the USSR long before its official dissolution. Starting from the bloody dispersal of the peaceful demonstration in Tbilisi on 9 April 1989, Moscow did start active support of the aggressive separatism in Abkhazia and the so-called South Ossetia. The past of the Bolshevik Russia inspired this policy.

a) The ideological and political heritage of the Bolshevik Imperialism of 1920-1921

The idea of employing Abkhazia for the expansionist endeavor commenced back in 1920-1921. Preparing the intervention into the Georgian Democratic Republic, the Bolsheviks, including the Georgians, were looking for the justification acceptable for international community.

On 2 January 1921 G. K. Orjonikidze and S. M. Kirov informed Central Committee of the (Bolsheviks') Peasant-Workers Committee as follows: *"We can not expect that there will be a decisive explosion inside Georgia; Turning Georgia into soviet state is not possible without our interference. There is a reason for our intervention into the Georgian affairs. There is no need for open attack on Georgia to that end. We have a possibility to start a movement in Abkhazia ... "* (Russian Center for Preservation and Study of the Documents of the Modern History, f.85, op.4, file 115, p.2).

And here is the advice of the General-Major P. Sytin, military attaché at the Representation of the RSSFR to Georgia, as provided in his Report of 26 April, 1921:

"One of the preventive measures ... at the same time having the general political nature, should be retaining of the sufficiently strong contingence of the Red Army within Georgia. The other measure weakening the Georgian chauvinism both in territorial and economic view points I would consider to be separation of Abkhazia. Such an act would along with the considerable strategic and political meaning for the RSSFR will also hand over [to our state] significant national wealth of [Georgia]."

Following Abkhazia, attention must be concentrated on Mengrelia, a country ... [which] immediately borders Abkhazia along the river Inguri and extends towards the South to the river Rioni, this is a territory at mouth of Rioni ... were it was envisaged long ago to set up a port, with the capacity to substitute Batumi, the territory is extremely big. From the strategic view point it can also be subordinated to the immediate influence of the RSSFR if both – Mengrelians and Abkhazians are granted autonomy. This is the way of partition of the Republic of Georgia to several autonomous entities – especially if they are subjected to the RSSFR, and better to have them as small as possible, what deserves significant attention ..." (Central State Archive of Georgia, f. 1874, op.1, item 4).

b) Abkhazia in Aggressive Plans of Neo-bolshevism (1990-2008)

Let us have a look at the zealous arguments provided by the contemporary supporters of the Russian neo-Bolshevistic expansionism. Personalities like Zatulín, Migranjan, Alksnis, Zhirinovskiy are widely known. Let us look at the views of at least some of these statesmen and "political scientists".

Back in 1998 in the very first issue of the supplement to the newspaper "Nezavisimaja Gazeta" – "Sodruzhestvo", led by Zatulín, Migranjan and others, the "Analytical Report produced by the "Caucasian Division" of the Institute of the CIS States" was published with the title "Georgian-Abkhazian Conflict: the Past, the Present and the Future". This bouquet of the anti-Georgian hysteria does not merit for serious response, however several provisions are apt to be cited herewith:

*"When determining its strategy here [in the Caucasus], Russia shall consider that Georgia will not be a grateful partner and a candid allied state. Georgia's inclination toward the West and NATO is presently only halted by the problem of its territorial integrity, restoration of which is impossible without Russia... it is evident that for the present, as well as for the future **Abkhazia, South Ossetia and to a certain degree Ajara autonomy constitute natural allies for Russia in relations with Georgia. ... Abkhazia must be preserved** as a significant political force in the region, **counter-balancing anti-Russian tendencies and sentiments**, notwithstanding the origins of the latter – would that be deriving from outside or within the region... And even if the Russian authorities due to the internal or international reasons are not capable to consider this application [the 23 March 1993 Appeal of the Supreme Council of Abkhazia to the Supreme Council of the Russian Federation regarding "return" of Abkhazia as a constituent of the Russian Federation or*

placing it under protection of the latter] and have a positive decision over it, it must consider this in its future actions”.

Hence already in 1998 when Russia was construing the plans on hampering the rapprochement of Georgia with Europe Georgia's there was not even a real discussion over Georgia's NATO membership and Georgian people considered this to be a remote future.

This is the general outline of the Russian imperialism in relation with Georgia – not to let the integration of the country into the European structures and first and foremost into NATO at any cost.

Similar to 1920-1921, the aggressive separatism in Abkhazia and South Ossetia, temporarily put on hold, following retraction of Georgia to the USSR, was chosen as the main instrument of the neo-bolshevism. However, as soon as Georgia decided secession from the USSR, the machinery aimed at partitioning the country was immediately put into operation again.

