

RENAISSANCE

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**Political and
legal foundation
of sovereignty
of South Ossetia.**



Short excursus to the history of the issue

Republic of South Ossetia has perfect political and legal foundation of its sovereignty. Perfection of these foundations is that the leadership of South Ossetia, from the late 80s of last century until the adoption by the Parliament of the Republic of South Ossetia in May 1992 of the Act of Independent Statehood of the Republic, always strictly followed the norms of the legislation of the Soviet Union, Georgian SSR, and after disintegration of the Union State - rules of international law.

In addition to political and legal foundation, South Ossetia had also for its sovereignty the foundation of moral-ethic nature. This foundation was embodied in the tragic events of the early 90s of last century, when more than one hundred thousand people of Ossetian nationality were forced to flee areas of Georgia that were outside the administrative borders of South Ossetia. These people had no relation to political processes that took place in South Ossetia, except for ethnicity. Perhaps much of it did not even support the aspiration of the South Ossetian people for sovereignty. However, this did not save them from ethnic cleansing. 115 out of 164 thousand, ie 70% of Ossetians were banished from Georgia. Thousands of Ossetians had to flee Tbilisi. Dozens of Ossetian villages of Kakhetia, and Borjom Gorge were burned and looted. The world-famous mineral water "Borjomi" has a taste of blood for each Ossetian. The international community has not recognized the responsibility of Georgia for the lost 20 years of life of people who believed that the homeland is where your home.

Sad, but political and legal foundation of sovereignty of South Ossetia, and the situation of ethnic cleansing of Ossetian population in Georgia still remains outside the social and political attention of the international community. Such a discriminatory disregard of the processes in South Ossetia evokes in the Ossetian society certain disappointment in western democratic values. To take the liberty of rephrasing Dostoevsky, is happiness of the Western world worth disappearance of a small Caucasus nation? People in South Ossetia are waiting for an answer

to this question. (The book, "Georgia: Ethnic cleansing against Ossetians"

I hope that this publication can help the European community to receive information about political and legal foundation of sovereignty of South Ossetia.

Oleg Kudukhov.

Chairman of the International Association of Ossetian society «Renaissance»

In 1990, the GSSR has unilaterally taken a number of legal actions to dismantle the format of its stay in the USSR.

On June 20, 1990 the Supreme Soviet of the GSSR repealed all laws and legislative acts adopted by the GSSR after 1921, which was a violation of the principle of integrity and inviolability of the USSR borders because it was the USSR, not Georgia, which was the subject of international law. It was an act of a state separatism. In fact, the GSSR has returned to a legal framework that existed before the GSSR joined the USSR, and before South Ossetia joined the GSSR. Having abolished the effect of regulations after 1921, Georgia has virtually lost all legal rights to the South Ossetian Autonomous Region, which became part of the GSSR in 1922. On the other hand SOAR turned out to be in a legal vacuum, since the effect of all laws and regulations that regulated the format of its existence, from the Decree on Education of the South Ossetian Autonomous Region of April 22, 1922, and to the Law of the GSSR on the South Ossetian Autonomous Region of 12 November, 1980, were repealed.

In order to preclude this legal vacuum, since that moment the political leadership of South Ossetia was forced to act in accordance with the laws of the USSR, which used its domination in the resultant law collision. In the period from June to September in South Ossetia a package of documents was enacted regulating its administrative and legal status, including in September 20, 1990 the Declaration of the Republic Sovereignty was enacted.

On December 10, 1990 the Tbilisi government illegally abolished the Ossetian autonomy with a special legal act, declaring

the territory of South Ossetia as Tskhinvali region.

On the night of 5th to 6th of January, 1991 the Georgian-Ossetian conflict started, which hot war phase lasted until July 14, 1992.

Tbilisi subsequently refused to participate in the referendum of 17 March 1991 to preserve the USSR. At the same time, South Ossetia, while remaining within the legal framework of the USSR, took part in the referendum on March 17, 1991, in favor of maintaining the Soviet Union, which was confirmed by the Central Referendum Commission of the USSR.

The same year, Georgia held a separatist referendum on sovereignty of March 31. GSSR was dissolved completely. South Ossetia, while remaining protected by the Constitution of the USSR, took no part in it. With the abolition of the GSSR Tbilisi lost all its legal foundations to make claims to the territory of South Ossetia.

