

Federalism as the Territorial Organization Form Historically Existing in Georgia

Federalism represents one of the most optimal and democratic ways for the resolution of ethnic, religious and other conflicts. Federalism as the form of realization of the uniqueness, strives for the unity of diversity. It simultaneously protects the differing features of various social groups and unites them under one system.

During the history of existence of independent Georgia, despite having several constitutions and making number of amendments and changes to the above, up to date, the issue related to the territorial organization of the country remains one of the most acute issues faced by the constitutional development of Georgia.

Historical experience clearly shows that at no stage of its existence the centralized principle of state governance was traditional for Georgia. Territorial organization of Georgian state based on federal principles better matches the historical development of the country, its traditions and national interests and ensures reinforcement of country's security as well as its economic development and social-cultural progress. Mentioned above model will facilitate the restoration of territorial integrity of our country and regulation of existing conflicts in a peaceful manner.

Key Words: *territorial organization of the state, constitution; Autonomous Republic of Abkhazia, Autonomous Republic of Adjara, federalism, conflicts, ethnic minority. Federalism as the Territorial Organization Form Historically Existing in Georgia*

1. Introduction

At almost all stages of society development, settlement and maximal neutralization of various type conflicts in the world remains the critical problem, as without peace it is impossible to establish and develop stabile state.

Conflicts in the society are not homogenous in terms of their emergence (social, economic, religious, ethnic and etc.) as well as their progress. In majority of cases, origin of such conflicts is to be found in the long past and despite the development of society, it becomes more complex by its nature, acquires new scales and generates serious problems in the internal as well as foreign policies of many countries.

Destruction of socialist system by the end of the twentieth century created new areas of conflict (mainly ethnic and social) all over the world, and particularly, in Russia and the Europe.¹ Negative consequences conditioned by these conflicts, generally, go beyond the boundaries of one country and become the part of world politics.

At present, there are different views in the scholarship, in terms of assessment of current conflicts as well as in terms of ways for their resolution. Even, on the example of our country, it is difficult to agree with the position of part of conflict scientists, according to which the conflict is recognized as the mean for

* Doctoral Student, TSU Faculty of Law.

¹ *Khubua G.*, Federalism, as the Mean for Overcoming Ethnic Conflicts, Journal "Law", № 6-7, 1999, 15 (in Georgian).

stimulating progress and society development. Reality shows that social and ethnic conflicts in the society, in majority cases bring such negative consequences for the specific groups of people or countries, that they become the center of attention of the world and governments of certain states, leading politicians of various countries or scientists of social scholarship pay particular attention to the settlement and neutralization of such conflicts; moreover, there have been number of scientific concepts developed for the above purpose.

Neutralization of various type conflicts existing in the society, especially those, created on the ethnic grounds, is very complex, long-term process and one of the most difficult tasks and therefore, presently, their final liquidation is very long process and in most of the cases almost unachievable task. Therefore, based on the present reality, all models created with the purpose to settle discussed conflicts, are mainly directed towards their maximal neutralization.

During the history of existence of independent Georgia, despite having several constitutions and number of amendments and changes to the above, up to date no optimal form for the territorial organization of the country has yet been yet identified.

Up to date the issue related to the territorial organization of the country remains as one of the most relevant problems faced by the constitutional development of Georgia. According to the constitution, the territorial organization of the country will only be defined after the restoration of Georgian jurisdiction over the whole territory of Georgia. Number of times the above discussed article became the subject of criticism. Even today, the Constitutional Commission established under the ordinance of the Parliament of Georgia, dated 04 October 2013² raised the issue, whether existence of mentioned norm in the main part of the constitution was reasonable, considering that territorial organization of Georgia was already defined at some level (for example constitutional law of Georgia on the “Status of Adjara Autonomous Republic”, Code on Self-governance). Accordingly, there is a discussion in the Constitutional Commission on the transfer of paragraph 3, article 2 of the Constitution of Georgia to the transitional provisions.

Establishment of issue on the territorial organization of the state in such a general manner conditioned number of problems for the country. More so, as it is impossible to precisely estimate, when the restoration of the territorial integrity of the country will be completed. If years ago the model of territorial-political organization of our country had been defined that would evidently be step forward in the process of reintegration and better situation would have existed today.. Accordingly, at present, it would be much more expedient not to transfer the provision into the transitional provisions, but to find the best favorable solution for the above-mentioned problem and to offer to the society the optimal model for the territorial organization of Georgia.

In the modern law theory one of the recognized forms for the territorial-political organization is federal organization. At present, increasing number of countries are moving towards the federalism. Mainly the countries, overwhelmed with ethnic movements or separatist movements of religious minorities and civil wars are demonstrating the desire to adopt to the territorial organization based on federal principles. Relevance of federalism, as one of the forms of territorial organization of the state, in the legal-political scholarship is determined by the multi-nationality and religious diversity of the world population, willing to peacefully co-exist in the stabile and free environment. One of the key objectives of federalism is to achieve unity between people and at the same time retain identity, culture, traditions and habits of specific group of peoples. Federalism, via the decentralization of government, ensures the unity of objectives and values of the federal subjects and the central government.³

² See Ordinance №1479, dated 04 October, 2014 year, the Parliament of Georgia.

³ *Elazar J.D.*, *Federalism on the World Scene*, Update on Law-Related Education, Vol. 19, №3, 1995, 43.

Moreover, federalism represents the mean for facilitating the peace. The main characteristic of organization of the state, based on federal principles is that it encourages the parties to lay down the arms and to make decisions via the peaceful, political and diplomatic ways.

Territorial organization of Georgian state based on federal principles fits well with the historical development of the country, its traditions and national interests and ensures reinforcement of country's security as well as its economic development and social-economic progress. Above mentioned model will support the restoration of country's territorial integrity, regulation of existing conflicts in a peaceful manner and will enable ethnic Abkhazians and Ossetins to implement their political-legal and cultural rights in an extensive manner.

