

DECLARATION OF THE MILITARY COUNCIL OF THE REPUBLIC OF GEORGIA

The founding State documents of the Republic of Georgia are: “the Act of State Independence of Georgia”, declared by the National Council of Georgia on 26 May 1918 and the Constitution of Georgia, adopted by the Constituent Assembly of Georgia on 21 February 1921.

The Democratic Republic of Georgia, founded on the principles laid down in these documents and other legal acts adopted in 1918-1921, was recognized both *de jure* and *de facto* by the League of Nation and by the major member -States of it.

It was determined that the Constitution of Georgia would be exercised “permanently and uninterruptedly” (chapter 1, General Provisions, Article 10). After the adoption of the Constitution, the Parliament of Georgia did not determine procedures of its abrogation or suspension. Adoption of such a decree became possible through a decision made by the people through referendum, without which the Constituent Assembly was authorized neither to abrogate nor suspend the Constitution.

On 2 January 1992 the current Constitution of Georgia ceased to be functional and as a result the justice was restored. The period, contradicting the Constitution of Georgia from legal point of view, came to an end.

The Constitution of Georgia was adopted on 21 February 1921 when Georgia was at war with the Soviet Russia. This reality predetermined incorporation into the Constitution of some protective mechanism that would guarantee validity and continuity of the document in case of annexation and occupation of the country.

The Soviet Regime, being unable to introduce constitutional changes without compromising validity and continuity of the Constitution, had grossly violated that principle through abolishment of the Constitution and having resorted to military force changed local elected and democratic structures, and established its own political regime and replaced a Constitution adopted by the independent Georgian State with the Constitution of the Georgian SSR (GSSR).

The Authorities of the Republic of Georgia overthrown on 2 January 1992 was a legal successor not of the Democratic Republic of Georgia of 1918-21, but it was a successor of the Soviet Socialist Republic of Georgia proclaimed to have come into existence on 25 February 1921. Hence, it recognized the supremacy not of the Constitution of Georgia adopted by the Constitutive Assembly of the Democratic Republic of Georgia on 21 February 1921, but rather observed the totalitarian principles of Constitutions of the Georgian SSR adopted in 1922, 1927, 1937 and 1978 and were not immediate successor of the Parliament of Georgia, but were Authorities created on the basis of the aforementioned constitutions.

The Supreme Council of the Republic of Georgia, based on the results of the referendum held on 31 March 1991, adopted the Act of State Independence of Georgia on 9 April 1991, thereby restoring independence of Georgia attained by the virtue of the Act of Independence of 26 May 1918, and recognized the legality of the Constitution of the Democratic republic of Georgia. The Supreme Council of the Republic of Georgia failed to carry out in real life the principles declared by itself.

The Georgian Authorities refused to declare themselves a legal successor of the Democratic Republic of Georgia and did not restore the Constitution of 1918. Moreover, instead of establishment of a democratic State of Georgia, it has established the authoritarian regime.

On 22 December the President having usurped the power has unleashed war against the nation and suffered a natural defeat.

The Military Council of the Republic of Georgia that represents the State power at the moment deems it unacceptable to replace one illegal authority by the other similarly illegal one and emphasizes the necessity of restoration of lawful constitutional regime in Georgia.

Proceeding from the aforementioned, the Military Council of the Republic of Georgia **declares that:**

1. Without changing the current borders and State –territorial arrangement of the Republic of Georgia (with current status of Abkhazia and Ajara), it recognizes the international legal acts and supremacy of the Constitution of Democratic Republic of Georgia of February 21, 1921 and its implementation with due account of current realities.

2. Elections to the Parliament of Georgia shall be held based on the principles set out in the Constitution of Georgia of 21 February 1921, no later than autumn of 1992.

3. The Military Council of the Republic of Georgia alongside the Interim Government shall resign and confer power to a newly elected Parliament of Georgia at the very first session of the Parliament.

Members of the Military Council of the Republic of Georgia: **T. Kitovani, J. Ioseliani**

21 February, 1992