II. AN ATTEMPT TO DISTORT FACTS ABOUT THE HISTORICAL BELONGING OF ABKHAZIA AND SO-CALLED SOUTH OSSETIA TO GEORGIA, BLAME THE COUNTRY IN DISCRIMINATION OF THESE PEOPLES ALLEGEDLY PROVOKING THE COMMENCEMENT OF THE ARMED CONFLICTS

Lie No. 1: Abkhazia and so-called South Ossetia have never been parts of Georgia and they were forcibly incorporated into Georgia by Stalin

This is how the protesting against the settlement of the people from the Russian provinces to Abkhazia First Lieutenant Prince B. Emukhvari, Prince M. Marshania, First Lieutenant T. Margani, Prince K. Inalipa “elected by all social strata of Abkhazian people” in their note of March 23, 1899 to General-Adjutant Prince Sviatopolk-Mirskoy characterized Georgian-Abkhazian relations:

"From time immemorial Abkhazia had been a part of the former Georgian Kingdom. The Georgian Kings had never excluded Abkhazia from the large Georgian family. And as prior to the partition of the Kingdom as well as afterwards, up until the very end of their reign the kings were titled as the Kings of Georgia, Kartli, Abkhazia, Imereti and Kakheti. When the Georgian King Vakhtang VI at the beginning of the previous century summoned representatives of all provinces of the former Georgian Kingdom to involve them in the work of publishing laws – there were representatives of the Abkhazian people as well which have so far faithfully preserved the most ancient Georgian customs.

Christian churches, the ruins of various mundane and military constructions speak not less conspicuously about the belonging of Abkhazia to Georgia.” The authors of the note expressed the hope that the **(Abkhaz) would not be “separated from the united family of the Georgian people, whom they had always belonged to”** (Central State Archive of Georgia – #416, de-scrip. 3 file #1020, p. 1-18.)

Let us look at the advice of the Russian advisers and ecclesiastics. Chief Civil Executive Officer in the Caucasus Prince Golitsyn and exarch Alexei brought to the attention of the Chief Procurator of the Holy Synod that *"it is highly desirable to separate the Sukhumi bishopric from the baneful Georgian influence. To this end it would be extremely useful to join the Sukhumi bishopric to the Kuban area with its 1,716,245 pure Russian orthodox population. This mass will easily engulf the 100,000 indigenous population of the Black Sea littoral".* The same idea was also emphasized in a 15 September, 1887 Report of the Deputy Military Governor of Kutaisi: *"Georgian population in the Sukhumi okrug impedes Russification of the area."*

In 1916 Abkhazian deputation consisting of princes – M. Shervashidze, M. Emukhvari, A. Inalipa, P. Anchabadze and the representatives of peasantry – B. Ezukhbaia and A. Chukbar visited Tbilisi. They submitted a request for an economic and cultural development of the region on behalf of Abkhazian people and put on the agenda the issue of transforming the Sukhumi Okrug in a separate Gubernia (an entity to which the Russian Empire was divided). *"If this is impossible – they stated – Sukhumi okrug should joint no other than the Kutaisi Gubernia"*. The deputation also insisted not

to separate *Sukhumi eparchy* from the exarchat of the *Georgian Church to which the former had always belonged* ("The Sakartvelo", 1916, N 94.).

Lie No. 2: The Ossetians residing in so-called South Ossetia are the part of the artificially divided nation, which has the right to reunify with the North Ossetia or become independent

First of all let us look at the statement of Prof. Abayev, the patriarch of the Ossetian humanities, who wrote in "*Nezavisimaja Gazeta*" (Moscow, Issue No. 13, 22.01.1992): "The main Caucasian Mountain Range is a natural border between Georgian and Ossetia, and any attempt to erode this border would entail the state of permanent conflict between the Georgians and the Ossetians... First of all, all talk on South Ossetia seceding from Georgia needs to stop. No Georgian government will ever agree to it and will be perfectly right, because it would mean violation of the territorial integrity of Georgia ... Those who wish peace between the Ossetians in South Ossetia and Georgians shall forever reject the idea of joining South Ossetia to North Ossetia. Those wishing peace between Georgia and Russia shall also abandon the idea. This is the reality".

Some concise facts shall be cited herewith with regard to settlement of the Ossetian population in Shida Kartli and creation of the autonomous oblast.

In XI-XII cc. Alans (in the Georgian sources called "ovsebi") had a feudal state in the North Caucasus, which was destroyed by the invasions of Mongols (XIII c.) and Tamer-Lane (XIV c.). Being forced to escape the valley regions of the North Caucasus, Ossetians found shelter in a narrow gorge of the Caucasus mountain range. Later on they started moving towards the Southern mountainside of the Caucasian mountain range. Starting from XVII-XVIII cc. a part of the Ossetian nation settled north to the territory of Shida Kartli.

Experiencing hardship and looking for better life the Ossetians were trying to get to the Georgian mountain villages and often settled at the lands belonging to Georgian land-owners. The movement of the Georgian population from the mountainous regions to the valleys due to the invasions from the North Caucasus and the relatively favorable economic conditions in lowlands also contributed to this process.