The Constitution shall specifically define the legal status of Abkhazia, Adjara and Southern Ossetia. Moreover, taking into account the social-economic development and number of population, Tbilisi must have the special status. Moreover, it is necessary to have asymmetry of competences between the subjects holding different statuses.

In addition to the above, federalism ideology will facilitate approximation of the state government and people and establishment of democratic foundations for the political system. On the one hand, it provides the certain territorial units with autonomy in the political, economic and cultural areas, and, on the other hand, ensures their political, economic and military integration under the united state. Accordingly, one of the key strengths of federalism is its ability to ensure the peaceful co-existence of various ethnic groups within one country. In Georgia, the settlement of ethnic conflicts via the peaceful ways and ensuring the cohabitation of Georgians, Abkhazians and Ossetins in the united state shall become the motive behind the federal organization of the state.

As for the remaining territory of Georgia, it will be divided into the lands (regions); hence, the regional organization of Georgia will be regulated by the Constitution. Regional organization, first of all, shall be based on the infrastructural and social-economic development potential and shall consider the principle of social-economic equalization of regions. Their competences shall be symmetric and relatively low, compared with the status of Adjara, Abkhazia, South Ossetia and Tbilisi.

2. Federalism and its Characteristics

Federalism represents one of the forms of territorial-political organization of the state. In the jurisprudence federalism is defined in various ways.

According to Elazar, federalism is the divine and secular agreement between the nations striving for the integration.⁴

According to sociologist Aron, federalism is the only complex way for the finding the solution to deadlocks in the ethnic conflicts and establishment of the order.⁵

However, if federalism is not based on the key principles of democratic and lawful state, it might entail the counter-effects; in particular, it will arouse animosity and confrontation between the various ethnic, religious and national groups. The evident example of the above is the totalitarian regime coming into the power as a result of revolution in Russia, in 1917 year. The above regime, as though provided the ethnic groups living on the territory of Russia with the opportunity to act independently in certain areas and granted the autonomous status, however, the above had only formal nature. As a result, the discontent and

⁴ *Elazar J.D.*, *Federalism and the Way to Peace*, Institute of Intergovernmental Relations, Queens University Kingston, 1994, 4.

⁵ *Federalism*, Encyclopedic Vocabulary, Moscow, 1997, 248.

confrontation was aggravated between the nations living under the formal autonomy. Each ethnic group was willing to acquire real freedom and independence, which in some cases grew into the bloody conflicts (for example: Autonomous Republic of Chechnya, Herzegovina). Accordingly, only federalism based on the democratic and legal values ensures peace and respect between the nations.⁶

According to the widely-spread position, federalism represents democratic development of society, the strongest guarantee for ensuring the human rights and freedoms.⁷

Its positive aspects are also underlined in the encyclopedic vocabularies – federalism is the unity, under which the territories of federal subjects create the integrated and wholesome state, the geo-political space.⁸

Organization of the state based on the federal principles implies special agreement between the subjects of the federation. This is a free agreement, as it fully depends on the expression of the free will by the subjects. By entering the federation, subject is integrated in the common state system.⁹

In legal terms, it is possible to define the federalism in the following manner: Federalism is the form of state's territorial organization, which consists of state establishments, in particular federation subjects holding the limited sovereignty. Federalism is a model of integrated state, in which the subjects have their state bodies, some features of judicial system and the state, however, do not represent the state.

With its essence, federalism compared to the unitarism, is recognized as more progressive and democratic form. The high level of decentralization of state government is considered as the characteristic, determining its level of democracy. In this regard, two levels of powers are distinguished: federal power and powers of subjects of federation. At the general federal level, the state power is executed by the two-chamber representative body; one of the chambers, namely the upper chamber, represents the interests of the federation subjects at the highest representation level.¹⁰

It is noteworthy that federalism as the form of territorial-political organization, stimulates such values as protection of minority rights and their involvement in the process of resolution of common state issues, government decentralization, establishment of lawful and democratic state.¹¹

In case of federation, certain territorial units of the state have the key elements characteristic to the state: legislative, executive and judicial powers, state apparatus, financial independence and etc. Accordingly, there are supreme bodies of the central government and federation subjects functioning in the state, by which the major function of the state decentralization is implemented.

It must be noted that federation system based on the principle of unity ensures existence of federation in the form of united sovereign states. Through this way one of the key principles of federalism, such as function of integration of differing territorial units, is fulfilled. The fact that in this case there is a common state competence and united system of federal bodies in place indicates the importance of this function and unity of federal state.¹²

In the legal science, there are two classic forms distinguished for the establishment of federation: non-contractual – constitutional, which is established via the granting of autonomous status to the federation members by the center (Germany, Canada, India) and contractual (USA, Switzerland, Australia). How-

⁶ *Elazar J. D.*, Federalism on the World Scene, Update on Law-Related Education, Vol. 19, № 3, 1995, 44.

⁷ *Kurashvili K. T.*, Federal Organization of the Russian State, Moscow, 2000, 20.

⁸ Federalism, Encyclopedic Vocabulary, Moscow, 1997, 244.

⁹ *Schmitt C.*, Constitutional Theory, Duke University Press, 2008, 384.

¹⁰ *Demetrashvili A.*, Constitutional Law, Tbilisi, 2005, 160.

¹¹ *Wiessner S.*, Federalism: An Architecture for Freedom, New Europe Law Review, Vol. 1:129, 1992-1993, 138.

¹² *Rukhadze Z.*, Constitutional Law of Georgia, 1999, 186.

ever, it must be noted that these two forms do not exclude each other and do not contradict, as relationship established via agreement or contract could also be formalized constitutionally, and in case of federation established constitutionally, it is admissible to have contractual mechanisms in place.