All the documents that were enacted in South Ossetia at that time have been enacted on the basis of norms of the law effectual thereat "On the order of issues related to the Secession of the Union Republic from the USSR".

In 1992, the Soviet Union disintegrated. In those circumstances, South Ossetia was guided by the norms of international law. In order to obtain international recognition, the leadership of the Republic of South Ossetia (RSO) faced the task of holding an all-people's referendum. In 1992, in the Republic of South Ossetia under international law a referendum on independence has been successfully held.

The referendum of 1992 on independence of South Ossetia was a unique legal confirmation of the legitimacy of the republic.

Legal essence of the legitimacy is common.

First, in 1990, Georgia unilaterally abolished the Soviet laws, escaped the legal field of the USSR prior to legal disintegration of the country in late 1991, and thus did not become the legal successor

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of the GSSR. South Ossetia was protected by the Constitution and laws of the USSR Soviet Union, in force until 1992.

Second, at the time of the South Ossetian referendum on 19 January 1992, there was no legitimate government in Georgia that could challenge the legality of the referendum. It should be reminded that from December 22 till January 6, 1992, a military coup took place in Tbilisi. The so-called temporary "Military Council of Georgia" led by T. Sigua and T. Kitovani overthrew the regime of Zviad Gamsakhurdia. The president was ousted. In Tbilisi, the illegitimate State Council was formed, which was led by E. Shevardnadze. Thus, in Georgia there was no legitimate leadership that would challenge the results of the South Ossetian referendum.

Third, the Republic of Georgia for the period of the South Ossetian referendum

was not recognized by the international community.

The main conclusion appears from this - to hold a referendum in South Ossetia, there was no need to require the consent of Tbilisi in recognition of its results, for Georgia during the South Ossetian referendum:

- a) did not have legitimate governance;
- b) was not recognized as a subject of international law.

This suggests that there is no reason to reject the legitimacy of the referendum on independence of South Ossetia on the basis that the Republic of Georgia did not recognize its results.

Georgia, citing the right of nations to self-determination denies this right for other nations. The complexity of international law lies in the fact that there are no for-

mal criteria for its use. However, some documents interpret it as follows. In accordance with United Nations General Assembly resolution 1514 (XV), in the conclusion on Western Sahara, the International Tribunal confirmed: "The use of the right to self-determination can be implemented only in conditions of free expression of the will of the people concerned". Furthermore, the resolution of the 49th session of the UN Committee on Elimination of Racial Discrimination of March 8, 1996, in Section 7 part "B" it is said: "... the right of peoples to self-determination is one of the fundamental principles of international law. And then ... in case of self-determination of people and release it from the state, all measures should be taken for implementation a peaceful, nonviolent change in statehood".

The chronology of the process of regulatory formulation of South Ossetia sovereignty

On November 10th the emergency session XII of the South Ossetian regional council decided to transform the autonomous region into an autonomous republic within the GSSR and appealed to the Supreme Soviet of the GSSR to consider this decision. (Appendix 1).

The decision to transform the autonomous region into an autonomous republic was not of a separatist character. The region was transformed into an autonomous republic within the Georgian SSR, and the reasons for this decision were quite transparent.

By the end of 1989 in the Georgian Soviet Socialist Republic a tense social-political situation emerged. The Georgian official press nationalist-chauvinistic materials were beginning to appear. For example, in the republican newspaper "Literaturuli Sakartvelo" an article by Professor T. Kvanchilashvili was published, which dealt with the demographic aspects of Georgian development and holding the misanthropic ideas regarding population control of non-Georgian peoples of the republic. In another newspaper, "Komunisti" an article by Professor Z. Chkvana "The way is found" was published,

which proposes to evict foreigners from the country, which have more than two children per family. Publication "Youth of Georgia" published an interview with the writer A. Bakradze, created in a scornful tone towards languages and culture of other peoples of the republic etc.

In October and November in Tbilisi rallies, strikes, actions took place, demanding a united, indivisible Georgia, cancellation all of its autonomies, withdrawal of Georgia from the Soviet Union. The slogan "Georgia is for Georgians" becomes popular.

