

Concept
On the Policy Regarding the Protection and
Integration of Persons Belonging to National
Minorities in Georgia

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TABLE OF CONTENTS

Introduction	4
Part I - Background information	9
<i>Legal aspects of the official recognition of the presence of national minorities under Georgian State jurisdiction</i>	9
<i>The demographic situation</i>	9
<i>Minority Communities in Georgia</i>	11
Part II – Building a Concept on National Minorities	13
<i>The legacy of ethno-national thinking</i>	13
<i>Ethno-nationalism in Georgia</i>	15
<i>Guiding Principles for the Integration of National Minorities</i>	16
<i>What does the term "minority" mean?</i>	18
<i>Strategy for the implementation of the Concept</i>	24
Part III: Policy in the legislative sphere	25
<i>Policy Recommendations</i>	27
Language Issues	27
Religious issues	31
Education System.....	33
Cultural Issues	35
Mass Media	37
International Policy	38
Economic life	38
Participation in State affairs	40
Minorities in Public Life	41
Place Names	43
Final Statements	44
Annex I	46
Annex II	54
Annex III	56
Annex IV	58
Annex V	60

Introduction

One of the premiere challenges for Georgia as it continues to solidify its democratic institutions and transition to stable statehood is effectively managing the multiethnic nature of the population. Rich in ethnic diversity, Georgia nevertheless suffers from low levels of internal integration.

For a long time this problem did not receive due attention from the state. In general, any measures taken towards integration were sporadic in character. Even now the issue of national minorities is considered to be very delicate and politically risky, and there is a general lack of political will for managing minority issues. There have been numerous delays in the adoption of various laws, which led to heated discussions. The lack of a comprehensive approach makes it difficult to reach a consensus.

To some degree, Georgia already recognizes and protects a number of minority rights: minority mass media enjoys certain assistance from the state, there are no obstacles to close contact with historical motherlands, and minorities have the right to receive educational instruction in non-Georgian languages. These achievements, among others, are recognized internationally.

However, these achievements were not balanced with integration processes. It can be said that significant progress was achieved in granting the minorities their rights, but little has been done to provide active participation of minority groups in the broader society. For example, minorities have access to education in their native languages. However, at the same time minority community members exhibit a poor knowledge of the Georgian language.

That is why Georgia's minority communities remain largely alienated from the socio-economic and political life of the country. There is insufficient participation by representatives of minority groups in official structures; minority community members exhibit a poor knowledge of the Georgian language; and there are latent or explicit tendencies towards irredentism in regions compactly inhabited by minorities. An extreme consequence of this alienation is the existence of separatist regimes on Georgian territory.

Co-operation with international organisations has proven an effective impetus to political and legislative bodies, and has raised awareness of the need for a conceptual vision of the issues related to ethnic minority populations. Standards established in international treaties serve now as the basis for legislative and policy actions in the field of minority rights and integration.

However, Georgia has a number of international obligations with regard to minority rights protection that have not been fulfilled yet. The Georgian Parliament after some delays recently ratified the Framework Convention on National Minorities, although the European Charter for Regional and Minority Languages is as yet unsigned.

The Parliamentary Committee for Human Rights and Civic Integration has for some time prepared a *Concept on the Policy Regarding the Protection and Integration of the Persons Belonging to National Minorities*. This Paper is an authorized version of the official draft of the mentioned Concept. The full text of the last one Concept can be found in Annex I.

The Concept on the Policy Regarding the Protection and Integration of the Persons Belonging to National Minorities.

The Concept is based on these following international documents:

- Charter of the UN;
- Universal Declaration of Human Rights;
- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- International Convention on Elimination of All Forms Of Racial Discrimination;
- UNESCO Convention against Discrimination in Education;
- UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;
- The Framework Convention for the Protection of National Minorities;
- The Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE;

- The Hague Recommendations Regarding the Education Rights of National Minorities & Explanatory Note;
- The Oslo Recommendations Regarding the Linguistic Rights of National Minorities & Explanatory Note;
- The Lund Recommendations on the Effective Participation of National Minorities in Public Life & Explanatory Note.

The aim of the Concept is to elaborate a theoretical and methodological basis for the policy of civic integration and national minority protection. The balance between minority rights protection and the needs of their integration should be kept so as to overcome ethnocentric tendencies, and replace them with civic society institutions.

The implementation of the Concept should occur in compliance with the requirements of international law and internationally recognized principles and documents on human rights and minority rights protection. These principles are:

- the universal character and priority of human rights;
- non-discrimination;
- the unifying, integrating role of the Georgian people, language and culture;
- preservation of the territorial integrity of the country;
- guarantees for national minorities rights, assistance in the development of language and culture of national minorities;
- guarantees for a person to enjoy rights individually or in cooperation with a group;
- voluntary participation in the integration process;
- voluntary participation in minority group life;
- prohibition of activities aimed at undermining state security and/or inspiring social, racial, national or religious hatred;
- assistance to diasporas living in Georgia in the maintenance and development of their contacts with their motherland

The following **tasks** should be undertaken:

- 1). In the political and legal sphere:

- Creating the legal, organizational and material conditions that would engage members of national minorities in effective participation in the life of society;
- Forming a territorial arrangement and regional policy that would help build unity in society, while protecting the interests both of the society in general and minority groups in particular;
- Restoring the territorial integrity of the State;
- Maintaining the Georgian language as a state language (Abkhazian and Ossetian within the territory of the autonomous regions) while creating conditions conducive to the preservation and development of languages of ethnic groups living in Georgia;
- Consolidating common efforts of the state and civil society, as well as of political and religious leaders in order to achieve a national consensus and to strengthen principles of equality between citizens of all ethnic backgrounds;
- Conflict prevention and resolution;
- Legal protection of the national honour and dignity of citizens in the struggle against manifestations of aggressive nationalism.

2) In the socio-economic sphere:

- Progress towards an economic system that would equally provide prosperity and high living standards for all citizens of Georgia.

Within the framework of regional policy (specifically in the regions compactly inhabited by national minorities) the state should:

- Ensure an equal level of socio-economic development throughout the regions;
- Take advantage of the territorial labour division and promote cooperation across regions;
- Form a united economic and communication space

3) In the spiritual sphere:

- Publicly promote values such as tolerance, friendship, interethnic consent and the development of civic patriotism;
- Disseminate information about the history and culture of the Georgian people and of ethnic minorities living in Georgia;

- Promote respect towards the culture, history and language of the Georgian people, in parallel with an atmosphere of respect towards cultural values of minorities;
- Strengthen and improve the education system as a means of reinforcing the position of the Georgian language as a state language and as a precondition for the preservation and development of the languages and culture of ethnic groups living in Georgia.