Ossetians were mostly settling in the gorges along the rivers Didi liakhvi, Patara Liakhvi and Ksani. Later the Ossetian population settled in the Gori and Dusheti administrative regions. A relatively small part of the Ossetians settled in Racha administrative unit. The gratitude of Moscow for involvement of Ossetians in the 1921 intervention of Moscow resulted into the decision of the latter to establish the South Ossetian Autonomous Oblast. Stalin and Orjonikidze did their best to accomplish the plan, however were hampered with the obstacles. The People's Commissariat of Internal Affairs of Georgia reported as follows: "there is no geographical entity, such as South Ossetia ... There are only different regions inhabited by Ossetians, which are not in any way connected neither in terms of economic nor topographical linkage." The People's Commissariat considered inadmissible the creation of the oblast on the expense of inclusion of the Georgian villages of Gori, Dusheti and Racha administrative units into it, as the population of these villages categorically opposed the idea. However, the oblast was created on 31 October, 1921. It is apt to remind the reader that at that time in the administrative center of the oblast – Tskhinvali there were only 2 Ossetian families residing, while tens of thousands of Ossetians were dispersed throughout the other territories of Georgia.

Lie No. 3: Abkhaz and Ossetian peoples have the right of self-determination, including succession from Georgia

The Russian experts reject such an approach.

"The conclusions and recommendations of the Conference of law experts of CIS participant states – "Right to Self-determination and Secession in Modern International Law" (July 12-14, Moscow).

"Conference reminds that Modern International Law does not sanction and encourage any kind of action that would lead to the violation (partially or wholly) of territorial integrity and political unity of states, enjoying the principles of equality and self-determination of peoples. Secession is not an unavoidable element of exercising the right to self-determination. It shall not be carried out off the frames of the right to self-determination. National, ethnic, language and religion minorities have no right to self-determination".

...

Let's return now to the decisions of the Conference.

"According to the interpretation recognized in the practice of the UN and relying namely on the Declaration of 1970, Vienna Declaration of 1993 and program of actions the secession is admitted in the following circumstances:

a) If it concerns the people of the territories, subject, to decolonization. Nowadays this has lost its former importance as the process of decolonization is practically finished.

...

d) If some peoples inhabit the territory of a state, that doesn't observe the principle of equality and self-determination with regard to these peoples and doesn't guarantee the representation of all sections of population without any kind of discrimination in the governmental structures.

III

Conference considers that the stipulations quoted above make it possible to formulate the following ensuing conclusions:

5. States created in violation of the principle of equality and self-determination of peoples, shall not be recognized as the subjects of International Law.

6. An armed interference into the conflict by the third states when the struggle for secession is going on is inadmissible without the sanction of the UN Security Council.

7. A state enjoys right to defend its sovereignty, territorial integrity and political unity (within the frames of its constitutional order and observing its international obligations) against any unlawful act, committed under the pretext of realization of fight to self-determination (Moscow Journal of International Law N4, 2000.).

The right to self-determination up to secession is especially inadmissible, when people "having claims on secession" constitutes not only the minority with respect to the population of a state, but in the very region it inhabits and in which it tries to get an independent power.

To say nothing of the case, when nearly a half of this people is in mixed marriages, with the representatives of majority and on the whole the territory of the region doesn't constitute an indivisible compactly living ethnic community.

As it can be clearly observed, the right to secession in unilateral manner in line with international law can be argued for only by a nation which is subjected to colonialism and rigorous discrimination in various aspects of life threatening its physical and spiritual existence.

Lie No. 4: Georgia has been mercilessly discriminating Abkhaz and Ossetian peoples

Now let us look at the real picture of "the discriminatory" policy of Georgians in Abkhazia before the conflict started.

Abkhaz Autonomous Soviet Socialist Republic had the only constitution in the entire USSR in which its language (Abkhaz) was declared one of three official state languages along with the Georgian and Russian.

While by 1976 all schools of autonomous republics elsewhere in the northern Caucasus employed exclusively Russian instruction, in Abkhazia there were 25 schools teaching in Abkhazian, as well as numerous schools with combinations of Russian-Abkhazian-Georgian instruction.

At the onset of the 1989/1990 academic year, the autonomous republic had 73 Abkhazian and mixed secondary schools. In the mixed schools the Abkhazian language was used at the medium of instruction in the I-IV grades, while in the next V-XI grades all the teaching was done in Russian, and the Georgian language and literature were taught as a separate subject. The Georgian language never featured on the curricula of any of these schools. Moreover, the use of Georgian as the state language was drastically limited.

