



საქართველოს საგარეო საკმეთა სამინისტრო
Ministry Of Foreign Affairs Of Georgia

ENGLISH only

Statement of the Ministry of Foreign Affairs of Georgia



Since the collapse of the Soviet Union and restoration of Georgia's independence, the Russian Federation has been pursuing the targeted policy aimed at fragmentation of the Georgian State and infringement of its sovereignty. To achieve this goal Moscow through military aggression has invaded parts of the Georgian territory conducting total ethnic cleansing on the occupied areas.

This is a follow-up to the policy the Russian State has been pursuing for many years through its client separatist regimes on the territories of Abkhazia and South Ossetia. Obviously, the Russian Federation uses ethnic cleansing as an instrument of its policy aimed at emptying the occupied territories of ethnic Georgians, in order to claim then that the population of these regions object to living within the state of Georgia.

It is an extremely cynical attempt to justify steps taken to infringe Georgia's sovereignty and territorial integrity. The Russian president's statement of 26 August 2008 came as a culmination of these acts.

On 26 August 2008, the president of Russia D. Medvedev made a statement on the recognition of independence of the so-called republics of Abkhazia and South Ossetia created on the territories occupied by Russia.

By recognising independence of Abkhazia and South Ossetia, the Russian Federation violated the principles of the equal rights and self-determination of peoples, non-interference in internal affairs of another state and respect for human rights and fundamental freedoms enshrined in the UN Charter and the Helsinki Final Act (1975), which constitute fundamental principles of international law.

In attempt to justify its own actions by deliberately misinterpreting the fundamental norms and principles of international law, the Russian Federation gravely violates the basics of the contemporary international system.

By recognising Abkhazia and South Ossetia, the Russian authorities not only undermine the principles of international law but also pose a real threat to the new world order established as a result of the collapse of the Soviet Union. It is an attempt to unilaterally alter the borders of a sovereign State with use of military force and reestablish the spheres of influence and dividing lines in Europe that would put a stop to democratic development and usher in an era of totalitarian rule through the same means that were employed by the Soviet Union during the Cold War.

In legal terms, the right of peoples to self-determination means that this process

should proceed within democratic frames. The will once expressed freely may only be superseded by an analogous decision made under no duress or interference by the external forces.

In the process of gaining independence from the colonial regime of the Soviet Union, all ethnic groups of the Georgian population which took part in the referendum of 31 March 1991 voted in favour of 'restoration of Georgia's independence on the basis of the 26 May 1918 Independence Act', which, inter alia, represents a freely expressed will of the population to live in an independent state within the borders as defined in 1918-1921. The international community confirmed the democratic character of the referendum by recognising Georgia's independence. The referendum involved over 90.79 % of the population, of which 99.8% voted in favour of Georgia's independence, which means that the population of Georgia implemented the right of peoples to self-determination upheld by the UN Charter, UN General Assembly Declaration on Principles of International Law (1970) and the Helsinki Final Act (1975).

Therefore, all claims of the Russian Federation that Georgia's international legal status was defined in disregard for the will of the Abkhaz and Ossetian peoples are absolutely groundless. The 1991 referendum was held throughout the entire territory of Georgia, including Abkhazia and South Ossetia, which implies that the aforesaid national minorities were also involved in this process. Recognising the right of the Abkhaz and Ossetian peoples to self-determination, Georgia emphasises the imperativeness of placing this process within a democratic framework and the necessity of upholding the fundamental principles of the contemporary international system: respect for the territorial integrity of sovereign states and inviolability of frontiers.

The realisation of the right of peoples to self-determination by violating the principle of territorial integrity puts in jeopardy the peace and security of not only Georgia, but the international community as a whole.

A special mention should also be made of a great number of judgments of the International Court of Justice, which give recognition to the right of peoples to self-determination providing that the territorial integrity of a state concerned and inviolability of its frontiers are respected.

While considering the right to self-determination, the UN Human Rights Committee also emphasises the internal nature of this right.

The referendas in Abkhazia and South Ossetia referred to by the president of Russia as the basis of his decision were declared as illegitimate by the international community for they were held in violation of all basic principles of international law. The destiny of a concrete territory can be only decided by its indigenous population. And the indigenous population of the autonomous republic of Abkhazia is not made up of only those people who survived the ethnic cleansing and remained to live on the territory of Abkhazia, Georgia, but also of all internally displaced persons and refugees who became targets of ethnic persecution. The ethnic cleansing mentioned above was recognised by the OSCE Summits in 1994, 1996 and 1998 and the UN General Assembly's Resolution of 15 May 2008.

The referendum indicated by the Russian Federation involved only a certain part of the indigenous population of Abkhazia, Georgia, who were exposed to obvious

interference from the external forces, the Russian Federation in particular. By this time estimated 2/3 of the indigenous population had been expelled from the territory of Abkhazia, Georgia.