4) In the sphere of external policy:

- In compliance with international obligations, establish policies guaranteeing the rights and protecting the interests of ethnic minority groups residing in Georgia;
- Participate in bilateral and multilateral international agreements on the protection of national minorities;
- Cooperate with the international community on the prevention and peaceful resolution of conflicts.

The Concept consists of an introduction and three sections: the first section consists of background. The second part defines terminology and presents the strategy for the implementation of the concept. The third part presents concrete policy recommendations for state bodies.

As of the time of writing, the official version of the Concept is available in a draft form, which can be found in Annex I. Abstracts from the Georgian legislation on minority issues can be found in Annex II; A discussion of the distinction between ethnic and national minorities can be found in Annex III; Materials on emigration activity and a comparative analysis of migratory intentions of Georgians and of persons belonging to national minorities are presented in Annex IV; Statistics on linguistic issues and on religious life in Georgia are in Annex V.

Part I - Background information

Legal aspects of the official recognition of the presence of national minorities under Georgian State jurisdiction

Georgian legislation contains provisions on the presence of national minorities on the territory of Georgia. The Constitution of Georgia and other legislative acts provide direct or indirect official recognition of minorities in Georgia. (See Annex II).

Georgia is a signatory to various international treaties on the issue of minority rights including the European Framework Convention on the Protection of National Minorities. As a state party to the International Covenant on the Civil and Political Rights, Georgia submitted a report on the realization of all provisions of this Covenant including those of the article 27 (on the rights of minorities). This was considered to be an official recognition of the presence of national minorities under Georgian state jurisdiction.

The demographic situation

Data from the Georgian census track minority populations on Georgian territory. According to the 2002 census, 248,929 Armenians (5.7%), 67,671 Russians (1.5%), 284,761 Azerbaijanis (6.5%), 38,038 Ossetians (0.9%), 15,166 Greeks (0.3%), 7,039 Ukrainians (0.2%) and members of other ethnic minorities live in Georgia. National minorities represent 16% of the whole population of the country. For certain reasons it was impossible to conduct the census in Abkhazia and South Ossetia (see Table 1).

The data shown in Table I provide evidence of drastic changes in the structure of the population since the 1989 census. One marked trend is the increasing homogenization of the ethnic Georgian population, as the proportion of minorities decreased from 30% to 16% from 1989 to 2002. According to the data of the 1989 census, Russians made up 6.3% of the population, making it one of the largest minority groups in Georgia. Now its share is only 1.5%. The Greek minority experienced a similar downward trend. Ethnic Greeks comprised 66% of the population in the Tsalka region in 1989. Their number has now been reduced by more than three times. There has likewise been a significant decrease among Armenians – from 8.1% to 5.7%. The only minority group whose share grew is the Azerbaijani minority – from 5.7% to 6.5%.

These changes have taken place at a time when the total population of Georgia decreased by 1,029,306. The number of ethnic Georgians decreased by 126,220 and they represent 12% of the reduced population.

Table I	1989		2002	
	Total	%	Total	%
Total in Georgia	5,400,841	100	4,371,535	100
Among them:				
Georgians	3,787,393	70.1	3,661,173	83.8
Abkhaz	95,853	1.8	3,527	0.1
Ossetians	164,055	3.0	38,028	0.9
Armenians	437,211	8.1	248,929	5.7
Russians	341,172	6.3	67,671	1.5
Azeris	307,556	5.7	284,761	6.5
Greeks	100,324	1.9	15,166	0.3
Jews	24,795	0.5	3,772	0.1
Ukrainians	52,443	1.0	7,039	0.2
Kurds	33,331	0.6	2,514	0.0
Yezidis			18,329	0.4
Kists			7,110	0.2
Others	65,708	1.0	13,516	0.3

State Department of Statistics

Most experts explain these dramatic changes by the increase in emigration of ethnic minorities to their titular nations following the collapse of the Soviet Union. Similar changes occurred in all former Soviet republics where a homogenization of the population structure at the expense of the minority groups can be observed.

Some politicians have attempted to prove that the increase in emigration resulted from discrimination against minorities in Georgia. However, a series of sociological research studies, conducted to determine the role of discriminative factors in the respondents' motivation to leave the country, challenge this theory (See Annex III). According to the data gathered, emigration proves to be a coping strategy for a significant part of the emigrating population. Respondents cite economic hardship, unemployment, and uncertainty as the most significant factors governing the desire to emigrate. In none of the four research studies was discrimination listed as a key determinative factor for emigration. Most members of minority groups left Georgia for their country of kinship - Greeks to Greece, Jews to Israel, Germans to Germany and Russians to Russia. Thus, it can be concluded that repatriation was initiated on a voluntary basis.

In any case, the lack of integration results in the vulnerability of minority groups, particularly during economic crisis. At present this is the main factor explaining the increase in emigration.

Minority Communities in Georgia

The difficulties of forming state policy on integration of national minorities in Georgia arise because of the complexity of the phenomenon. Minority groups in Georgia differ from one another in terms of quantity, type of residence and history of migration. Relations between the central state and the various minority populations depend on a variety of key factors, including the presence or absence of a kin state, particularly a bordering kin state, internal homogeneity, and religious beliefs. All these factors may contribute to or, on the contrary, hamper the integration process.

Among various peculiarities there is a fact, that ethnic Abkhazians comprised only 17% of the population of this autonomous Republic. They occupied dominant positions in all significant public and private sectors and proved to be least integrated. Special attention should also be paid to the fact that most Ossetians of Georgia live outside the autonomous Republic.

Some minority groups such as Russians and Ukrainians live only in dispersed settlements, while others, such as Azerbaijanis and Armenians, live both in compact and dispersed settlements. Some compact settlements cover whole regions: Javakheti is inhabited overwhelmingly by Armenians (over 95%), and Kvemo Kartli to a lesser degree by Azerbaijanis (from 40% to 80% depending on locality). Thus, ethnic Georgians (the majority in the country) represent the minority in certain regions.

In addition, we can observe minority communities living densely in areas outside the mentioned regions but adjoining them: there are, for instance, Armenian villages in the Kvemo Kartli district of Tsalka, and Azeri villages in the Kakheti region. This arrangement can prove beneficial towards minority integration. The Azeri population makes up the minority in Kakheti and is more integrated because of a better knowledge of the state language than inhabitants of Kvemo Kartli, where Azeris form a majority in

places. The same phenomenon can be observed in Ossetian villages situated in Shida Kartli, Imereti, Racha and Kakheti, which adjoin South Ossetia.