Functioning in Abkhazia were about 20 research centers and higher educational establishments, including such large ones as the Abkhazian State University, the Institute of Subtropical Cultures, the D.I. Gulia Abkhazian Institute of Language, Letters and History under the Academy of Sciences of the Georgian SSR, the Institute of Experimental Therapy and Pathology, the Physico-Technical Institute, the Abkhazian Institute for Advanced Studies for Teachers, several branches of Tbilisi higher, an agricultural and an industrial technical schools, medical and arts colleges and a wide network of secondary schools for training children in music and the arts. Considerable credit ought to be given to the Academy of Sciences of the Georgian SSR, to Tbilisi State University, the Georgian Technical University, the Shota Rustaveli Theatrical Arts Institute, Tbilisi State Conservatoire and other educational centers of Georgia for having trained ethnic Abkhazian specialists in every sphere of human knowledge, for having fostered Abkhazian intelligentsia. Thriving in Abkhazia were the State National Theatre, the State Museum of Abkhazia, the State public library, affiliations of the Writers', Composers', Architects' Unions of Georgia, of the Theatrical and Music-cum-Choreographic Societies of Georgia, Abkhazian State National Song and Dance groups, the State Symphony Orchestra, the Choir Society, etc. Radio and television beamed their programs in Abkhazian, and a number of magazines, scientific journals and works of fiction came out in Abkhazian. According to the 1988 statistics, the Abkhazians occupied the first place in the USSR as regards the number of titles of their mother-tongue per 1,000 of the population: – 4.3 titles, while the Georgians rated 13th-19th in the same respect: -0.3 titles per 1,000 of the population. An almost analogous picture was observable with regard to the circulation of these publications: here the Abkhazians rated the 3rd, being next only to Estonians and Letts.

In every governing body in Abkhazia, the Abkhaz held the majority of seats:

- In the Supreme Soviet were 57 Abkhaz, 53 Georgians and 14 Russians.
- In city and regional councils Abkhaz held 1/3 of the positions.
- On the personal staff of the Council of Ministers and the City Committee of the Communist Party, more than half were Abkhaz.
- Out of twelve Ministers, eight were Abkhaz.
- Out of eight Chairmen of State Committees, five were Abkhaz.
- Out of eight city and regional Procurators Offices, five were headed by Abkhaz.
- By 1990, the Abkhaz were widely represented in the Government and party bodies of the Georgian SSR.

Furthermore, in 1991, in accordance with a new law, agreed upon by the Georgian and Abkhazian deputies in the Supreme Soviet of the autonomous republic the Abkhazians (who account for 17% of the republic's total population) were represented by 28 voting deputies, whereas the Georgians (46% of the population) had 26 voting deputies, and other ethnic groups (37%) had only 11 representatives there.

Therefore, arguing about discrimination of Abkhazians is impossible without harsh falsification of the reality.

The situation in the former South Ossetian Autonomous Oblast was similar to the above described, where by the beginning of an armed conflict 60 000 Ossetians and 30 000 Georgians resided. It is apt to mention here that another 100 000 Ossetians were scattered all over the rest of the Georgian territory, deeply integrated into the Georgian society.

It should be stressed here that the Ossets living in Georgia were provided with all the necessary facilities for developing their national culture and economy. Suffice it to say that at the beginning of the 1990-1991 academic year there were 97 secondary schools in Georgia (including 90 schools in

the former autonomous region) where either instruction was carried out in Ossetian or the Ossetian language and literature were taught as an individual subject. In this connection we find it interesting to quote an excerpt from an article by **Mr. A. Galazov, Chairman of the Supreme Soviet of North Ossetia**: **“I am always dreadfully sorry for the young people of my nationality who, in spite of their knowledge of foreign languages and world civilization, feel uncomfortable at home because of their ignorance of the basics of the Ossetian culture... The national youth, for instance, have been deprived of their mother tongue. Until last year there were no schools in North Ossetia with instruction in the Ossetian language ...”** (the newspaper “Pravda”, Moscow, November 11, 1989).

A Teachers’ Training Institute, an Advanced Training Institute for Teachers, an Agricultural Technical School, Medical, Musical, Art Vocational schools, etc. functioned in the city of Tskhinvali. The so-called South Ossetia held the second place in the USSR (according to the 1979 data) as to the number of persons with a higher education per thousand of the population.

On the basis of the Society for Regional Studies the Institute of Regional Studies was opened in 1927 which was later transformed into the Institute of the Language, Literature and History. The Institute prepared the publication of the voluminous “History of Ossetia” (documents and materials from ancient times to the present day), the two volumes of “Sketches of South Ossetian History”, the four volumes of the “Explanatory Dictionary of the Ossetian Language”, “The Reversed Dictionary of the Ossetian Language”, the multivolume “History of Ossetian Literature”, three volumes of Ossetian folk tales, a collection of Ossetian folk songs, with sheets of music appended, etc. There is a State National Theatre in the former autonomous region, a state song and dance company, a state museum of local lore, a state fine arts gallery, a public library, affiliations of writers’, composers’, and artists’ unions, and theatrical, choreographic and musicians’ societies of Georgia; the local radio station broadcasting in Ossetian; Ossetian is the language of the local press, scientific publications and fiction. In 1988, five times as many titles and three times as many as copies of books were published in the Ossetian language in the so-called South Ossetia than in the North Ossetian Autonomous Republic. In the 1980s, as well as before, the Ossets were amply represented in the directory and managerial bodies of the Georgian Republic. Suffice it to say that Ossets held the posts of Deputy Chairman of the Council of Ministers, one was a Deputy Minister, others were Deputy Chairmen of two state committees and other managerial offices of the Republic.