In general, federation is based on the following key principles: federation and its subjects possess the source of state system; the equality of federation subjects must be ensured, first of all, in relation to the federal government; the rights possessed by the indigenous population shall be granted to any citizen of federation on the territories of all subjects of the federation; unilateral withdrawal of federation subject from the federation, in other words, the right for secession is prohibited.¹³

The following features characteristic to the notion of federation are distinguished in the jurisprudence:

1. Federal state facilitates adoption of business like decisions oriented towards the local requirements. Under the federal order, citizens have higher chances to actively participate in the political processes;¹⁴
2. Moreover, federalism supports implementation of the effective management all over the country. Public servant employed at the government body of the federation subject has better knowledge about the local problems, compared with the representative of the central government. Accordingly, local servant can more effectively and timely resolve the existing problems at the federal level.¹⁵
3. Federation unites its subjects under common political system and limitation of authority of federation subjects can only be implemented if the above is envisaged under the constitution of the federation;
4. Federal agreement aims to establish permanent and not temporary order; in other words, federalism must ensure existence of long-term and safe system. The evident example of the above is the following thesis provided in the Vienna 1820 year Act: "Federation is inviolable union, accordingly none of its subjects are entitled to enjoy the secession right;"
5. Federal agreement concluded between the federal government and subjects represents the special type of constitutional agreement. Constitutions adopted by the subject shall necessarily be based on the federal constitution;¹⁶
6. Federal state reduces the chances for the power abuse via the balancing of powers, which is achieved via the vertical distribution of powers. Accordingly, federalism ensures high level of individual freedoms in the state and establishes the additional guarantee for the stability of state system;¹⁷
7. Federalism excludes establishment of governance, where the excess powers are concentrated in the hands of one person or group of persons. As mentioned above, state government is characterized with the high level of decentralization, the powers are distributed among the central and federation subjects. Accordingly, it is almost impossible to have totalitarian governance in the state with federal system.¹⁸
8. Federation aims to ensure the political existence of each subject within the integrated state framework. Existence of federation subjects is guaranteed via the inter-connection existing between the federal state and its subjects;

¹³ Melkadze O., *Constitutionalism*, Tbilisi, 2008, 154 (in Georgian).

¹⁴ Khubua G., *Federalism as the Normative Principle and Political Order*, Review of the Georgian Law, Tbilisi, 1999, 19 (in Georgian).

¹⁵ Rubin L., Malcolm Feeley E., *Federalism: Some Notes on a National Neurosis*, 41 *UCLA Law Review*, 1993-1994, 910.

¹⁶ Schmitt C., *Constitutional Theory*, Duke University Press, 2008, 386.

¹⁷ Khubua G., *Federalism as the Normative Principle and Political Order*, Review of the Georgian Law, Tbilisi, 1999, 20.

¹⁸ Rosem S. K., *Federalism in the Americas in Comparative Perspective*, *Inter-American Law Review*, Vol:26, 1994-1995, 6-7. See also: Rubin L., & Malcolm Feeley E., *Federalism: Some Notes on a National Neurosis*, 41 *UCLA Law Review*, 1993-1994, 903. It is indicated in the article that organization of the state on federal principles contradicts the concentration of power in the hands of one body/ person and directed towards the timely and effective resolution of political crises.

9. It must be taken into consideration that changes to or annulation of the borders of federation subjects is only possible with the consent of such subjects;
10. Federal organization of the state ensures the protection and safety of its members from all external interventions and threats. Within the country, it aims at the establishment of civic peace between subjects of federation;¹⁹
11. Federalism significantly improves the level of political culture in the society. Political centers existing in the federal state, generally, do not represent the association of persons with the common political views. Forces with differing political ideology and orientation are forced to hold dialogue, respect the views and positions of other parties. The federal system is characterized with the polycentrism, enabling the opposition to at least partially implement the alternative political program at the federation subject level and by this way prove the readiness for coming to the power;²⁰
12. Moreover, federalism facilitates the resolution of social problems existing within the country by means of new innovative ways, as the management bodies of the federation subjects, in the process of decision making, unlike the central government bodies, are less bound.²¹
13. The unconditional duty of the federalism is peaceful resolution of conflicts between the subjects in a legal manner;
14. Federation cannot exist without intervention in the business of membes, as the federation is the political unity, and it must have right to “manage” its subjects. It also shall define the methods required for preservation of the state and ensuring the state security.²²

According to the popular view, among the forms of territorial organization established in the modern society, federalism represents the most democratic way for the resolution of existing problems. It provides for the national minorities inhabiting the certain territories to live with their individual characteristics; in other words, federalism, as the form for the realization of uniqueness, strives for diversity in the integrity. It concurrently protects the individual characteristics of various social groups and unites them under the integrated system.

Establishment of the state on the federal basis expresses the sovereign will of nations to establish united state via the constitutional or contractual way, where the interests of the state, constituing parts and citizens will be in harmony.²³

It is also noteworthy that federalism ensures offering of effective services to the population of the federation. Under such conditions, the minorities have much more opportunities to protect their rights and freedoms, participate in the formation and implementation of the united state will.²⁴

The Supreme Court of the United States for the case *Gregory VS Aschroft* defined that federalism significantly increases the opportunities of the citizens to be involved in the process of building the state and actively participate in the implementation of state powers.²⁵

Moreover, ideology of federalism facilitates approximation of state government and people and establishment of democratic foundations for the political system. On the one hand, it provides the certain

¹⁹ *Schmitt C.*, *Constitutional Theory*, Duke University Press, 2008, 386-387.

²⁰ *Khubua G.*, *Federalism as the Normative Principle and Political Order*, *Review of the Georgian Law*, Tbilisi, 1999, 19-20 (in Georgian).

²¹ *Rosenn S. K.*, *Federalism in the Americas in Comparative Perspective*, *Inter-American Law Review*, Vol:26, 1994-1995, 6-7.