There are Armenian and Azeri settlements that are situated at a certain distance from the regions of their compact residence. Those are Armenian villages in Abkhazia, as well as Azeri villages in Shida Kartli. These places of residence can be described as archipelagos, as can the Ossetian villages in Shida Kartli and Borjomi district. Dukhobor villages in Javakheti, for instance, can be considered as such, but after the emigration of Dukhobors the only island-like village that remains is that of Gorelovka.

Island-like villages exist elsewhere: the Assyrian village Koda in Shida Kartli and the Molokan villages Krasnogorka and Ulianovka in different districts in Kakheti.

In some cases, minorities live in small compact settlements within a larger city – for instance, in Tbilisi, Armenians inhabit the Avlabari district, and Azerbaijanis -in Ponichala and Soganlugi. Some minorities form small compact enclaves in a number of regions: such as the Kurds in Tbilisi and the Chechens and Avars (Leks) in Kakheti.

Some regions densely inhabited by minorities adjoin the borders of their historical motherland (Javakheti borders Armenia, Kvemo Kartli Azerbaijan, and South Ossetia North Ossetia-Alania, which is part of the Russian Federation). In Akhmeta and Kvareli districts Avars (Lek) and Chechens (Kists) live in compact settlements. These two districts border the Russian Federation territories of Dagestan and Chechnya.

Compact settlements of some minorities are geographically and administratively separated from the key regions of their compact residence and are situated on the border of their historic motherland are yet another case. For example, Azeri villages in Kakheti are sited along the border of neighbouring Azerbaijan and Armenian villages in Kvemo Kartli are located along the border of Armenia. At the same time, these settlements remain geographically and administratively separate from the key regions of compact residence: Kvemo Kartli and Javakheti.

Two national minority communities have historical motherlands that have no forms of statehood. These are the Kurds-Yezidis and the Assyrians. They are in a more vulnerable

position than national minorities that have a historical motherland, which can be a significant source of political and economic patronage.

The majority of national minorities present on Georgian territory have lived in Georgia since ancient times, although there is some variation within a given ethnic minority group. For example, the Armenian population of Georgia includes groups that can trace their presence in Georgia back for centuries. These communities have proven to be better integrated than the Armenians who arrived in Javakheti in the nineteenth century, after Georgia's annexation by Russia, and whose geographic and cultural isolation has hindered integration.

The collapse of the Soviet Union has had a great impact on the fate of national minorities in Georgia. During Soviet times Russians were not considered a minority group. They were part of the imperial nation whose language and culture were dominant. Following the break-up of the USSR Russians became a typical minority group, a "new national minority". Moreover, due to intensive migration the Russian minority decreased very steeply. However, in comparison to other national minorities, Russians still have a very developed educational, linguistic, cultural and media infrastructure.

Emigration is the major cause of the disappearance of the ethno-confessional centres of Molokans and Dukhobors. Greeks were in majority in the Tsalka region a few years ago, now they are in minority in the district.

Kurds and Yezidis have not been differentiated in the official census since 1939. This group was considered homogenous. However, in the 2002 census, a differentiation was made between them and they now appear separately in statistics. This has become possible by virtue of the activities of the Yezidi NGO "Razibuni".

Part II – Building a Concept on National Minorities

The legacy of ethno-national thinking

The impediments to developing a national concept on national minorities include not only the complexity of minority groups in Georgia, but also certain ideological and cultural

factors concerning ethnicity and nationality that hamper the formation of an appropriate set of values.

Georgia, like other countries of the former Soviet bloc, was accustomed to a so-called ethno-national mentality. According to A. Eide¹, the origin of this mentality can be traced back to the ethno-nationalistic understanding of Soviet nationality policy. According to this conception, territorial divisions – the republics of the USSR – were based on ethno-national cleavages. In this way, the constituent republics were organized around a titular nationality, and representatives of other ethno-national origins were considered minorities.

In this mode of thinking, the minority group is either part of a greater ethnic nation which has its own statehood, or part of a numerically small group that does not have statehood elsewhere. In its most extreme form, such an organizing principle encourages certain groups of the population to alter territorial borders and/or reject common civic principles for the benefit of their own group. In addition, this view weakens loyalty to the country of residence in favour of another state, namely the historical motherland.

This “nation-state” understanding of political legitimacy promoted during Soviet rule is opposed to the notion of “state-nation,” in which a state is defined as the sum total of the persons living permanently within the borders of a given territory. Such a state can be multi-ethnic, multi-cultural, and emphasizes the principle of political citizenship rather than ethnic belonging.

During Soviet times, ethno-nationalism was balanced and contained by the principle of proletarian internationalism. In other words, ethnic particularism was subsumed under the umbrella of the so-called “sovetskiy narod” notion (“Soviet people”); this notion was considered a fundamental feature of the state-nation and acted as a mechanism of integration. After the collapse of the USSR, this counteracting force no longer existed and ethno-nationalism became dominant.

¹ Asbjorn Eide. Peaceful and Constructive Resolution of Situations Involving Minorities, UN University, 1995; Gurr, Ted: Minorities at Risk. A Global View of Ethnopolitical Conflict

Ethno-nationalism results in the segmentation of society; it solidifies and codifies ethnic differences rather than relegating such differences as secondary to a unified political identity equally attainable by all members of society. In communist times nomenclature mechanisms maintained the balance between the majority and minority groups, and quota systems ensured majority ethnic groups' dominant representation in the structures of authority.

Finally, it should be noted that ethno-nationalism does encourage some level of inter-ethnic tolerance, although this tolerance is somewhat fragile and relies on a traditional division of labour whereby certain ethnic groups are associated with a specific economic and social niche.

Ethno-nationalism in Georgia

Such an understanding inspires distrust between the majority and the ethnic minorities. Georgia is not an exception in this respect. One of the manifestations of this distrust is the practice of aligning with prominent political leaders on the basis of ethnic affiliation. Minorities tend to show sympathy towards politicians of the same ethnic origin whereas members of the majority often distrust such representatives and question their loyalty. Even though these mindsets are based on stereotypes, their importance should not be underestimated, especially in electoral periods.