A draft of State Program of Development of the Georgian language was published, which provided a significant infringement of rights of non-Georgian population. One of the main provisions of the Program draft is to transfer office of records into Georgian language which meant return to illiteracy for the majority of the South Ossetian Autonomous Region population. The documents drawn up in Russian were started to return from Tbilisi.

On November 3, 1989, in the v.Leningori South Ossetian AR a rally was held by members of unofficial organizations who

arrived from Tbilisi. He was accompanied by bashing, obscenity of Ossetians and demands to eliminate the autonomous region.

In this situation, conversion of the autonomous region into an autonomous republic within the Georgian Soviet Socialist Republic was perceived by the government of South Ossetia as certain assurance to protect the rights of the Ossetian population of the Autonomous Region

It should be noted that at about the same period other autonomous regions of the Soviet Union undertook a similar transformation into autonomous republics. Thus, the Adygei Autonomous Region and Karachayevo-Cherkess Autonomous Region have decided to withdraw from Krasnodar region and to become autonomous republics within the RSFSR. Khakass Autonomous Region was transformed into an autonomous republic Khakass. In the RSFSR such transformations were taken calmly and intelligently. Only the leadership of the Georgian SSR apprehended extremely negatively such a decision of the administration of South Ossetia. In GSSR an anti-Ossetian hysteria emerged.

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However, this decision of the SOAR leadership had no legal effect.

On November 16th the Supreme Soviet Presidium of the GSSR revoked a solution of the session of the South Ossetian regional Soviet on reformation of the Autonomous Region into the autonomous republic, declaring it unconstitutional, but did not give it a legal estimate, although the issue was solely the responsibility of the Supreme Soviet of the GSSR. At a meeting of the Presidium no one was invited from South Ossetia, even the delegates of the Supreme Soviet of the GSSR from South Ossetia. Despite this, the leadership of South Ossetia submitted to the decision of the SC GSPC.

In the Georgian SSR separatist tendencies increased. On March 9, 1990, extraordinary session of the GSSR Supreme Soviet adopted the resolution "On guarantees of protection of state sovereignty of Georgia". The Treaty of 1922 on formation of the Soviet Union was declared illegal concerning Georgia.

RESOLUTION OF EXTRAORDINARY SESSION XIII OF THE SUPREME SOVIET OF THE GEORGIAN SSR on guarantees of protection of state sovereignty of Georgia

(...)

The Supreme Soviet of the Georgian SSR declares null and void Allied Workers 'and Peasants' agreement between the GSSR and the RSFSR of 21 May 1921 and the Allied agreement on formation of the Federal Union of Socialist Soviet Republics of Transcaucasus of March 12, 1922. To start negotiations on restoration of independent Georgian state, since the Treaty on establishing the Union of Soviet Socialist Republics of December 30, 1922, is illegal towards Georgia.

Chairman of the Presidium of the Supreme Soviet of the Georgian SSR G. Gumbaridze.

Secretary of the Presidium of the Supreme Soviet of the Georgian SSR V. Kvaratskhelia.

March 9, 1990

(Bulletin of the Supreme Soviet of the Georgian SSR, Tbilisi, 1990, № 3, p. 38-40)

On April 3, 1990 the USSR Law "On the order of issues related to secession of the union republic from the USSR"

№ 1409-1 was adopted. Article 3 of this Law said: *"In the union republic, which has autonomous republics, autonomous regions and autonomous districts in it, the referendum is conducted separately for each of autonomy. The people of the autonomous republics and autonomous entities retain the right to take decision independently on stay in the USSR or in the seceding republic, as well as to raise the question of its state-legal status"* (www.bestpravo.ru/ussr/data01/tex10974.htm)

On June 20, 1990, delegates of the Supreme Soviet of the Georgian SSR made a constitutional coup d'état in Georgian SSR. XV Extraordinary Session of the Supreme Soviet of the GSSR made a public act of separatism, recognizing illegal all the juridical acts adopted after Sovietization of Georgia in 1921. Thus the South Ossetian Autonomous Oblast had been legally abolished, as SOAR was formed in April 1922. The session also rejected the laws of the USSR on the order of withdrawal of republics from the USSR and on delimitation of powers between the USSR and the constituent territories of the federation.