The results of the plebiscite held on 28 November 1996 indicate that an absolute majority (99%) of internally displaced persons from Abkhazia unanimously support the definition of the status of this territory only after the restoration of Georgia's territorial integrity.

Also groundless is the reference in the Russian President's statement to Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations (UN General Assembly Resolution 2625 (XXV) 24 October 1970). The Declaration's formulation of the principle of the equal rights and self-determination of peoples makes clear its specific implications: 'to bring a speedy end to colonialism, having due regard to the freely expressed will of the peoples concerned'. This provision carried a particularly meaningful focus in the period following the collapse of the Soviet Union, but after a span of 17 years, with the former Soviet republics already subjects of international law and the epoch of colonialism well sunk into oblivion, it should have long exhausted its topical meaning. With respect to the aforesaid Principle, the Declaration gives a clear explanation that 'Nothing in the foregoing paragraphs shall be construed as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples'. Moreover, the last paragraph of the same Principle: 'Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country' contains a direct prohibition for the states against actions that the Russian Federation has been carrying out systematically.

The territorial integrity of Georgia has been recognised by the world community, including the Russian Federation. Georgia's territorial integrity and inviolability of frontiers have also been upheld in all respective documents adopted by various international multilateral forums. Georgia defined its state borders in full compliance with all principles of international law, on the basis of the 1921 Constitution of Georgia and the principle of *uti possidetis* stipulating that administrative borders of the Georgian SSR be recognised as state borders of Georgia until their final detailed delimitation, including the territories of the autonomous republic of Abkhazia and the autonomous region of South Ossetia.

The actions of the Russian Federation also contradict the UN Security Council's resolutions recognising the territorial integrity of Georgia and adopted with the participation of the Russian Federation: 876 (1993), 881 (1993), 892 (1993), 896 (1994), 906 (1994), 937 (1994), 971 (1995), 993 (1995), 1036 (1996), 1065 (1996), 1096 (1997), 1124 (1997), 1150 (1998), 1187 (1998), 1225 (1999), 1255 (1999), 1287 (2000), 1311 (2000), 1339 (2001), 1364 (2001), 1393 (2002), 1427 (2002), 1462 (2003), 1494 (2003), 1524 (2004), 1554 (2004), 1582 (2005), 1615 (2005), 1666 (2006), 1752 (2007), 1781 (2007), 1808 (2008).

In accordance with Article 25 of the UN Charter, resolutions of the Security Council are binding on all members of the United Nations. Any such resolution may be overruled by a next resolution adopted by the Security Council. Hence, no state is

authorised to adopt unilaterally any decision contradicting the Security Council's resolution, or to discuss in other multilateral format any issue within the Security Council's competence without previous authorisation of the Security Council.

Due consideration should also be given to Resolution N62/249 (15 May 2008) of the UN General Assembly unambiguously recognising Abkhazia as an integral part of Georgia.

Russia claims that a state should be ruled by a government that represents all its population. There arises a rhetorical question: does it also hold true about the separatist authorities of Abkhazia and South Ossetia? Given that a vast majority of the indigenous population of these regions numbering over half a million could not take part in the election of the so-called 'democratic government' due to their forced expulsion from the original places of residence as a result of the ethnic cleansing conducted by the Russian Authorities.

It is cynical of Russia having violated the fundamental principle of the UN Charter on the non-use of force to accuse Georgia of the actions perpetrated by Russia itself.

Based on the foregoing, there is hardly any norm to be found in the entire international law system, which, in case of its due interpretation, would bring into legal frames the decision of Russia on the recognition of independence of Abkhazia and South Ossetia.

For the time being the ethnic cleansing of Georgians on the Russian occupied territories, both in Abkhazia and South Ossetia and beyond is still under way. Moreover, after the Russian President's recognition of independence of the separatist regions, the ethnic cleansing of the Georgian population has become even more intense. It provides yet another proof that persecution of ethnic Georgians on the occupied territories is a deliberate policy aimed at achieving political goals rather than being isolated cases of violence.

Through military aggression against and occupation of Georgia and by unilateral recognition of independence of Abkhazia and South Ossetia, the Russian Federation has shown to the international community that it does not refrain from violation of the fundamental principles of international law and illegal and indiscriminate use of force against its neighbouring sovereign state.

Russia's aggressive acts threaten not only Georgia's statehood but the modern world order as well since they aim at reinstating Cold War realities and run counter to the historical process of international community development based on democracy, equality and supremacy of international law. It is a highly regrettable that the UN Security Council's permanent member is in deliberate violation of the fundamental principles, without strict adherence to which a peaceful and fair international order becomes a hardly conceivable prospect.

Tbilisi, 27 August 2008