Remnants of ethno-national thinking have appeared periodically in public discourse. The debate over removing the ethnic origin designation from identity documents turned into a test as to whether the population was prepared to conform to the standards of modern society. Discussions were heated on the streets and in Parliament alike. Some factions favoured removing the ethnic origin designation in order to promote an integrated society in which the ethnic origin of citizens had no legal significance. Their opponents feared that such a move would spark unrest in minority regions and fuel suspicion that the Georgian government aimed at full assimilation of ethnic minorities.

A consequence of ethno-national mentality is a low level of political or civic identification as compared to ethnic identification. That is to say, individuals tend to identify themselves as a member of one or another ethnic group and not as a citizen of a

political state. One can meet Armenians in Javakheti who identify much more strongly with their ethnic Armenian community and hardly at all with their political identity as citizens of Georgia. There have also been cases where some Azerbaijanis appealed to Baku authorities rather than to those of Tbilisi to address various concerns. At best, this thinking results in an indirect loyalty, in which relations between the “host country” with the historic motherland guides the attitude of minority groups towards the country of their civic belonging. At the worst, there is only one step from such an attitude to real irredentism in Kvemo Kartli and Javakheti regions.

Unfortunately Georgia has faced tragic events provoked by ethno-nationalism. The principal dogma of ethno-nationalism, namely the idea that statehood and ethno-national entities coincide, has been brought to its most extreme point in the cases of Abkhazia and South Ossetia. Some experts argue for the political self-determination of ethno-national groups because they are the autochthonous population on a certain territory, and because statehood is a necessary guarantee for the preservation and the development of an ethno-national entity. To understand the harmful effect of the ethno-national thesis on Georgia, one need only consider the events in the early 1990s, when nationalist rhetoric aggravated the disintegration of the state.

Building a society in which various ethnic groups preserve their identities without resorting to political claims and territorial cleavages is a problem that continues to plague Georgia today.

Guiding Principles for the Integration of National Minorities

It is symptomatic that at the stage of discussion of issues concerning the current Concept, representatives of minority communities expressed fear. They believe that there is no essential difference between integration and assimilation. They mentioned the danger of **assimilation** with the majority and, to be more specific, with Georgians as a dominant ethnic group.

In our Concept we follow the fundamental **priority** of the integration policy, which is the observation of human rights. Rights can be divided into three different levels:

The first level - human rights as rights of a human being (rights on life, on self-identity, etc.)

A guarantee of the first level rights is a prerequisite for the realisation of the rights of the **second level** – i.e. political and civil rights. The elimination of all forms of discrimination, equality before the court, equal rights regarding employment, education and participation in the affairs of society, etc. are all elements of this level.

The third level deals with specific rights, particularly those rights that protect the interests of socially non-dominant and vulnerable groups. These rights should not be regarded as privileges. In fact, they are an additional form of protection for these groups.

These levels are closely interconnected. If there are effective guarantees for the protection of the upper level rights, there are favourable conditions for the realisation of the third level rights associated with belonging to minority groups. These rights are preconditions for the inner balance in the above-mentioned hierarchy. A breach in this balance is fraught with serious consequences. Thus, a person could ignore his civic duties and give preference to the particular interests of his ethnic group. The extreme manifestation of such an imbalance is **separatism** and **irredentism**.

The above-mentioned balance is essential for integration. It implies two elements: civic belonging and ethnic belonging. A balance of the two is what is proposed by this Concept. **Integration of the national minorities means the most active and effective involvement of the members of national minorities in the social life of the country.** A prerequisite for the implementation of such a policy is the formation of persons with a developed civic consciousness. Irrespective of their ethnic origin, they would effectively and freely participate in social life, in public administration and in creation of material and cultural values. At the same time these persons would enjoy all rights entitled to them as members of a particular minority group.

As for **assimilation**, it implies (especially its violent forms) a purposeful rejection of the necessity to preserve and develop languages, cultures and self-identity of particular groups, so as to force their members to re-identify as members of the dominant ethnic group. This policy is called ethnic assimilation.

However, one of the prerequisites of the Concept is an assumption that the Georgian ethnos, its language and culture, are in dominant position in the country. It dominates not only in quantity, but also politically and by virtue of historical tradition. This should not stand in contradiction with multi-cultural principles.

Voluntary nature of the participation of individual in integration process should be underlined. It is matter of his free choice.

What does the term "minority" mean?

The fundamental international documents on minorities do not contain officially recognized definitions. As a rule, definitions differ from country to country and from expert to expert. Specialists are continuing to work on this definitional problem².

In Georgia, official structures justified the delay in the ratification of the Framework Convention on National Minorities by the lack of consensus on the definition of minorities, which was a procedural requirement for the ratification of the Convention. At the same time, the definition adopted at the moment of ratification proved to be far from perfect. Only those minorities that live in compact settlements (roughly half the minority population in Georgia) are beneficiaries of the Convention. There is no criterion to determine compact residence in the ratification document, among other defects.

A variety of interpretations can be considered for defining national minorities. The common approach is that both numeric inferiority (the "objective factor") and the desire of the members of the concerned groups to preserve their characteristics (the "subjective factor") are emphasised. The numerical factor is crucial when we consider the fact that the need to protect minorities derives essentially from the weakness of their positions even within the context of a democratic State³.

² "Definition of minorities" by Mr. Stanislav Chernichenko, E/CN.4/Sub.2/AC.5/1997/WP/1 2 April 1997;

³ Study on the rights of Persons belonging to Ethnic, Religious and Linguistic Minorities (by Francesco Capotorti, Special Reporter of the sub Commission on Prevention of Discrimination and Protection of Minorities), UN, New York, 1991
Asbjorn Eide. Peaceful and Constructive Resolution of Situations Involving Minorities, the UN University, 1995

At the same time, international documents stress that person is considered to be free in his choice. Article 3 of the Framework Convention states that every person belonging to a national minority shall have the right freely to choose whether to be treated or not as such and no disadvantage shall result from this choice or from the exercise of the rights connected to that choice. The collision between the **individual** and **collective** aspects of belonging is considered in the following provision of Article 3: "persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present Framework Convention individually as well as in community with others".

In Georgia, many representatives of non-Georgian ethnic communities are dissatisfied with the term "minority". There are several reasons for this. On the one hand, there is a desire to be treated as an equal with all citizens of the country. This category of persons is of the opinion that special measures aimed at distinguishing them are an affront to their dignity.

On the other hand, remnants of the ethno-national mentality can have its effect. Some tendencies can be observed: the more direct the contacts with the mother country, the more compact the settlement, the more minority groups enjoy state-political attributes, the less they express the desire to be given the status of minorities.