RESOLUTION OF THE SUPREME SOVIET OF THE GEORGIAN SSR on Amendments to the Resolution of the Supreme Soviet of the Georgian SSR of March 9, 1990, on guarantees of protection of state sovereignty of Georgia

The Supreme Soviet of the Georgian Soviet Socialist Republic resolves:

To enter the following amendments to the resolution of the Supreme Soviet of the Georgian SSR of March 9, 1990 "On guarantees of protection of state sovereignty of Georgia" (Bulletin of the Supreme Soviet of the Georgian SSR, 1990, № 3, Art. 52):

1. After the tenth paragraph of the resolution to add the following paragraph:

"Noting that government established in Georgia as a result of intervention and occupation was first non-elected government (revolutionary committees), and then limited, based on narrow class basis Soviets, did not express the genuine free expression of the will of the Georgian people. The Supreme Soviet of the Georgian SSR declares null and void all acts, abolishing the political and other institutions of the Democratic Republic of Geor-

gia and replacing them with political and legal institutions relying on external force (resolution of the so-called Revcom of Georgia of 16 and 26 February, 24 March 1921 etc.)"

Chairman of the Presidium of the Supreme Soviet of the Georgian SSR G. Gumbaridze.

Secretary of the Presidium of the Supreme Soviet of the Georgian SSR V. Kvaratskhelia.

June 20, 1990

(Bulletin of the Supreme Soviet of the Georgian SSR, 1990, № 6, p. 39-40)

In conditions when anti-constitutional actions of the Supreme Soviet of GSSR has led to legal collision, entered into conflict with the Constitution and Laws of the USSR, the leadership of the South Ossetian Autonomous Region was forced from that moment to act in accordance with the laws of the USSR, which used the domination.

In order to eliminate legal collision arising as a result of the abolition by the Supreme Soviet of the GSSR of all laws and regulations after 1921, including the Decree on formation of the South Ossetian Autonomous Region of April 22, 1922, and to the Law of the GSSR on South Ossetian Autonomous Region of 12 November 1980, on September 20, XIV session of the South Ossetian regional Council adopted a decision to transform the South Ossetian Autonomous region in the South Ossetian Soviet democratic Republic. The Declaration on National Sovereignty and the Regulation on direct effect of the Constitution of the USSR on the territory of South Ossetia were adopted. (Appendix 2 and 3).

On December 9, 1991, elections were held in the Supreme Soviet of the republic of South Ossetia, where was attended by 72% of voters (including voters of all districts, including Georgia, that is, those where the elections were boycotted).

On December 10, 1991 I Session of the Supreme Soviet of the South Ossetian Republic started working. The session elected TG Kulumbegov as the Chairman of the Supreme Soviet. The governing bodies of the republic were formed.

On December 11, 1991 the session of the Supreme Soviet of the Republic of

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Georgia was held, which enacted an anti-constitutional law on abolishment of the autonomy of South Ossetia, while making appropriate changes to the Constitution of Georgia. (Appendix 4).

On March 17, 1991 the All-Union referendum was held on issue of preservation of the USSR. The referendum was held in South Ossetia, but not in Georgia.

On March 31, 1991 the referendum on withdrawal of Georgia from the Soviet Union was held in Georgia.

The referendum was held in Georgia in gross violation of the Constitution of the USSR and the USSR law "On the order of withdrawal of republics from the USSR" № 1409-1. Article 3 of the Law said: **"In the union republic, which has autonomous republics, autonomous regions and autonomous districts in it, the referendum is conducted separately for each of autonomy. The people of the autonomous republics and autonomous entities retain the right to take decision independently on stay in the USSR or in the seceding republic, as well as to raise the question of its state-legal status".**

On May 26, 1991 presidential elections in Georgia were held. The Chairman of the Supreme Soviet of Georgia Zviad Gamsakhurdia became the President.

On December 20, 1991 an armed attack against Gamsakhurdia in Tbilisi began. In the city center there was fighting between supporters of the Georgian president and the opposition.

On January 6, 1992 the regime of Gamsakhurdia was overthrown and he escaped from Georgia.

On January 19, 1992, in South Ossetia a referendum was held on establishment of an independent state and its reunification with Russia. Over 99% voted "yes". Observers of the former autonomous entities and sovereign republics were present on Referendum (Appendix 5).