²² *Schmitt C.*, *Constitutional Theory*, Duke University Press, 2008, 386-387.

²³ *Kurashvili K.T.*, *Federal Organization of the Russian State*, Moscow, 2000, 20.

²⁴ *Wiessner S.*, *Federalism: An Architecture for Freedom*, *New Europe Law Review*, Vol. 1:129, 1992-1993, 140.

²⁵ *Rubin L., Malcolm Feeley E.*, *Federalism: Some Notes on a National Neurosis*, 41 *UCLA Law Review*, 1993-1994, 907.

territorial units with autonomy in the political, economic and cultural areas, and, on the other hand, ensures their political, economic and military integration under the united state.²⁶

Federalism is based on the one fundamental idea, according to which federation subjects shall be united under the federation only in the event of expression of their free will. Need for uncompromised compliance with this principle was confirmed by the breakdown of Czechoslovakia, Yugoslavia and Soviet Union during the recent past. The basis for the federal organization of the mentioned states was not only the desire of subjects constituting the federation, but also their fear and compulsion, hence the critical element of Federalism notion was ignored, which implies the desire and consent of people who are members of the federal state. Based on the above, federalism and nation's right for self-determination do not contradict, but supplement each other.²⁷

Despite the above listed advantages, several disadvantages of federalism could be distinguished. For example: federalism hinders the pace of economic development, as there are regulations hindering the business initiation and conduct, at the federal, as well as local levels. In addition, the government costs are increased significantly, United States of America is a good example of the above, where the staff numbers for central government and government of states exceed 83 000. Moreover, in certain cases, for the preservation of territorial integrity of the state and protection of constitutional order, the central government may have to carry out military operations in the certain regions.²⁸

As mentioned above, the main idea of federalism is the existence of diversity within the unity. Federal order is the only real guarantee that peaceful coexistence between the groups with differing interests, cultures, history, religion and traditions will be ensured. According to the wide spread position, federalism is an institutional agreement, by means of which central government actively collaborates with the member subjects of the federation in the process of decision making.²⁹

Accordingly, the main strength of federalism is demonstrated by its capability to ensure peaceful cohabitation between different ethnic groups within one country. And if Georgia chooses this form of territorial-administrative organization, the motive determining the federal organization of the country must be regulation of ethnic conflicts in a peaceful manner and ensuring the cohabitation of Georgians, Abkhazians and Ossetins within one state.

3. Federalism as the Historically Existing Form in Georgia

Territorial-political division of country is one of the most significant basis of existence, history, success or failure of any state, defining its political image as well as its cultural, economic and social status.³⁰

Federalism, as the territorial organization form of the state has multi-century development history. There are four basic ways for the establishment of federal states recognized in the legal doctrine: first – when several existing colonies/ territorial units express their desire for integration and establishment of federation (for example: confederation of Switzerland, United States of America); second – federation “artificially” created by the colonial regime (for example: Australia, Canada); third – when federal system is created in the state based on cultural-political signs (for example: Belgium); fourth – federations estab-

²⁶ *Kurashvili K.T.*, Federal Organization of the Russian State, Moscow, 2000, 20-21.

²⁷ *Wiessner S.*, Federalism: An Architecture for Freedom, *New Europe Law Review*, Vol 1:129, 1992-1993, 129.

²⁸ *Rosenn S. K.*, Federalism in the Americas in Comparative Perspective, *Inter-American Law Review*, Vol. 26, 1994-1995, 7-8

²⁹ *Chen P.*, Federalism and Rights: A Neglected Relationship, *South Texas Law Review*, Vol. 40, 1999, 850

³⁰ *Melikishvili G.*, Antient Unions of Population of South-Western Georgia, *Works on Georgian History*, Vol. I, 1970, 361 (in Georgian).

lished as a result of military intervention (for example: Federal Republic of Germany, which was created after the Second World War with the active involvement of allied states).³¹

In any case, in the process of defining the territorial-political organization form for the state, it is desirable to consider the historical development of the country and its characteristics. Adoption of forms, which is traditionally unacceptable or radically different from already existing form may bring heavy outcomes for people and the country.

The model of state organization together with many aspects shall facilitate general advancement of the country and preservation of its territorial integrity.

3.1 Territorial-Political Organization Form of the State in Earlier Period of Georgian History

During its multi-century history, Georgia rarely had opportunity to independently determine the form of territorial-political organization of the country. In addition, historical experience clearly shows that even in the period of independent existence and strength, the only and traditional form was not the centralized principle of state governance for our country. Georgia has always consisted of regions different from each other with ethnographic, business or economic conditions, which was requiring the specific approach of governance with regard to each region.³²

The Caucasus is one of the regions, where the state formations already existed during the ancient times. The state units, formed on the territories of Transcaucasia, took an important place among them, out of which such unions, mentioned in Assyrian or Urartian incused inscriptions such as “Upper coastal states”, are particularly noteworthy for us. According to the justified opinion, existing in the modern historiography, the mentioned term implied Black Sea and “the territory located on the Black Sea coast”.³³

Among the countries, located on the Black Sea coast, Kolkheti, i.e. Kolkha Kingdom was the most significant. It is clearly shown in the “Myth of the Argonauts” that Kolkheti (Kolkha) was united and strong, culturally and economically advanced political unit, with its royal cities, strong king, governors of provinces, also, its influence was extended not only over the neighboring provinces but over quite distant countries. The Kolkheti Kingdom played the major role in formation and strengthening of the cultural unity, which is known as “Kolkhetian culture”.³⁴

During VIII-V centuries, BC, the Kolkheti Kingdom weakened, due to foreign invasions. Instead of powerful king, it was headed by “Arkhinti” (Eristavi), who paid certain tribute to Iran. At the end of the fourth century weakened Kolkheti (Egrisi) joined the newly formed kingdom of Kartli in a peaceful way, in particular, via the dynastic “marriage”. This was the first fact of political union (Pharnavaz-Kuji) in the history of Georgia.³⁵

According to old Georgian or foreign historical sources, origination of united Georgian state and establishment of Georgian royal dynasty was associated with the name of Pharnavaz, who, according to Leonti Mroveli, together with Kuji, the governor of Egrisi managed to defeat the Kartli invaders and united these two regions - Kartli and Egrisi.³⁶

³¹ *Schuk H. P.*, Federalism, Case Western Reserve Journal of International Law 5, 2006, 8, <http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=2659&context=fss_papers>, [06.07.2016].