The main peculiarity in Georgia is that we are dealing with three types of minorities. The **first** are minorities that live in dispersed settlements and in inferior numbers. The **second** level is regional, where ethnic preservation issues develop into the administrative-territorial arrangement of regions that are compactly inhabited by minorities (such as Javakheti). The **third** level (such as Abkhazia and South Ossetia) is of a political character and involves problems of political autonomy.

These levels are interconnected and different strategies of protection and integration should be applied to them. For example, cultural autonomy is an important mechanism for the self-governance at the first level; federalization issues and problems regarding the

regional status of the languages of minorities are raised at the second level; arrangement of optimal interrelations between autonomies and centre appear at the third level.

There are no problems with the first level. Difficulties arise at the third level. Even a suggestion that Abkhazians and South Ossetians belong to minority groups can provoke a furious protest.

A UN document (E/CN.4/Sub.2/AC.5/1997/WP/1 2 April 1997) recommends against including in the definition those groups who have become a people and have claims on self-determination. But a world consensus should exist in such a case. There is no world consensus on Abkhazians' and Ossetians' self-determination. So this recommendation is not applicable to this specific case.

According to the document, there is no point in including indigenous peoples who enjoy a special regime of protection by the state. One must not confuse the *term indigenous* with the term *autochthon*. The Abkhaz are autochthons but not an indigenous people. This is another argument to include them in the definition of a minority.

It is also recommended to avoid considering the group, which occupies a dominant position in society, a minority. The Abkhaz are in a dominant position within their autonomous region despite the fact that they represent a minority in the region. According to that recommendation, the Abkhaz could not benefit from a regime protecting minority rights. However, if it is possible within the territory of the autonomy, it is not on the entire Georgian territory.

Although the Azeris and Armenians who live compactly in Kvemo Kartli and Javakheti also enjoy numerical dominance in some regions of Georgia, these territories have no special legal status. The fact that they make up the majority or have a hypothetical status as subjects of a federation is not sufficient reason to exclude them from consideration as minorities on the whole territory of the country.

What other specific matters should be taken into account?

In various definitions presented by official and non-official bodies, citizenship is one of the prerequisites for belonging to a minority group. This criterion is irrelevant in Georgia

because thousands of people (mostly Russians) became citizens of the Russian Federation but continue to live in Georgia as foreigners. Member of minorities who live in Georgia permanently should also be a beneficiary of appropriate protection and integration.

Another question of concern is how long a minority community must reside on Georgian territory so as to be considered a national minority. Rather than identify an exact period of time as a determining factor, it is preferable to consider traditional historical links between the minority group and Georgian society. Although somewhat relative, this criterion could imply the active participation of the members of minority groups in Georgian history and culture.

The linguistic factor is also of significant importance. In some countries, in fact, the term "linguistic minority" is used in preference to "national" or "ethnic minority".

We can observe a certain underestimation of this factor in Georgia. The population itself confuses the notions and does not distinguish linguistic from ethnic belonging. A stereotype exists in accordance with which linguistic and ethnic origins are the same. Distinctions are made between so-called "first" and "second" languages. Unfortunately, this phenomenon is poorly studied that is why census data does not reflect this peculiar situation adequately enough.

Data from the last census show that 98% of respondents living in Tbilisi declared their native language to be the same as their ethnic belonging; 89.5% among respondents from the minority groups; 99.9% from Georgian respondents (See Annex IV). Slight variations could be observed in the different regions of Georgia.

However, the use of Russian is also widespread. Not only persons of Russian origin speak Russian, but also people of other ethnic backgrounds. According to data of the last census from Tbilisi, among members of minority groups Russian is most often considered the native language, in comparison to Georgian (6.8% compared to 3.8% amongst Armenians). The Ossetians in Tbilisi are an exception as 17.8% declared Georgian to be their native language. In regions compactly inhabited by minorities, persons belonging to non-Russian ethnic groups state that the Russian language is more frequently used than Georgian is.

The specific position of the Russian language in the autonomous regions should be mentioned. The constitutions of these regions state that Russian is the official language. This is not only a political step to demonstrate the loyalty of these rebellious regimes to Russia but it is also a confirmation of the deep assimilation processes going on there that have lasted for years. So it is highly probable that many Abkhazians and Ossetians would consider Russian to be their native language in spite of the strong ethnocentric tendencies in these regions. Owing to the present political situation the census was not carried out in those areas.

Similar process would take place in the religious sphere. In the census the number of both Georgians and members of national minorities who are traditionally Orthodox almost coincides with the number of those who declared that they belong to this congregation of believers i.e. 3.661.173 - 3.666. 233 (See IV).

This phenomenon is normal in the case of Jews and Yezidis, when group membership depends upon religion faith. In other instances, however, we witness both a prevailing ethnic factor and underdeveloped religious consciousness. This is confirmed by the fact that there is no discussion on agnostics, who should also have the same rights as believers and non-believers. Confusion often arises when some Orthodox movement for the purity of their religious credo turns to chauvinistic slogans. It is symptomatic that excommunicated priest Father Basil did not use his father's name which does not sound purely Georgian. In other words, linguistic and religious belonging are considered features of the ethnic group rather than a separate phenomenon.

The following is an outline of a definition for national minorities.⁴ It takes into account the following objective characteristics:

- 1) individual aspect;
- 2) permanent residence;
- 3) desire to preserve identity;
- 4) collective aspect;
- 5) belonging to particular group;

⁴ For a more detailed discussion on the distinction between ethnic and national minorities, see Annex II

- 6) quantitative aspect;
- 7) distinctive ethnicity;
- 8) linguistic;
- 9) religious particularities;
- 10) non-dominant position on the whole territory of the country, irrespective of the status of territory of residence (autonomy, for example) and type of residence (compact or dispersed);
- 11) type and duration of the links with Georgian society;
- 12) existence or not of a historical motherland.

We can suggest a provisional definition of a "national minority":

"A person belonging to a national minority is an individual, who permanently resides in Georgia and, has the desire on his own or in community with others to preserve and develop his identity, that follows from belonging to a group which is distinctive as to its ethnic, linguistic and religious characteristics, which is numerically minor and non-dominant, which has long traditional links with Georgian society and its history, regardless of the status of territory it lives on and the type of residence or, of the existence of a historical motherland.

Here we should add that when defining a member of a national minority our aim is not to determine some formal status. The purpose is to create guarantees of equality for all persons and groups to clarify ideas while researching the subject. We are aware of the relative nature of the definition though we have to keep in mind that it could become topical in extreme situations.