On May 29, 1992 the Supreme Soviet of the Republic of South Ossetia adopted the Act of Independence of South Ossetia (Appendix 6)

Appendix 1.

Decision of the XII emergency session of the Soviet of People's Deputies of the South Ossetian Autonomous Region of the twentieth convocation on upgrading the status of the South Ossetian Autonomous Region.

XII Emergency Session of the Soviet of People's Deputies of the South Ossetian Autonomous Region of XX convocation addresses:

- I. Convert South-Ossetian autonomous region into an autonomous Soviet socialist republic.
- II. Appeal to the Supreme Soviet of the Georgian SSR and the Supreme Soviet of the USSR to consider issue on granting the South Ossetian Autonomous region the status of Autonomous Republic.

First Deputy Chairman of the Soviet of People's Deputies of the South Ossetian Autonomous Region M. Sanakoev.

The Secretary of the Executive Committee of the Soviet of People's Deputies of the South Ossetian Autonomous Region I. Kokoiev.

November 10, 1989

Reprinted from the edition: GSC-SPA. C

Appendix 2.

The resolution of the fourteenth session of the South Ossetian regional soviet of deputies of the twentieth convocation on reformation of the South Ossetian Autonomous Region into the South Ossetian Soviet Democratic Republic

The fourteenth session of the South Ossetian regional Soviet of People's Deputies of the twentieth convocation addresses:

1. Convert South-Ossetian autonomous region in the South Ossetian Soviet Democratic Republic.
2. Appeal to the Supreme Soviet of the USSR on inclusion of the South Ossetian Soviet Democratic Republic in the Soviet Union as an independent subject of the federation.
3. Appeal to the republics of the USSR with a request on entry into an agreement on Friendship, Cooperation and Mutual Assistance with South Ossetian Soviet Democratic Republic.

F. Zasseev, I. Kokoiev

*The Chairman of the Executive Committee of the Soviet of People's Deputies of the South Ossetian Autonomous District
The Secretary of the Executive Committee of the Soviet of People's Deputies of the South Ossetian Autonomous District
September 20, 1990*

Reprinted from the edition: "The Soviet Ossetia", 1990, № 180, 22 September 1990.

Appendix 3.

The Declaration on State Sovereignty of the South Ossetian Soviet Democratic Republic

The Soviet of People's Deputies of the South Ossetian Autonomous District, expressing the will of the people of South Ossetia, being aware of the responsibility for the fate of the Ossetian nation, according to the needs of comprehensive support of democratic rights and freedoms of people, reaffirming respect for dignity and rights of people of all nationalities living in South Ossetia, expressing respect to rights of all peoples of the USSR and the world, caring about the full political, economic, social and spiritual development of the people of South Ossetia, recognizing the inherent right of the Ossetian people to self-determination, for forming the constitutional state, acting in accordance with the principles of the Universal Declaration of Human Rights and other universally recognized international legal acts, proclaims:

South-Ossetian autonomous region of South Ossetian Soviet Democratic Republic (briefly SOSDR) in the USSR, state sovereignty as domination, independence and completeness of government power within its territory, the legitimacy of its laws, the republic's independence in foreign relations.

I. Self-determination of the people of South Ossetia

Sovereign South Ossetian Soviet Democratic Republic develops within the existing boundaries of the South Ossetian Autonomous Region in accordance with the will of the people of South Ossetia.

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Natural and necessary condition for the further development of the South Ossetian Soviet Democratic Republic as a form of statehood of the Ossetian people is full independence in all political, social and economic issues, except those which it voluntarily transfers to the USSR after its adoption in its membership by the Supreme Soviet of the USSR

Inalienable rights of the South Ossetian Soviet Democratic Republic as a sovereign state are implemented in accordance with universally recognized norms of international law.

SOSDR defends and protects the national statehood of the South Ossetian people.

Any acts derogating the national statehood of the South Ossetian Soviet Democratic Republic of by political parties, public organizations, associations, groups or individuals will be prosecuted

II. Democracy

Citizens of the South Ossetian Soviet Democratic Republic of all nationalities are the people of South Ossetia.

The people of South Ossetia are the only absolute source of official power of the South Ossetian Soviet Democratic Republic.