At the same time, according to the data of 1990, the participation of the Georgians in the state machinery of the Autonomous Region was less than was warranted by the percentage of the Georgian population residing there. Out of the 140 party functionaries in the Region (according to the 1990 data), 34 were Georgians and 85 Ossets; among the 37 people on the staff of the Communist Party Regional Committee, 29 were Ossets and only 6 Georgians; out of the 227 people in the Regional Soviet, 176 were Ossets and 49 Georgian; the head of the Department of Culture of the Region and the heads of all the fine city and district branches of the Department were Ossets; the headmasters and the directors of studies in Tskhinvali music and arts schools were also Ossets; out of the 2408 positions in the catering service, Ossets occupied 1500, Georgians – 631; the 226 positions in the Trade Department were filled by 174 Ossets and 32 Georgians, etc. We should also note here that only in the years 1979-1989 over 10 million roubles were additionally allotted to the former autonomous region.

In addition to the above, one should not disregard the fact that the Georgian population of the so-called South Ossetia were actually deprived of the slightest opportunity to develop their culture, to freely use the Georgian language (the state language of the Republic) in every sphere of the social life of the Region. The Georgian culture was being openly suppressed, Georgian historical monuments brazenly overrun, old, traditional Georgian toponyms deliberately distorted or replaced. Characteristically, no sitorical monuments of Ossetian material culture are to be found on the territory of the former autonomous region: all the old toponyms in the area are Georgian.

Even this small piece of evidence is enough for us to conclude that the Georgian people and their government have never discriminated against the Ossets; just the opposite, the latter have been provided with ample facilities for their national-cultural, socio-political and economic development.

Therefore, there was no discrimination whatsoever exercised against neither the Abkhaz nor the Ossetian people up until the commencement of the respective armed conflicts in 1990-1992. And, as evidenced by the above described facts, including the interpretation of fundamental principles of international law by the Russian experts, **neither the separatist regime of Abkhazia, nor the separatists in the Tskhinvali region have the right to unilateral, forceful separation (especially with the military and political support of the neighboring state – the Russian Federation) from the internationally recognized borders of Georgia.**

Georgia, as well as the main international organizations (UN, OSCE, EU, CoE), starting from 1994 were and continue proposing to the separatists “**within the Georgian state**” political status without an analogue in the world practice. However the separatists were refusing to consider any of the suggestions, as according to their statements, they have already acquired state independence. One should look at the independence acquired, when population of these regions is included into the composition of the Russian Federation, participating in the Russian parliamentary and presidential elections, and the streets and buildings are covered with the placards – “Putin – Our President”.

III. PREPARATION FOR DE JURE ANNEXATION OF ABKHAZIA AND SO-CALLED SOUTH OSSETIA

By the beginning of August 2008, both – Abkhazia and the Tskhinvali region became *de facto* Russian territories – no visa regime is applied (whereas the rest of the Georgian territory is subject to a strict visa regime from the Russian side), 95% of the population, according to the statements of the MPs, ministers, as well as the former and the current presidents of the Russian Federation, are the Russian citizens (notwithstanding that this citizenship was “granted” to the population remaining in Abkhazia and the Tskhinvali region). Is this anything else, that annexation?! It must also be mentioned here that Hitler used the same way – granting the citizenship to all ethnic Germans and others, wishing to the German citizenship, and afterwards with the purpose of their protection invaded the neighboring countries and used force for subjecting them to the Reich. Are these actions compliant with the actions of the “facilitator” (a party, providing support to solving a conflict), or the status of the “mediator”, which was self-prescribed by Russia?

For some years already Putin and his surrounding circles, and now President Medvedev as well, do persistently convince their nation and the world community that Russia “is authorized” to protect its nationals in Abkhazia and so-called South Ossetia in case of “threats to their lives from the Georgian side”. It is extremely hard to recall more cynical falsification of norms of international law in the contemporary world.