Some experts are of the opinion that members of small groups that have no desire to preserve and develop their identity should not be included in the definition of minorities. As a rule, these groups are not numerically large. This interpretation though simple has an empirical basis. Members of about 90 ethnic groups are recorded by the last census and not all of them are united in communities. Small communities, such as the Czechs, Latvians or Bulgarians comprising approximately 100 persons, actively preserve their identity. As with all citizens of Georgia, such groups should suffer no abridgement of their rights.

The same can be said about "the majority in the minority," those ethnic Georgians residing in areas of compact minority settlement, in which they become a *de facto* minority. These people are not included in the definition but they certainly should not be deprived of the right to enjoy equality. A set of provisions for their protection and their integration should also be laid down.

In general, the state's strategy is to equally protect the rights of all groups and particularly of those that in spite of their small size have a strong desire to preserve their identity.

Strategy for the implementation of the Concept

The Concept takes into account a broad scope of practical problems. Methods for fulfilling its provisions are determined in accordance with the complexity and topicality of the issues concerned.

The State **provides full** realization of minority rights and fulfils its obligations in this area at the expense of the central and local budget;

The State **partly provides the** realization of minority rights that imply, in addition to the budget resources, the use of other sources of finance (grants, donations, programs of assistance from motherland, etc.);

The State **facilitates and/or encourages** private initiative and does not impede access to rights. It **opposes** prohibition or restriction of the rights of minorities.

Regions densely inhabited by national minorities, especially those regions that enjoy autonomous status, are in a more advantageous position since the state policy is implemented directly through local governmental bodies. Minorities residing in dispersed communities have the right to establish non-territorial self-governmental bodies.

However, it is impossible to guarantee total equality in society. Such a situation does not necessarily entail **positive discrimination** or affirmative measures. Its implementation is

only made possible when there is **no alternative to open conflict** and when the State possesses sufficient financial and political resources.

Some minority groups such as Kurds and Assyrians are in a very vulnerable position because there is no State structure in their historical motherland. In such cases, positive discrimination can be justified.

The provisions of the Concept give an impetus to cooperation between governmental and non-governmental sectors, the development of private initiatives, and international cooperation, particularly with kinship countries of minority groups.

Part III: Policy in the legislative sphere

The lack of a conceptual understanding of the problems of protection and integration of national minorities is a serious barrier for development the legislative processes in this sphere. The situation is aggravated by the requirements of international organizations for further legislative expansion in the field of minority rights protection, particularly in relation to the acceptance of a special law in this sphere.

There are various opinions in Georgia regarding these issues. One of the views is that it is wrong to award any special rights to specific groups of people, i.e. minorities, since all citizens of Georgia should have equal rights, and the rights minorities in particular are already codified in Article 38 of the Georgian Constitution. It would not help the formation of a common civic identity in the country, but would on the contrary promote group particularism.

Even leaders of some minority groups have argued that special legislative acts on minority protection issues gives rise to an inferiority complex in itself, and the concept of “national minority” itself causes resentment. At the same time some minority representatives construe a request for knowledge of the state language as an attempt at forcible assimilation.

Opposition to further legislation also rests on the idea that there is no assimilation policy in Georgia, but there is a problem with the integration of minorities into social life.

In our opinion, the question whether laws are needed in this matter could be determined by in-depth monitoring. The presence of constitutional guarantees for minority rights does not exclude the necessity for their development in the legislation.

There was one interesting draft of the Law on National Minorities Rights, which was drawn up by G. Jorjoliani, director of the Research Centre for International Relations at the Academy of Sciences of Georgia, together with A. Abashidze, Master of Law. The bill was examined in the UN and the OSCE, who positively assessed the law's adherence to international standards, but noted that this law would prove its real value only within the general context of the whole legislation.

The main shortcoming of the draft was that the authors tried to embrace all possible issues concerning minority rights in one legal instrument. There are issues that should be considered by separate laws, by laws that have a different status. For example, some issues could be the subject of an ordinary law, but others of organic or constitutional laws.

Similar collisions were provoked during ratification of the Framework Convention on National Minorities and acceding to the European Charter for Regional or Minority Languages. A delay in the consideration of these documents was explained by the lack of consensus on terminology. But the postponement of the ratification can mainly be explained by article 10 of the Convention, which is about the right to use minority languages in regions where minorities live densely.

We can again return to the hierarchy of minority rights issues introduced in Part II:

- The first level is *ethnic*: these issues are related to the provision of conditions for the preservation and development of the culture and language of minorities;
- The second level proposes turning the traditional problem of ethnic minority rights protection into an *administrative-territorial* one, when the question concerns regional self-governance in areas compactly inhabited by minorities. Usually this level involves problems of federalization and status of regional languages.

- The third level is political, when the status of a minority is recognized by state-political attributes. In Georgia this aspect is associated with the issue of autonomy.

Special laws pertaining to the first level have already been adopted. Clauses providing minority rights are contained in laws concerning a variety of profile laws on education, language, culture, mass media, etc.

As we can see, the ethnic aspect of the national policy is more or less worked out in Georgia and is waiting for legislative reinforcement. Unfortunately, the regional aspect has been mastered neither practically nor theoretically. Even more complicated is the situation at the political level: we have to deal with problems of establishment of peace. There is no chapter as yet on the territorial-state structure of the country in the Constitution.

It is no secret that the opponents of federalism fear an escalation of separatism in the regions densely inhabited by minorities. The danger is especially real in the case when the borders of a member of the federation adjoin the borders of a historical native land. The sad recent history of the relations with the autonomous regions reminds us that the chauvinism of the centre and ethnocentrism in the regions are to be avoided.

In conclusion we would like to say that the adoption of one specific law is not an exhaustive means of developing the integration process. A **package** of laws should be created which would comprehensively encompass all complexities, addressing problems at all three levels.

Policy Recommendations

Language Issues

One of the manifestations of the disintegration processes in Georgia is an irregular linguistic space. There is a serious need to strengthen the position of the Georgian language both as a state language and as one of the main mechanisms for the integration of society. However, the use of Georgian language is not spread throughout the country and language issues can prove very difficult to solve, particularly given the strong correlation of linguistic and ethnic identity in Georgia. Some of the conflicts that have taken place in Georgia had a character of "linguistic" wars. There are large regions

densely inhabited by minority groups (Kvemo Kartli, Javakheti) where the position of the state language is most vulnerable.