The sovereignty of the people of South Ossetia is implemented as follows:

- *On the basis of the Soviet Constitution and the Constitution of the South Ossetian Soviet Democratic Republic ensuring its sovereignty, equality and security;*
- *Via People's Deputies of the Supreme Soviet of the South Ossetian Soviet Democratic Republic, expressing the will of the people of South Ossetia and acting on their behalf.*

No political parties, public organizations, private groups or individuals can act on behalf of the people of South Ossetia.

III. Governmental power

Outside the authority limit of the USSR, South Ossetia voluntarily submitted to its administration, the South Ossetian Soviet Democratic Republic is self-sufficient in addressing its inner and outer life.

South Ossetian Soviet Democratic Republic ensures the supremacy of the will of its people, drawn up in the Constitution and laws of the SOSDR.

State power is exercised on the principle of its separation to legislative, executive and judicial branches, which are elective, which are subject to and approved by the highest state authority in South Ossetia

If laws and other acts of the USSR contradict to the sovereign rights and legitimate interests of South Ossetia, their effect on the territory of the South Ossetian Soviet Democratic Republic is suspended by the highest state authority of South Ossetia and it makes an applicable decision.

IV. Citizenship of the South Ossetian Soviet Democratic Republic
SOSDR republican citizenship is established throughout the SOSDR territory.

Every SOSDR citizen possesses nationality of the USSR.

All citizens of the South Ossetian Soviet Democratic Republic are guaranteed with by equal rights and freedoms defined by sovereign South Ossetia on the basis of the Constitution of SOSDR, the USSR, the principles of the Universal Declaration of Human Rights and other universally recognized international legal acts

SOSDR ensures equality before the law for all citizens living in South Ossetia, regardless of race, ethnicity, religion, social or financial status.

SOSDR regulates migration processes, takes care and takes measures to protect and defend the interests of its citizens living outside the South Ossetian Soviet Democratic Republic

V. The territory of the South Ossetian Soviet Democratic Republic

The territory of the South Ossetian Soviet Democratic Republic is indivisible and inviolable and can not be altered or used without the consent of its people represented by the Supreme authority.

South Ossetian Soviet Democratic Republic defines itself the administrative-territorial system in their territory without interference from outside.

VI. Economic self-reliance

SOSDR determines independently the economic status and reinforces it by law.

The people of South Ossetia have the exclusive right to possess, use and dispose domestic, material, natural and spiritual resources.

All natural resources within the territory of SOSDR are the property of its people and constitute the material basis of the sovereignty of South Ossetia and are used to improve material and spiritual welfare of its people

Construction and operation of all facilities and enterprises is implemented only with the permission of the supreme body of state power of SOSDR based on public discussion of the intents and purposes on a contractual basis with the participation of competent persons and committees.

SOSDR represented by the highest authority on their own contracts with foreign states, citizens, on construction companies or other objects on the basis of equality, mutual interest, taking into account strictly geographical, ecological status and characteristics of South Ossetia

SOSDR creates and develops an independent banking (including the foreign economic bank), price, financial, customs, tax systems, forms its own budget and loan offices.

Enterprises, institutions, organizations and manufacturing units located in the territory of SOSDR, pay a fee for use of land and other natural and human resources, make payments on foreign exchange earnings, pay taxes in the South Ossetian State Bank.

SOSDR represented by its highest agency of state power protects various forms of ownership,

VII. Environmental Safety

SOSDR independently establishes the order of nature protection throughout the territory and the order of use of natural resources.

SOSDR has the right to prohibit the construction and to terminate operation of

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any companies, institutions, organizations, and other facilities on its territory, posing a threat to environmental security, inflicting harm to human health.

SOSDR reserves the right to demand compensation for damage caused to its environment and health of its citizens by actions or inaction of the Union republics, any bodies, enterprises, individuals, foreign businessmen, etc.

VIII. Cultural development

SOSDR is independent in matters of science, culture, choosing priorities of education and intellectual development of the nation, ensures all ethnic groups residing in its territory the right to free national and cultural development.

SOSDR promotes cultural revival of the Ossetian people, their historical consciousness and traditions.

SOSDR takes care on satisfaction of national, cultural and spiritual needs of the Ossetians living outside South Ossetia.

State languages of the South Ossetian Soviet Democratic Republic are Ossetian, Georgian and Russian.