Already 2 years ago on June 20, 2006 in the newspaper “Svobodnaja Gruzia”, Academician L. Alexidze was writing: “However, in the dust of the anti-Georgian rhetoric the gentlemen violated the basis for the presence of the peace making forces of CIS, as there is no precedence, whereas the peacekeeping forces were separating own nationals and the remaining population of the state, where the peacekeeping operation, even more, conducted by the mediator. Consequently, there is no legal basis for continuation of the presence of the Russian peacekeepers in the conflict zones. The peacekeepers from the neutral states shall be deployed, in accordance with the international law. It is high time to end the situation which emerged in 1992-1993, when the peacekeeping mission was undertaken by the state, openly conducting the armed intervention into the sovereign state.

A question emerges – who needs such peacekeepers? Certainly, to the party which acquired a full card blanche for strengthening its racially motivated separatist regime.”

By the mid 2008 international community also came to the conclusion that the format which allows the Russian “peacekeepers” to stay in Abkhazia, is outdated, did not prove to be efficient and shall be changed with the truly neutral peacekeeping forces. The similar developments have been taking place in so-called South Ossetia, where in the so-called joint peacekeeping forces consisting of the four parties, three represented the same team – Russia, North Ossetia (as if North Ossetia is not a constituent of the Russian Federation) and South Ossetia (which by now has become *de facto* part of Russia).

IV. RUSSIAN ATTEMPT TO PREPARE GROUND FOR FORMAL RECOGNITION OF INDEPENDENCE OF THE SEPARATIST REGIMES AND LEGITIMIZATION OF THE CONDUCTED ETHNIC CLEANSING

President D. Medvedev has stated, that the peoples of Abkhazia and South Ossetia have the right to take any decision, which shall be respected by Russia

The first emerging question is – which peoples are referred to, when nobody but separatists and their supporters in the conflict regions is left there, there is almost no civil society, not to say anything about “successfully” conducted ethnic cleansing, undertaken with the employment of genocidal method. The fact that Russia stood at the outset of the conflicts in Abkhazia, as well as so-called South Ossetia and actively supported these regimes in conducting the military operations is well known the world community. It is suffice to mention that by rendering political and military support to the Abkhaz separatists, “moving into” the region thousands of so-called volunteers from Russia, openly supporting them from air (with airplanes SU-25 and SU-27, which was shot down in Sukhumi), as well as the regular and irregular armed forces and special forces, Russia “helped” separatists to conduct genocide and ethnic cleansing against the Georgian population on Abkhazia, constituting 47% of the population of the entire region, versus 17 % of the ethnic Abkhaz.

Having the very intent of changing the demographic structure of Abkhazia, the Abkhaz separatists did conduct ethnic cleansing, during which several thousands of innocent victims were physically destroyed and remaining around 250,000 forced out through terror.

Attention shall be paid to one fact here: the so-called “Chechen battalion of Bassayev” was singled out due to the extreme brutality, which played football at the Gagra stadium with the cut heads of Georgians. The protest expressed by the Georgian Prosecution Service to suppress the Russian national, Moscow’s reaction was that the facts could not be confirmed. And when Bassayev did the same in Pervomaiskyi, he was announced as a terrorist No. 1.

In total not more than 120,000 people remained in Abkhazia out of over 500,000 population, i.e. one fifth of the population, and more than a half of 90,000 Abkhaz live outside the region.

All these facts are well known to international community, and they are reflected in a range of resolutions adopted by the UN Security Council (S/1994/225, S/1995/2000, S/1997/317, etc.).

This was the reason for the international community of states not to recognize the legitimacy of any of the “referenda” or “elections” conducted by the separatists.

The OSCE Summits in Budapest (1994) and later - in Lisbon (1996) condemned ethnic cleansing, “expressed” in mass destruction and forceful expulsion of the predominantly Georgian population from Abkhazia (see: Lisbon Declaration). The analogous decision was made at the Istanbul Summit of OSCE in 1999. It must be emphasized that these documents are signed by the President of the Russian Federation as well.

In March 1997 the CIS Summit, citing the formula of the above mentioned declaration of the Lisbon meeting, condemning ethnic cleansing, as well as the actions, hampering the return of refugees and internally displaced persons, declared, that it will continue rendering full support to sovereignty and territorial integrity of Georgia within the internationally recognized borders.

The Security Council of the United Nations has in its numerous resolutions referred to the above mentioned decisions of the OSCE summits, as well as reaffirmed inviolability of the territorial integrity of Georgia within its “internationally recognized borders”. It must also be underlined that these resolutions have been adopted with the Russian consent as well!

It is pertinent to remind the international community that recently the UN General Assembly, “recalling all relevant Security Council resolutions, and noting the conclusions of the Budapest (1994), Lisbon (1996) and Istanbul (1999) summits of the Organization for Security and Cooperation in Europe, in particular the reports of “ethnic cleansing” and other serious violations of international humanitarian law in Abkhazia, Georgia”, demanded creation of all conditions for immediate return of refugees and internally displaced population to the region (À/RES/62/249, May 29, 2008).

