

# THE PRINCIPLES FOR DIVISION OF COMPETENCES BETWEEN TBILISI AND SUKHUMI<sup>1</sup>

(Boden<sup>2</sup> Document)

March, 2002

1. Georgia is a sovereign state based on the legal norms. The borders of Georgia, approved on 21 December 1991 may not be the subject of alteration unless it complies with the Constitution of Georgia.

2. Abkhazia is a sovereign entity, based on the legal norms, established within the Georgian state. Abkhazia has a special status within the state, which is based on the federal agreement and determines the common competences thereby constituting the guarantees of rights and interests of the multinational population of Abkhazia.

3. Distribution of competences between Tbilisi and Sukhumi is based on the Federal Agreement – Constitutional law; Abkhazia and Georgia observe the provisions of the Federal Agreement. Federal Agreement shall not be subject to changes and amendments without mutual consent of both sides.

4. Distribution of competences between Tbilisi and Sukhumi will be determined, among others, on the basis of Declaration of Measures on political settlement of the Georgian-Abkhaz conflict of 4 April 1994. The rights and competences of Abkhazia will be recognized within a broader scope than it was in 1992.

5. The Constitution of Georgia shall be changed in accordance of distribution of competences determined in the Federal Agreement; to this end it will be possible to use the Declaration of Measures on political settlement of the Georgian-Abkhaz conflict of 4 April 1994, namely its paragraph 7 concerning the ‘right to joint measures’.

6. The Constitution of Abkhazia, on the base of which it’s possible to lay the Constitution of Abkhazia of 26 November 1994, should be changed in accordance with the agreement on

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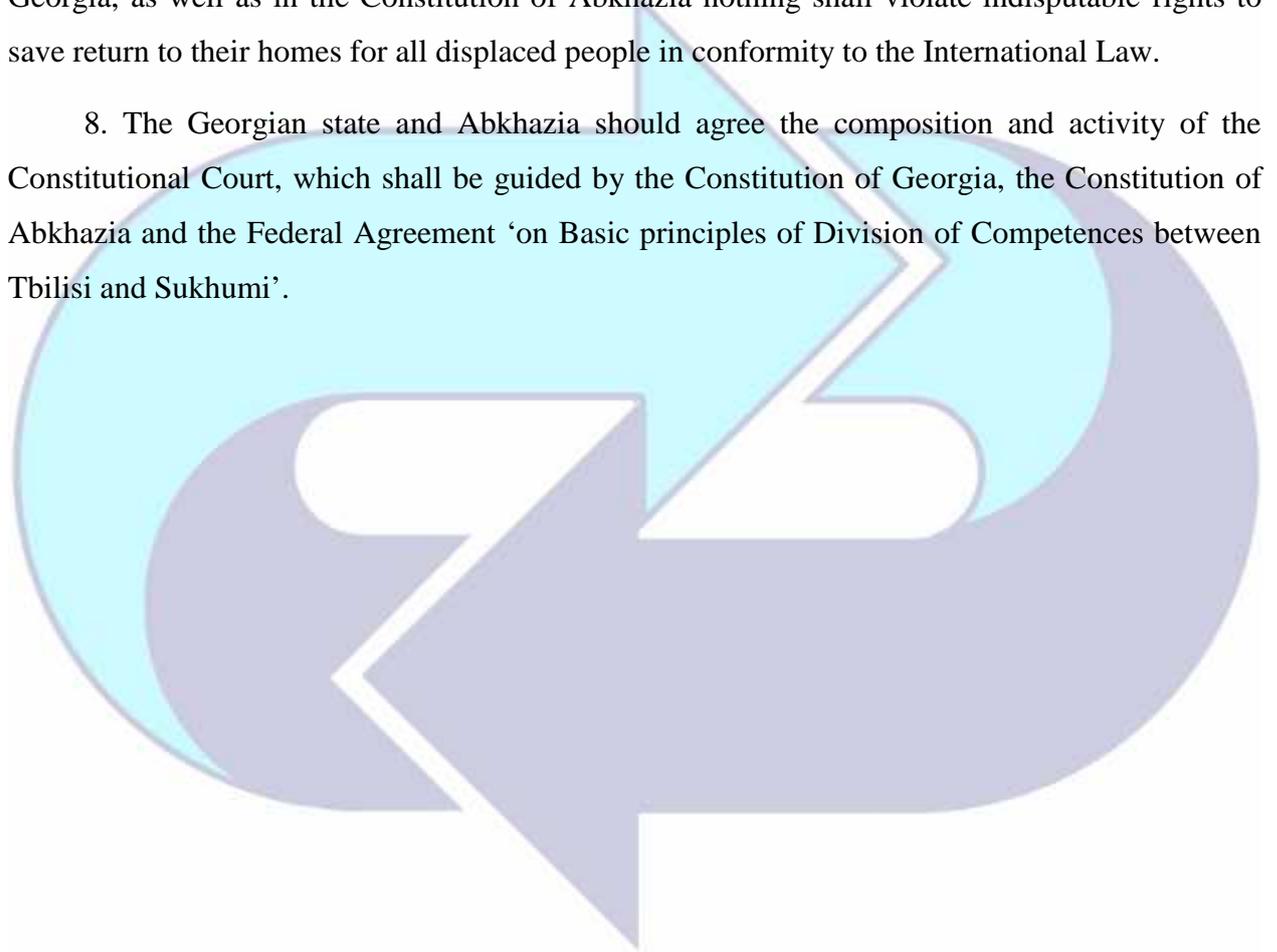
<sup>1</sup> Peace Agreements, GEO-PEACE DATABASE, International Center on Conflict and Negotiation, ICCN, [www.iccn.ge](http://www.iccn.ge)

<sup>2</sup> Dieter Boden, UN Secretary General’s Special Representative for Georgia, Head of the UNOMIG 1999-2002.

distribution of competences between Tbilisi and Sukhumi, as it is determined in Federal Agreement.

7. Both, the Constitution of Georgia, as well as the Constitution of Abkhazia should consist of similar provisions with regard of protection of fundamental rights and freedoms of everyone, eliminating discrimination against the rights of national minorities. Both, in the Constitution of Georgia, as well as in the Constitution of Abkhazia nothing shall violate indisputable rights to save return to their homes for all displaced people in conformity to the International Law.

8. The Georgian state and Abkhazia should agree the composition and activity of the Constitutional Court, which shall be guided by the Constitution of Georgia, the Constitution of Abkhazia and the Federal Agreement 'on Basic principles of Division of Competences between Tbilisi and Sukhumi'.



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