IX. SOSDR Security

SOSDR, as a sovereign entity of the Union Treaty and international law, is entitled to ensure security of its territory and sovereign rights of the people inhabiting its territory.

SOSDR security is provided by:

- Internal - by municipal police forces and the Ministry of Internal Affairs of the USSR; foreign – by the principles of peaceful coexistence, cooperation, and noninterference in internal affairs of other nations and peoples, proclaimed by the people of South Ossetia, and in case of their violation – by the Armed Forces of the USSR, in which ranks warriors - representatives of the SOSDR people draw duty as well.

X. External Affairs

SOSDR, as the subject of federation (confederation) of the USSR and as a subject of international law, independently car-

ries out the international relations on the basis of agreements concluded on the basis of equality, mutual respect and noninterference in somebody's internal affairs.

SOSDR has special relationships with North Ossetia.

Recognizing the unity of history, culture, language and common interests of national development, these relationships are based on the priority of cultural and economic integration of SOSDR and NO-ASSR.

South Ossetian Soviet Democratic Republic:

- Recognizes the supremacy of universally recognized norms of international law, privilege of human values over the class ones;
- Stands an equal participant in international communication and democratic creation;
- Contributes to consolidation of the common world, optimization of international relations and international security.

XI. Emblem, flag, anthem and capital of SOSDR

SOSDR has its emblem, flag and anthem. The capital of SOSDR is the town of Tskhinvali.

The principles of this Declaration of State Sovereignty of the South Ossetian Soviet Democratic Republic are the basis for:

- Independent entry of SOSDR into the USSR, adoption the Constitution and Laws of SOSDR;
- Defining the rights of SOSDR as an independent entity of the Union Treaty;
- Participation in signing the Union Treaty.

September 20, 1990

Reprinted from the edition: "The Soviet Ossetia", 1990, № 193, October 13, 1990

Appendix 4.

Resolution of the first session of the Supreme Soviet of the South Ossetian Soviet Republic on annulment of the Law of the Supreme Soviet of the Republic of Georgia "On abolition of South Ossetian Autonomous Region".

On December 11, 1990 the Supreme Soviet of Republic of Georgia adopted the Law "On abolition of South Ossetian Autonomous Region".

The adoption of this law contradicts the

paragraph 1 of Article 73, Article 87 of the effectual Constitution of the USSR and the USSR Law of 26 April 1990 "On delimitation of powers between the center and the subjects of the federation".

Grounds for abolition of the autonomy was the falsification of the historical processes that took place in South Ossetia and in Georgia itself in the twenties of this century. The reference in the said Law to paragraphs 3 and Article 113, abolished by the previously adopted Resolutions of the Supreme Soviet of the GSSR of the Constitution, was also unjustified.

In connection with the foregoing, the session of the Supreme Soviet of the South Ossetian Soviet Republic declares:

To hold invalid the law of the Supreme Soviet of the Republic of Georgia "On abolition of South Ossetian Autonomous Region" and request the IV Congress of People's Deputies to review the matter and render a decision.

Considering the fact that 72% of voters took part in the elections to the Supreme Soviet of the South Ossetian Republic (almost a referendum), to request the Congress of People's Deputies to adopt pursuant to paragraph 1 of Article 73 of the Constitution of the USSR and the USSR law "On delimitation of powers between the center and the subjects of the federation", the decision on transformation of the South Ossetian Autonomous region into the South Ossetian Soviet Republic.

Request the IV Congress of People's Deputies to recognize South Ossetian Soviet Republic as the subject of the federation and a member of the signing of a new Union treaty.

The Supreme Soviet of the South Ossetian Soviet Republic appeals to all people's deputies to support this resolution.

The Chairman of the Supreme Soviet of the South Ossetian Soviet Republic T. G. Kulumbegov

December 13, 1990

Reprinted from the edition: SO-SDM. p. 54*

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Appendix 5.

Resolution of the Supreme Soviet of the Republic of South Ossetia on realization of nation-wide vote (referendum) of the Republic of South Ossetia.

In accordance with Articles 4, 5, 9, 14, 17 of the Law of the Republic of South Ossetia "On nation-wide vote (referendum)" the Supreme Soviet of the Republic of South Ossetia decides:

1. To appoint the nation-wide vote (referendum) of the Republic of South Ossetia on Sunday 19 January, 1992.
2. Bring two questions to the referendum:
 - a) Do you agree that the Republic of South Ossetia should be independent?
 - b) Do you agree with the resolution of the Supreme Soviet of the Republic of South Ossetia of September 1, 1991 to reunite with Russia?