The same has been the position of the CIS Summits. For illustration the following shall be noted: on 19 January, 1996 the CIS Summit in Moscow declared:

“Referring to the provisions of the 10 February 1995 Almaty Memorandum about Maintaining Peace and Stability in the CIS” and the 26 May 1995 Minsk Declaration issued by the Council of the Heads of States of the CIS, confirming its commitments pursuant to the aforementioned documents not to support separatist regimes, refrain from the establishment of political, economic and other cooperation with them, or rendering any economic, financial, military or other assistance, noting the necessity to undertake complex of measures to influence on the Abkhaz side, Acting in compliance with the UN Charter, decided:

1. To condemn the destructive position of the Abkhaz side ... 6. confirming that Abkhazia is an integral part of Georgia, the member states of the Commonwealth of Independent States, without consent of Georgia will not undertake trade-economic, financial, transport or other operations with the authorities of the Abkhaz side, will not engage themselves in official contacts with the representatives or officials of the structures established in the territory of Abkhazia, nor with the members of the military formations of Abkhazia.”

Since V. Putin took over the power the Russian Federation commenced blocking the implementation of all the above mentioned documents, and even more started undertaking the creeping annexation of the region. Furthermore, recently Russian Federation formally declared about the withdrawal from the 19 January 1996 agreement and started active military, economic and legal relations with the separatist regime. At the same time Russia called on other members of the CIS to follow his example. However, this did not work out – Ukraine, Kazakhstan and Azerbaijan refused to follow the Russian way, and the others do not seem hurrying to follow the call.

The Georgian authorities have constantly tried to attract the attention of the international community at the armed invasion planned against Georgia. The appearance of so-called railway army of Russia, allegedly for renovation of the railway for the peaceful purposes caused a limited worry of the West, but not more. The same reaction followed the introduction into Abkhazia of the additional armed forces, the shot down unmanned reconnaissance drone by the Russian military plane. The provocative military actions of the Ossetian illegal armed formations were also continuous in the Tskhinvali region, firing from the Russian-supplied armament, covered behind the back of the “peacekeepers”, resulting in death of civilians, destruction of the Georgian villages, death and injuries of the Georgian policemen. At the entrance of the Rocky Tunnel Russia mobilized the Army 58. Both – Bagapsh and Kokoity did constantly promise to “free” the lands taken over by Georgians in the Kodori Gorge as well as the villages surrounding the Tskhinvali conflict zone. The Pact on the Mutual Aid was concluded. Only US took a strong position with regard to the actions of Russia from the very beginning, calling on NATO in the shortest possible terms grant Georgia and Ukraine the NATO Membership Action Plan. Unfortunately, this did not happen in Bucharest.

This was the situation just before the invasion of the Russian armed forces of the Georgian territory.

V. THE FOLLOWERS TO AGHA MOHAMMAD KHAN IN XXI C. – THE REALIZATION OF THE “HOME STOCK-UP” DESIGNED BY V. PUTIN

The postponing by the NATO Bucharest Summit of May 2008 the granting MAP to Georgia and Ukraine, that would make NATO membership of these countries reality in the near future, was perceived by Russia as a victory – after all V. Putin personally appeared in Bucharest with the protest. Such an approach was a considerable mistake of the international community, as Russia has decided to strike Georgia before December – the date of the possible granting to Georgia and Ukraine MAP. V. Putin directly announced: “We have the home stock-up, how to preclude Georgia from entering NATO”.

Open aggression and intervention into Georgia commenced on 7 August, occupation of its considerable part made the entire civilized world shudder: devastation of civil and economic infrastructure, mass brigandage, expulsion of Georgians from the territories of Abkhazia and so-called South Ossetia, the using by Russia of cluster bombs and other weapons abolished by international law, firing from the helicopters of the inflammatory bombs, causing ecological catastrophe – burning down the unique woods and national parks of Georgia. The attention of the international community was attracted to the fact that along with the armed forces of the Russian Federation the Abkhaz and Ossetian thrillers play the master in the conflict zones, expelling, murdering, tormenting the Georgian civil population and destroying (following looting) their houses, as noted down by a number of international observers and organizations (e.g. Human Rights Watch, the representatives of the Council of Europe, EU, OSCE, etc.).

It is disgraceful to look at how the “peacekeepers” drive away “trophy”, ponder the words – “peacekeepers” and “trophy”: mattresses, wardrobes, shelves, lavatory pans, door-handles, etc. The shots depicting the ruining of the Georgian military barracks, and the swear-words of the Russian soldiers: “how these rascals live, and we live as bums...” flew over the entire world. ... is this the valiant army of the “great power”, claiming the leadership at the world arena?