Given Georgia's poorly developed civil institutions and weak central authorities, the existence, for some minority groups, of a historical motherland might lead to negative consequences with regard to integration. The Azeris in Kvemo Kartli and the Armenians in Javakheti are incorporated into the linguistic and cultural space of the neighbouring states to the detriment of social ties with Georgia. In Javakheti, this estrangement is aggravated by geographical isolation and poor communication infrastructure.

During the Soviet period the Russian language was the language of inter-ethnic relations and even substituted the state language in relations between the centre and the regions. When the Russian language lost its position, a process of linguistic segmentation occurred because there were no political, economic and cultural conditions for the Georgian language to become dominant.

The specificity or even the absurdity of the linguistic situation in Georgia is that while the linguistic rights of minority groups are more or less guaranteed, these minority groups have difficulty learning the state language. There are hundreds of non-Georgian schools in Georgia that allow minority groups to receive instruction in their own language; there are not, however, sufficient conditions (teachers, materials, methodology) to instruct these students in the Georgian language.

The lack of a conceptual approach in arranging the linguistic space of Georgia results in a great deal of fear and mutual distrust regarding linguistic issues. The delays in the ratification of the Framework Convention and the acceding to the European Charter of regional languages and minority languages reflect this fear.

All these elements hamper the legislative process; existing legislative acts either ignore the linguistic issues or become a subject of fierce debate. For example, the law on "self-government and government" does not contain provisions about the working language of local authorities.

Much hope was placed on a law that would resolve the language problems of Georgia. In 2001 on the President's initiative, a draft law "On the State Language" was elaborated by the State Chamber of Language.

The draft aroused much interest. It attempted to outline the role of the Georgian language in public life and strengthen its position. For example, the draft stipulated that all citizens of Georgia must use the state language in interactions with administrative bodies. The debate surrounding the draft law revealed a number of cleavages in society and the sensitivity of the language issue among the majority and ethnic minorities.

Representatives of various political and ethnic groups expressed numerous opinions during discussions that were held in Parliamentary committees and also in the mass media. Conflicts arose between those who supported the law, those who considered it unnecessary, and others who criticized it for being discriminatory against ethnic minorities and impossible to implement. These factions appeared again during more recent discussions of the Framework Convention on National Minorities.

Some minority group representatives, aware of the necessity to learn the state language, argue that they lack the opportunity to master it. Material and human resources for language instruction provided to minority regions are not sufficient. As a result, certain language provisions are ignored, particularly in Javakheti. Legally, public servants must speak the state language, but in Javakheti most public officials do not have Georgian language skills.

Ultimately, the draft law on language was not adopted. Given the circumstances, a number of practical measures must occur before this becomes a priority, including the development of constitutional provisions on the state language, and the definition of the administrative-territorial arrangements of the state. Furthermore, it is necessary to take practical measures to strengthen the legal infrastructure around the state language. It is important to elaborate and implement various effective state programs with a complex approach covering the various social strata of society in the regions compactly inhabited by ethnic minorities. International organizations, for their part, have become involved in supporting the state language. For example, the OSCE High Commission on National Minorities, together with the Committee on Civil Integration of the Georgian Parliament

launched a project on teaching the state language to public officials in Javakheti. Broadening NGO participation in this project is one of the main priorities.

In the realm of language issues, this concept supports the following resolution:

1) The State **fully guarantees** the *usage* of the Georgian language in governing and self-governing bodies, and in the public sector throughout the whole territory of Georgia (Abkhazian and Ossetian in the autonomous republics). The central authority bodies conduct all paperwork with local government and self-government in the Georgian language.

Additionally:

1) The state does not oppose the practice of civil servants using a minority language in verbal communication with persons who address them in their native language in areas compactly inhabited by national minorities.

At the regional level the state also ensures that a certain number of staff members speak a national minority language and enables representatives of administrative bodies to communicate with members of a national minority group.

The state also does not impede the usage of a language understandable for both sides in verbal communication between persons belonging to national minorities and authority bodies on the whole territory of Georgia.

2) The state does not oppose the practice of using national minority languages in debates during the sessions of representative bodies in the areas compactly inhabited by national minorities. At the same time it should be ensured that a document adopted at the session is translated into the state language. Also it should be guaranteed that debate proceedings are interpreted for those persons who do not know a non-state language.

3) Through official mass media the state **fully provides** the publishing of laws and other normative acts in the language of the national minorities in the areas where they reside compactly.

In the judiciary sphere:

The state mandates the usage of the Georgian language as the language of *judicial proceedings* over the whole territory of Georgia (as well as Abkhazian and Ossetian languages on the territory of these autonomous regions).

Additionally:

Upon the request of one of the sides, the state provides for the assistance of an interpreter for judicial proceedings over the whole territory of Georgia.

Detained persons belonging to national minorities have the right to use their own language without restriction in communication with inmates, visitors and in personal correspondence.

In addition, the use of the Georgian language (Abkhazian and Ossetian in the autonomous republics) in all types of documentation related to the economic sphere and extended to include any field of legitimate interest to the state is also provided.

The state opposes all practices aimed at preventing the use of non-state languages in internal documentation related to economic and commercial activities of citizens to which a legitimate interest of the state is not extended. If necessary, a Georgian translation of this documentation should be provided.

The state also opposes the practice of the prohibition of the usage of the non-state languages in documentation related to contract agreements and safety measures instructions. If necessary, translation in the state language should be provided.

Religious issues

As a generalization, it is fair to say that in Georgia, to a certain degree ethnic composition corresponds with religious confession. For example, Armenian Gregorian and Armenian Catholics in sum almost comprise the total number of Armenians resident in Georgia. Summing up ethnic Azeris, Adjarians (Georgian Muslims), Kists and Leks give us the number of Muslims in Georgia. The disparity between the numbers is probably at the expense of atheists and representatives of numerically small congregations (See Annex III).

What legislative acts were adopted in this sphere?

A constitutional agreement (2-10-2002) between the State of Georgia and the autonomous Apostolic Orthodox Church of Georgia has been signed. Also amendments to the clauses of the constitution concerning religious issues were adopted (30-3-2001). According to some experts, these aggravate the constitutional provision on the special status of the Apostolic Orthodox Church of Georgia. It does not fully comply with the main principle of human rights: freedom of thought, conscience and religion should be recognized for all individuals without discrimination of any kind. Such a position would be hard to reconcile with the characteristics of a pluralist democratic society.

At the same time there are no provisions regulating the creation, organization and activities of religious organizations as legal entities under public law. That is why representatives of minority communities raise the question of the elaboration of special legislation to formulate the juridical recognition of a religious community.