Executive Chairman of the Supreme Soviet of the Republic of South Ossetia Z.N. Gassiev

Tskhinvali, January 3, 1992

Reprinted from the edition: SO-SDM. P. 93.

Minutes № 1 of the Central Referendum Commission of the Republic of South Ossetia

The nation-wide vote (referendum of the Republic of South Ossetia)

19 January, 1992

Minutes № 1 of the Central Referendum Commission of RSO

As a return at voting at the referendum in the Republic of South Ossetia on the issue: "Do you agree that the Republic of South Ossetia should be independent" the electoral district commission established:

1. The total number of citizens included in the voting lists (established in the main and supplementary lists to vote)
2. The number of people who have received voting bulletins 53,441.
3. The number of people who voted (established by counting the bulletins in the box for receipt of bulletins) 53,441.
4. The number of people answered "Yes" 53,308.

5. The number of people answered "No" 48.
6. Number of invalid bulletins 85.

The commission Chairman: YA Dzitstsoy

Deputy of Committee Chairman: ZI Dzhioev

Commission Secretary: BV Pliyeva

The commission members: VF Gobozov, VE Gabaraev, HA Gabuev, VI Dzhioev, AS Zasseev, Yu.Ch.Ikaev, LG Kokoeva, VM Kochiyev, TG Kochiyev, VG Petoev, AI Tedeev, VV Tolkacheva, GG Hugaev, JV Tskhovrebova.

Protocol is drawn up on January 24, 1992.

Reprinted from the edition: SSO-SDM. p. 94

Statement of the Central Referendum Commission of the Republic of South Ossetia

On January 19, 1992, in the Republic of South Ossetia a nationwide vote (referendum) was held on the issue of independence of South Ossetia and its reunification with Russia. The results of the referendum clearly showed the legitimacy of national and political programs implemented by the Government of the Republic of South Ossetia on the basis of the inalienable right of nations to self-determination and in accordance with internationally recognized rules of law.

One of the main political results of the referendum is a complete failure of assertions of opponents of political reforms in South Ossetia. As it was shown by the referendum, 99% of people registered to vote raised voice for independence of South Ossetia and its reunification with Russia.

Equality and independence are not forced, and the people's opinion can not be irresponsible, as certain mass media state, which wittingly or unwittingly support the Georgian neo-fascism.

Active participation in the voting of refugees from Georgia who were the victims of anti-Ossetian bashing and persecutions, who reside in North Ossetia, also denies reports about negative attitude of Ossetians living in Georgia outside of South Ossetia, to the program of national

self-determination of South Ossetians and their reunification with Russia.

Thus, the referendum of the Republic of South Ossetia has once again conclusively confirmed the legitimacy of democratic reforms implemented by the Supreme Soviet and the Government of the Republic of South Ossetia, based on strict observance of international law.

Chairman of the Central Referendum Commission Yu.L Dzitstsoy.

January 24, 1992

Reprinted from the edition: SO-SDM. p. 96

Appendix 6.

The Act on declaration of independence of South Ossetia

Based on lethal risk that threaten the Republic of South Ossetia in connection with crimes making marginal all its people and culture, the genocide towards Ossetians carried out with cruelty and treachery by the Republic of Georgia during the breakup of the Soviet Union in 1989-1992, based on right of self-determination established by the Statute of the UN and other international legal documents, taking into account the results of elections to the Supreme Soviet of the Republic of South Ossetia on December 9, 1990, and the will of the people expressed in the referendum on January 19, 1992, implementing out the Declaration on State Sovereignty of South Ossetia, the Supreme Soviet solemnly declares:

The independence of South Ossetia and establishment of an independent state of South Ossetia.

The territory of South Ossetia is indivisible and now on the territory of South Ossetia exclusively the Constitution and laws of the Republic of South Ossetia prevail.

This act shall enter into effect upon its approval.

The Supreme Soviet of the Republic of South Ossetia

Tskhinvali, May 29, 1992

Reprinted from the edition: SO-SDM. p. 103.