“The expanded peace operation to force Georgia peace” with its brutality and devastation can only be compared with the horde of Agha Mohammad Khan in 1795, who wanted retaliation for concluding the 1783 Georgian-Russian Tract about entry of the King Erekle II under the protection of the “suzerainty of Russia”. Persian hordes outnumbering the Georgian forces hundredfold, overcame the resistance of 300 Aragvians who sacrificed themselves and invaded Tbilisi, obliterating all alive, destroying and putting on fire the houses, archives, castles, entire infrastructure of the city, including the sulphury baths. Only after this the hordes left the city.

The Russian Empire did not keep the promises agreed through the Tract and not only did not protect Georgia (Kartl-Kakheti), but right on the contrary, shortly, in 1801 annexed the country drained of blood.

What is the difference between the policy pursued by V. Putin and D. Medvedev and the policies of Agha Mohammad Khan?! Today Georgia is vividly punished for the aspiration to finally get rid of the muddle of the Russian neo-Bolshevik Empire and become an equal member of the truly democratic and free international community.

VI. WILL RUSSIA BE ABLE TO GAIN REVENGE FOR RECOGNITION OF INDEPENDENCE OF KOSOVO?

However, Russia went further and officially recognized the independence of the separatist regions. It is evident, that Russia tests solidity of the position of Europe. Hasty actions of Russia in terms of recognition of separatists are nothing more but revenge for recognition of independence of Kosovo by the West. Apparently, in order to squeeze into the same model Russia needed the fact of “genocide of Ossetians conducted by perfidious Georgians”. While inasmuch as Georgians did not even think of such actions, the Russian authorities contrived the “home stock-up”, in order, as Krylov fable says, “to give the business legitimate shape and sense”. Nevertheless, it did not work out – Ossetians suffered not from Georgians, but from bombardment by the Russian airplanes. It is characteristic that Moscow announced about the death of 2000 Ossetians right on the second day of invasion, when it was still impossible to count the actual number of victims. Human Rights Watch and other organizations refer to number which is far below 2000. However, Moscow keeps insisting on genocide of Ossetian people, in the manner of the Kosovo events, with the aim as it becomes clear now, to justify recognition of independence of separatist regimes.

To set aside these conjectures, not proved facts, herewith we consider it indispensable to ask: what about the ethnic cleansing and genocide of Georgians in Abkhazia, condemned by entire international community. And about one more paradox – Russia strives to put guilt on Georgia for crimes against humanity, assuming that the world has forgotten the tragedy of the Chechen people, who turned to be a victim of wide scale genocide, sacrificing nearly half of the civilian population

of the country. And after all, the Chechen people have a right to demand independence, as Chechnya was conquered in XIX c. after a lengthy bloody war with Russia, and then its people were deported to Central Asia, for alleged cooperation with the Hitlerite officers. Rehabilitation and return to homeland of the Chechen people hardly changed anything in its hard destiny.

In fact, international tribunal shall put in place, to investigate the facts of ethnic cleansing/genocide conducted against Georgians in Abkhazia and later on – against the Chechen people. However, the main question in relation to the major “stunning news” is that if 95% of the population of Abkhazia and so-called South Ossetia are Russian citizens, how is it that Russian Federation recognized independence of these regions populated with the own nationals? Is this the new trend?! Does this mean that peoples of the North Caucasus and Tatarstan can be granted independence?!

VII. IT IS ESSENTIAL TO DISCONTINUE TRANSFORMATION OF THE “DOCTRINE OF BREZHNEV” INTO THE “DOCTRINE OF PUTIN”

If the events in Czechoslovakia in 1968 occurred under the mark of the “Doctrine of Brezhnev” on the limited sovereignty of socialist countries and the right of the USSR to restore the socialism being at risk of liquidation, the “Doctrine of Putin” provides as follows: ““NO” – to the sovereignty of the Russia’s neighboring democratic states, “YES” – only to the national interests of Russia!” This does erode the entire system of contemporary democratic legal order. This refers to not only sovereignty and independence of Georgia, but any new state, formed in the post-soviet arena. This may in any moment touch states of Eastern and South-Eastern Europe as well.

Having become witnesses of aggression and occupation of Georgia, the West realized that made a mistake counting on civilized approach of Russia to the problem. 2008 is not 1921, and of course neither is 1968. Today the reaction of the international community over the actions of Russia shall be firm and principle: nobody is allowed to violate the principles and norms of international law, sovereign states shall be protected from aggression and intervention, and in case of conflict observing international humanitarian law shall be a must. This position gives hope that the “home stock-up” will turn to be an ignominious failure. However international community will need to take good care and undertake solid actions in order not to let Moscow realize its intentions of annexation virtually native Georgian regions, as all the international legal and political acts (within UN, OSCE, EU, Council of Europe) guarantee sovereignty and independence of Georgia within its internationally recognized borders.

Today the question that surfaces is whether the deeds of international community will be as united as it was in expressing the support through endless statements and condemnation of the wrong done by the Russian imperialism.

(Published: “Svobodnaja Gruzia”, Russian language Newspaper, 30 August, 2008)