³² *Gogishvili G.*, Comparative Federalism, Tbilisi, 2000, 234 (in Georgian).

³³ *Melikishvili G.*, The Ancient Unions of Population of South-west Georgia, Essays of History of Georgia, Vol. I, 1970, 361-362 (in Georgian).

³⁴ *Ibid.*, 371.

³⁵ *Melikishvili G.*, Unions of Georgian Tribes on the Territory of Georgia, At the End of II Millennium, BC, in III century, BC, History of Georgia, Vol. I, 2006, 39 (in Georgian).

³⁶ Georgian Chronicles (Life of Kartli); Edition of *Simon Kaukhchishvili*, Vol. I, 1955, 21-22 (in Georgian).

At his accession to the throne, Pharnavaz began long cycle of reforms, the final goal of which, *inter alia*, was strengthening of country's power, out of which "spread of Georgian language", i.e. its declaration as the state language and "creation of Georgian literacy" were particularly important.³⁷

Pharnavaz carried out the first administrative reform in the state of Georgia. In particular, "He organized the kingdom like the kingdom of the Persians, divided it in separate districts – in dukedoms, led by dukes, and the governance of central district (Shida Kartli) was entrusted to Spaspet, the Commander, strengthened the city of Mtskheta and other cities and castles of Kartli".³⁸ As a result of administrative reforms, carried out by Pharnavaz, the country was divided into 8 dukedoms, which was governed by dukes, and, as already noted, Spaspet was assigned as the governor of Shida Kartli. In Georgian Chronicles (Life of Kartli) we can read: "Pharnavaz became fearless of all the enemies and he was the king of Kartli and Egrisi, and he multiplied all the riders of Kartli, assigned eight dukes and Spaspet".³⁹

Division of Georgia in separate areas was so well-considered in all aspects that, notwithstanding the several changes in historical destiny, the political map, established as a result of this reform, had remained unchanged over the centuries.

Further most significant changes, implemented in Kartli Kingdom in administrative-political sphere, also aimed at strengthening and consolidation of the country and essentially determining the political face of the state, is associated with the name of Vakhtang Gorgasali, among the activities of whom, the country's administrative reform took important place.

King Vakhtang was well aware that without such reforms and economic-political strengthening of country, he could not restrain the increased attacks of Iranians. Actually, Gorgasali did not change the rule of administrative division, carried out by Pharnavaz; he only added one duchy to Kartli Kingdom, in the form of Hereti.⁴⁰ But, most importantly, during his ruling, the largest part of historical Georgia was united under one government. Gorgasali subordinated each administrative unit to the strong centralized governance, however, at the same time, strictly defined its territorial jurisdiction and responsibilities of governors with regard to local, as well as nationwide objectives of unified Georgia.

In economic, political or legal terms, these divisions were not equal, but all of them were subordinated to the governor of united Georgia. Of course, in the modern understanding or terminology, it is impossible to speak about the form of federal organization in that period, but, such territorial-administrative division, no matter for which goal it had taken place, already had the first signs of federalism, even in terms that it was establishing the principle of decentralization of government in the country and was introducing local self-government with wide rights in separate regions.

On the eve of VIII-IX centuries, several separate kingdom-principedoms, independent from each other, have originated on the territory of Georgia, "there were number of principals emerged in the country of Kartli", the main reason of which was the economic and political degradation of the country, as well as the character of Arab conquerors, which not only prevented the social and economic development of Georgia, but by all means impeded even the attempt of creation of strong local government – "as soon as somebody appeared among the children of Vakhtang, worthy to be a king, he would be oppressed from the side of Saracens".⁴¹

Such situation impoverished the country for a long time; decentralizing of governance and breaking up in independent small size units had severe impact on economic, political or social state of Georgia.

³⁷ Georgian Chronicles (Life of Kartli); Edition of *Simon Kaukhchishvili*, Vol. I, 1955, 26 (in Georgian).

³⁸ *Melikishvili G.*, Kartli (Iberia), in VI-IV Centuries, BC, Origination of Kingdom of Kartli, 1970, 439 (in Georgian).

³⁹ Georgian Chronicles, Edition of *Simon Kaukhchishvili*, Vol. I, 1955, 24-25 (in Georgian).

⁴⁰ Georgian Chronicles, Chief Editor, *Metreveli R.*, 2008, 200-201 (in Georgian).

⁴¹ Georgian Chronicles, Edition of *Simon Kaukhchishvili*, Vol. I, 1955, 250 (in Georgian).

According to the reasonable opinion of famous Georgian historians, the reasonable administrative-territorial division of the country had paramount importance at each stage of development of our state. In particular, the strengthening of country's central government was followed by the successful defense from the invasion of external enemies, restoration of territorial integrity of the state and annihilation of conflicts existed within the country, in addition, improvement of state's external and internal policy, economic and cultural progress.

One of the most important periods of history of Georgia is X-XI centuries; following accession of Bagrat the Third (years 975-1014) to the throne, unification of separate political units, existing on the territory of our country, is beginning. In the last years of his reigning, "the west Georgia, Shida Kartli, Kakheti-Hereti, Trialeti and former Courapalates of Georgia to Basiani" was united as one kingdom, "only Tbilisi and its surroundings were left without unification".⁴²

Final unification of Georgia is associated with the activities of David IV the Builder (Aghmashenebeli). He "seized a town" in 1122 "and, with this, completed the unification of Georgia".⁴³

All the above listed authority of a country, starting from King Pharnavaz, was attempting to find most optimal ways of internal administrative-territorial organization of the state, because each of them was well aware that internal strength of a country, strong centralized government, the regions subordinated to the reasonable policy, regulated relationships between them as well as between the center and separate parties, was the fundamental basis, on which the strength of the state, as well as the success of internal and external policy was based.

At each stage of our history, the authorities of Georgian state tried to find the ways of peaceful and friendly relationship with neighboring states, especially, with the people living in the Caucasus.

It is also noteworthy, that in the era of independence and strength, in particular, during the reign of David IV Aghmashenebeli (years 1089-1125) and King Tamar (years 1184-1213), Georgia was not only appending the new domains (Shirvani, Chaneti, Sinopi and others), the countries (Rhani, Dzurdzuketi, Azrumi and Rumi Emirate, Erzinki Sultanate and others), cities (Tavrezhi, Zenjani, Marandi and others), as well as the people of Caucasus mountains, characterized with the comparatively low level of development in economic, political or cultural terms, were voluntarily entering under its patronage and were strongly obeying the authorities of Georgia. Despite these circumstances, the governance rules, existing there, were actually remaining unchanged, which demonstrated the reasonable policies and perspicacity of Georgian authorities. They were well aware that unity of Caucasian people was such a great power, which could give adequate response to any aggressor.⁴⁴

At the beginning of thirteenth century, invasion of Mongols into Georgia and their occupant policy has totally collapsed the country's defense capabilities and facilitated the final division of kingdom of Georgia. The united Georgia was destroyed in three parts – west Georgia, Samtskhe and east Georgia, which caused irreparable damage to the country. Mongols carried out the military and administrative reform in Georgia and Georgia became part of state of Mongols as separate military and administrative unit, "Gurjistani Viliety", divided into eight military-administrative units.

The country's reunification and rejection of yoke of Mongol's supremacy is associated with the name of George V the Brilliant (years 1314-1346). In 1329-1334, he occupied Imereti and Samtskhe and re-

⁴² *Berzenishvili M.*, Historical-Geographic Review, Essays of History of Georgia, Vol. III, 1979, 67 (in Georgian).

⁴³ *Ibid*, 67.

⁴⁴ *Lortkipanidze M.*, Strengthening of Feudal Monarchy of Georgia, History of Georgia, 1988, 152-153. Also, see, Georgian Chronicle, Edition of *Metreveli R.*, 2008, 509 (in Georgian).

stored the unity of state of Georgia.⁴⁵ The country, united by him, existed only until the second half of XV century and in 1490 ended up in disintegrated territorial units of Imereti, Lartli and Kakheti kingdoms and Samtskhe Atabagate.⁴⁶

In 1762, in the history of independent Georgia, Erekle II has for the last time united Kartli and Kakheti kingdoms. A wise ruler was well aware that he neither could nor restrain the ungovernable feudals nor stand up to advancing enemy without relevant administrative-territorial reforms. In addition, it would be impossible to even think about economic-political or cultural progression of the state. Therefore, in 1743-1777 Erekle the Second annulled Duchies of Aragvi, and then, Ksani, in the meantime, limited the rights of strong nobles.

For the purpose to strengthen the central governance, he subordinated the peripheral sides of Kartli-Kakheti. However, at the same time, the collapse of central authority, neglecting of general governance, ambitions of separate parties and unhealthy attitude to neighboring regions, was especially manifested in western Georgia, where the disintegration of kingdom of Abkhazia and Svaneti Principality in smaller domains, has facilitated the animosity, confrontation and bloody clashes. The weakened country was also suffering from the external enemies.

3.2 Territorial-Political Organization Form of Georgia in Years 1783-1918

Unification of Transcaucasian nations was actively opposed by external, especially Russian imperial forces, which see in this relationship the formidable opponent, real balancing power and tried to eliminate this desire, fuel national strife and raise conflict between Caucasus people in every possible way.

According to Treaty of Georgievsk, concluded in 1783, Georgia has voluntarily entered under protection of Russia. In accordance with conditions of agreement, the state independence of Georgia had to be maintained and Russia had not to interfere in the domestic affairs of country, but on January 18, 1801, following death of Giorgi XIII, Paul I has finally abolished Kartli-Kakheti kingdom and appended to Russia by the special manifest. Later, in particular in 1810, Imereti kingdom shared the same fate. All this transformed Georgia into conquered and occupied country.

The Tsarist Russia introduced the same political-administrative system as it was in Russia, in particular, Kartli and Kakheti provinces were divided into districts (uyezds). Imereti military district has been established in west Georgia. The heaviest national and social conditions caused the formidable rebellions of peasants in Mtiuleti (1804) and Kakheti (1812), however, both of them have failed finally. During the history of Georgia, requirement of new form of governance, in particular, the idea to declare Georgia as a parliamentary republic was raised by one part of conspiracy of 1832 - the nobles, however, the plans of conspirators were not destined and the participants of conspiracy were severely punished by the authorities of Tsarist Russia.

The great Georgian writer and public figure, Ilia Chavchavadze, which played the largest role in Georgia of XIX century in reawakening of national identity and the revival of the national consciousness, saw the way for deliverance of Georgia in amalgamation of federalism and Unitarianism. In his opinion, these two forms did not prevent each other in normal country; on the contrary, they were complementing and uniting each other. In Ilia's view, it was necessary to subordinate the central and local governance to the general interests.

⁴⁵ *Lominadze G.*, Dominance of Mongols in Georgia and Battle against It, *Essays of History of Georgia*, Vol. III, 1979, 629 (in Georgian).

⁴⁶ *Ibid*, 748-750.

The forms of fighting for independence of country was later changed by the socialistic-federalist party, established in 1904, and its leader, Archil Jorjadze, requiring the federalism, restoration of national state structures, own territorial organization and autonomy for Georgia.

The members of socialistic-federalist party worked hard in Georgia. They had their own legal periodical publications: “The Bulletin”, “People’s Newspaper”, “Public paper”, “Socialist-Federalist” and others, in which they were requiring the restoration of statehood of Georgia, raising the idea of autonomy and federalism of Georgia. The same requirements were established in their program and statutes.⁴⁷ In their opinion, the autonomy had to be the first stage on the way of fighting for independence. The disagreements within the party, especially, inclusion under the pressure of strictest communist regime, persecution and repressions have further caused inevitable failure of socialistic-federalist party.

In years 1918-1921, the breakdown of the Russian Empire brought the independence to Georgia, but following victory of dictatorship of the proletariat in Russia, the Bolshevik organizations have intensified their activities in Transcaucasia too. For avoiding the possible “red threat”, the “Transcaucasian Commissariat” has been created in Tbilisi under the leadership of Evgeni Gegechkori, the “National Councils” and “National Regiments” have been established.⁴⁸

Long after, the Transcaucasia people were given the opportunity for the first time to define their own fate themselves, including , the form of territorial organization. Realistically-minded political parties were feeling well that separately they were not able to protect themselves from Russian bolshevism, therefore, they made the only right decision – on 10 (23) February, 1917, they convened the “Transcaucasian Sejm”, which was confronted by protest rallies of Bolsheviks. The Russian communists realized from the beginning that existence of Sejm in Transcaucasia would not allow them to implement their own policy and they declared the life-and-death war of these republics to aspiration to independence.

As early as in December, 1917 the Bolshevistic communist party of Russia adopted a resolution on establishing of soviet authority in Transcaucasia, and S. Shaumiani was appointed as Temporary Emergency Commissioner of Caucasus, who was in Tbilisi already from January, 1918 and led the preparation of armed rebellion. The Bolsheviks arranged the mass protests in Lechkhumi, Tskhinvali region and Abkhazia.

The Commissariat of Transcaucasia made every effort to withstand the violent actions of soviet Russia, and, with the support of international forces, in April 9 (22), 1918, it created the “federal republic of independent Transcaucasia”. This was the only case in history of nations of Transcaucasia, when they, with their own will, implemented an equal unification, which could transform into increasing power in future and actually confront the aggressive policy of Soviet Russia.

As a result of pressure of Bolshevik forces and active provocative actions, the federal republic of independent Transcaucasia lasted only for 35 days and broke up as independent republics of Georgia, Azerbaijan and Armenia, but it showed the only right way of survival and maintaining of distinctive character to the nations of Transcaucasia.

3.3 Territorial-Political Organization Form of First Democratic Republic and Soviet Period

Free republic of Georgia, existing in years 1918-1921, which was headed by social-democrats, represented the unitary-decentralized state with autonomies. The first Constitution (1921) of independent Georgia did not implied the federal organization of a country, but in accordance with Article 107 of Constitution,

⁴⁷ Georgian Soviet Encyclopedia, Vol. 9, 1985, 495.

⁴⁸ Soviet Socialist Republic (SSR) of Georgia, Georgian Soviet Encyclopedia, 1981, 81.

the integral parts of Georgia – Abkhazia (Sokhumi district), Muslim Georgia (Batumi area) and Zakatala (Zakatala district) were given the autonomous governance in local activities, but the local self-governance was provided for the rest of the administrative-territorial units. In addition, the Constitution envisaged the wide cultural autonomy for national minorities and protection of their interests.⁴⁹

According to the federal principle, the idea of organization of country was raised again by Georgian emigration having fled to France following occupation of Georgia by the Red Army. In years 1925-1939, the newspaper of Georgian nationalists “Tetri (white) Giorgi” was publishing, where the numerous letters related to federal organization of Georgia were printed. In the opinion of majority of authors, this form of territorial organization had to be based upon the existing historical experience. They considered the separate areas of Georgia as areas having the distinguished individual type, history, morals and manners and culture, and they believed that participation of representatives of all parties in central authority of Georgia excluded any confrontation between these areas.⁵⁰

Upon communists’ initiative an idea of organization of country by federal principle was radically differently implemented in federation of Transcaucasia, in which Georgia was included as one of the subjects and, with such status further joined the Union of Soviet Socialist Republic (SSR).

The political and ideological objectives of communists became the basis for establishment of federation of republics of Transcaucasia: “Following victory of socialistic revolution in Georgia and Transcaucasia, a task of maintaining and strengthening of dictatorship of the proletariat was set before the communist organizations... one of the conditions for this was eradication of the national strife and hostility kindled between the nations of Transcaucasia, strengthening of friendship of people by the bourgeois-nationalistic parties... the Bolshevik party considered the federal unification of republics of Transcaucasia as one of the reliable means for successful solution of this big task”.⁵¹

The Russian communists considered the federal unification as especially necessary and acceptable form, however, they pointed out that stereotyped transfer of Russian model of federal state would be unacceptable in Transcaucasia, due to its different historical features. On July 3, 1921, the Caucasian Bureau of Central Committee of Russian communist party (RCP (B)), based on the special resolution, set the program for federal unification of republics before the communists of Transcaucasia, and by the end of the same year, following unification of some of economic bodies, the question of federal unification of these republics was decidedly raised.⁵²

The small group of Georgian communists, so called nationalists-deviationist, which at the same time were included in the composition of central committee and clearly stated their positions in authoritative circles of Soviet Russia, have actively protested against this union. Despite their resistance, on December 10, 1921, the 3rd congress of Councils of Transcaucasia was opened, which endorsed the idea of further rapprochement of Soviet socialistic republics of Transcaucasia and created the federal state of Transcaucasia, selected the Central Executive Committee and constitutionally strengthened establishment of this state.⁵³

The federal state of Transcaucasia was different from federation of Soviet Russia – whereas subjects of Russian federation were autonomous republics and districts, subjects of the federation of Transcaucasia were sovereign republics, which allegedly voluntarily restricted their sovereignty and transferred it to fed-

⁴⁹ *Gogishvili G.*, Comparative Federalism, 2000, 239-240 (in Georgian).

⁵⁰ *Kashia J.*, Thoughts on the Ways of Development of Civilization, City-States and Federal Organization of Georgia, “Community”, 1994, №2, 3 (in Georgian).

⁵¹ *Kacharava I.*, Federal Union of Republics of Transcaucasia. Establishment of Soviet Socialistic Republic (SSR) Union, Essays of History of Georgia, in 8 Volumes, Vol. 7, 1976, 80 (in Georgian).

⁵² *Ibid*, 84-85.

⁵³ *Ibid*, 95-96.

eral authority. They were considered not as allies, but as republics, which have self-restrained themselves by treaty. Soon after the Russian communists perceived as real threat that the federation, created upon their initiative and with their effort, could be joined by other Caucasian nations thus creating a power capable of taking significant independent decisions. Such attempts have already taken place from the side of Georgian nationalists-deviationists in November, 1922, which adopted the resolution at one of the illegal meetings to openly protest against the national politics of Stalin and Orjonikidze, and to unite in the Third International, evading the Russian Communist Party (B).⁵⁴

The Russian communists start active movement around Russia for the purpose to unite the Soviet Socialist Republics. In July, 1922, the issue of liquidation of independence of existing republics and transforming it into wider autonomy was discussed at the meeting held in Moscow, and despite the resistance of the Georgian representation, the thesis project known as “autonomism” was adopted. Georgian nationalists-deviationists, who participated in the meeting, have also actively protested against creation of autonomous units in Georgia. Nevertheless, the Government of Georgia gave autonomy rights to Adjara – on July 16, 1921 and South Ossetia – on April 20, 1922. On March 21, 1921 Abkhazia was declared as independent soviet socialist republic and entered into composition of Georgia in December of the same year.⁵⁵

The obstacles originated in separate republics brought the Russian Bolsheviks and their leaders to the decision to replace the unification in form of autonomism with the union of independent soviet republics, which was actually carried out on December 30, 1922 at the first Union Congress of Councils, which declared the establishment of Union of Soviet Socialist Republic (SSR). Actually, it was the union of republics around the Russian Federation, deprived of sovereignty and based on principles of inequality of rights and involuntariness of republics, totally unreal and with independence, existing only on the paper.

At the end of 20th century the unification of Soviet Union based on forcible policy was destroyed and, together with other republics, Georgia gained independence, but the Russian imperial forces could not easily reconcile with fair verdict of the history. They turned the Caucasus into the polygon of bloodshed and confrontation of national minorities.

The issue of territorial-political organization of country, finding of such form of governance, which will facilitate restoration of territorial integrity of Georgia, peaceful coexistence of Georgian, Abkhazian and Ossetian people, still remains a crucial problem in today's Georgia. Historical experience clearly shows that for Georgia, the centralized principle of state government was not the traditional at no stage of its existence. Therefore, the XIX-XX century- as well as modern famous Georgian analysts and political experts acknowledge and support the federal organization form of country as most effective mean for eradication of national conflicts and integration of country, which will be the guarantee for stability, integrity and peacefulness in the region.

4. Conclusion

Federalism, as the form of territorial-political organization of the state, has multi-century history and for a long time it was mainly used as cohesive and uniting mechanism for regions with various interests and traditions, which, much more successfully, could resolve the issues related to foreign relations and defense, as well as the regulation of country's internal political situation, rather than divided, separately existing territorial units.

⁵⁴ *Kacharava I.*, Federal Union of Republics of Transcaucasia. Establishment of Soviet Socialist Republic (SSR) Union, Essays of History of Georgia, in 8 Volumes, Vol. 7, 1976, 94-97 (in Georgian).

⁵⁵ Soviet Socialist Republic of Georgia, Georgian Soviet Encyclopedia, 1981, 84.

According to today's dominating opinion, the federalism represents one of the most optimal and democratic ways of problem solution, among the forms of territorial organization known in the modern society. It ensures peaceful coexistence between the groups with different interests, culture, history and customs, i.e. the federalism, as the form of realization of uniqueness, seeks the diversity in integrity. It simultaneously protects the individual peculiarities of various societies and, at the same time, combines them into one system.

Establishment of the state on the federal principles expresses the sovereign, freewill of people, to create a united state via the constitutional or contractual means, where the harmonic coexistence of the state, its components and citizens will be provided.

Historical experience clearly shows that for Georgia, the centralized principle of state government was not the traditional at any stage of its existence. Therefore, the recent century- as well as the modern famous Georgian thinkers acknowledge and support the federal organization form of country as most effective mean for eradication of ethnic conflicts and integration of country, which will be the guarantee for stability, integrity and peacefulness in the region

Federalism, as the form of territorial-political organization of the state, can be used as the effective mean for resolution of ethnic conflicts. The federal state represents one of the best mechanisms for ethnic minorities for far more free and more successful development of their national and cultural distinctiveness. In this way, it neutralizes the conflict situations to a certain degree and facilitates their peaceful resolution, in the meantime, it protects the state unity and territorial integrity.

Taking into consideration the current situation, when the Georgian jurisdiction is not effective throughout the country, it is urgently necessary to take effective steps in order to ensure timely and reasonable territorial organization of Georgia, which can significantly and positively contribute to the country's reintegration process, to conciliate the ethnic conflicts existing in the country.

Accordingly, it is desirable to timely and specifically determine the place of mentioned regions in state governance, which will facilitate restoration of confidence between the parties, regulation of conflicts and placing them under united space of state, which will be the guarantee for peaceful coexistence of these people.