The legislative acts to be elaborated in the area of religious organization should provide:

- a) Measures guaranteeing persons belonging to religious minorities the right to equality before the law without discrimination of any kind;
- b) Measures granting official status to the religion professed by minorities;
- c) Measures regarding the free participation of members of religious minorities in the worship and rites of their religion (religious services, festivals, burials, days of rest prescribed by the religion, use of symbols and images, processions, dress and dietary habits);
- d) Measures guaranteeing persons belonging to religious minorities the right to determine the conditions, which must be fulfilled in order to occupy a position of leadership in the religious community. Legislative acts should indicate whether there are restrictions with respect to financial management and to the acquisition and administration of property belonging to religious communities;
- e) Measures ensuring that members of religious minorities are not compelled to participate in or contribute to the exercise of the religious rites of another group;
- f) Measures related to the establishment and maintenance of religious institutions. Legislative acts should indicate whether measures have been adopted to provide the religious institutions of a minority group with official assistance, for example, making

- places of worship available or paying the salaries of religious leaders. Information on measures related to the protection of holy places, including religious buildings and cemeteries and to their restoration should also be available;
- g) Measures adopted with respect to the establishment of denominational schools for the purpose of preserving the traditions or characteristics of persons belonging to a religious minority. It should be indicated whether such a school is subsidized directly or whether assistance is provided indirectly, for example by granting students scholarships and allowances;
 - h) Measures to prevent schools from offering children religious instruction which is in contradiction with their religious traditions and characteristics.
 - i) Measures guaranteeing that the validity of the religious laws and customs of a religious minority is recognized in such matters as family law (marriage and dissolution of marriage, parental authority, maintenance, law of succession). It should also be indicated whether minority religions are taken into consideration in the cases of conscientious objectors;
 - j) Measures enabling persons belonging to religious minorities freely to maintain ties with their religious centre, if any;
 - k) Measures ensuring persons belonging to religious minorities to enjoy the rights granted to them in the community with other members of their group⁵.

Education System

The education system is of crucial importance for the realization of the policy of civic integration of national minorities. Strengthening and improving the education system aims at reinforcing the position of the Georgian language as a state language, and serves as a precondition for the preservation and development of languages and culture of ethnic groups living in Georgia.

There are hundreds of non-Georgian schools in Georgia. In the context of entitling minority groups the right to instruction in their own language, Georgia has even outdone the requirements set by The Hague OSCE recommendations (1996). However, due to the

⁵ Study on the rights of Persons belonging to Ethnic, Religious and Linguistic Minorities (by Francesco Capotorti, Special Reporter of the sub Commission on Prevention of Discrimination and Protection of Minorities), UN, New York, 1991

lack of trained specialists, textbooks and an appropriate methodology, minority groups experience serious difficulties in learning Georgian. In fact, those completing their school education in a minority language find themselves in a position of marginality and their economic opportunities in their country of citizenship are vastly diminished. The state initiated programs aimed at strengthening the process of teaching Georgian in the Kvemo Kartli and Javakheti regions, but these failed due to a lack of money and political will.

In 2004 a new law on secondary education was adopted. The new law guarantees the rights of national minorities to be educated in their native language but at the same time contains provisions for the progressive widening of the circle of subjects that should be taught in Georgian. A definite period of time for this process is designated, with the ultimate aim of creating bilingual schools.

Main directions for the realization of the Concept:

1. The state **fully provides** teaching in Georgian (in Abkhazian and Ossetian within the territory of these autonomous regions) as a state language in all types of state educational institutions with the aim of increasing the number of subjects taught in Georgian (in Abkhazian and Ossetian within the territory of these autonomous regions) in non-Georgian (non- Abkhazian and non-Ossetian within the territory of these autonomous regions) educational institutions.

The teaching of the Georgian language (Abkhazian and Ossetian within the territory of these autonomous regions), in accordance with curricula confirmed by the Ministry of Education, is one of the main requirements for obtaining a license for the establishment of educational institutions in which the language of instruction is not Georgian (Abkhazian and Ossetian within the territory of these autonomous regions).

2. The state fully provides the establishment of courses in Georgian language (Abkhazian and Ossetian within the territory of these autonomous regions) for adults both within the system and outside the system of the Ministry of Education.
3. The state fully provides the teaching of the Abkhazian and Ossetian languages and literature as a separate subject at institutes of higher education of the appropriate specialization.

4. The state facilitates or encourages initiatives on the teaching of the Abkhazian and Ossetian languages and literature outside the autonomous regions in the systems of higher education as a constitutive or facultative part of the curriculum *if there are a sufficient number of pupils whose families request it.*
5. In districts where minorities reside densely the state fully provides access to education in the minority language and also fully provides the functioning of existent national schools outside these settlements.
6. The state facilitates or encourages all private initiatives providing access to education in minority languages at pre-school, primary, secondary and tertiary levels as a constitutive or facultative part of the curriculum *if there are a sufficient number of pupils whose families request it.*
7. The state fully provides access, for persons belonging to minorities, to higher education in their language (Armenian and Azerbaijani sectors at the pedagogic university);
8. The state fully provides the teaching of ethnic minority languages and literature as a separate subject at appropriate institutes of higher education;
9. The state facilitates or encourages all initiatives on the teaching of minority languages and literature as a separate subject either as a constitutive or facultative part of a curriculum in other institutions of higher education *if there are a sufficient number of pupils who request it.*
10. Regarding instruction in the Russian language, the state fully provides access to pre-school, primary, secondary and tertiary education in this language throughout the whole territory of Georgia *if there is a sufficient demand for it.* At the same time the state provides the teaching of Russian as a foreign language in non-Russian state educational institutions.
11. The state provides for teacher training and retraining in order to comply with the obligation to "fully provide".
12. The state fully provides the teaching of subjects related to civic education throughout the whole country.

Cultural Issues

There was a time when our country could be proud of its achievements in the cultural sphere. Folklore festivals were regularly held, members of minority groups had amateur

drama groups and musical ensembles. Georgia's museums are host to numerous ancient cultural and religious objects that belong to various minority groups.

Today unfortunately, we face a different situation. After the economic and political crisis of the early 1990s, the arts network financed by the government was destroyed: the so-called "club-houses" and "culture houses" closed down, and the system that prepared specialists in amateur and folk arts was also abolished. Libraries and museums suffer from lack of funds. In the place of this diverse cultural wealth, Georgia now witnesses various conflicts over objects of special cultural or ethnic symbolism.

A law on culture was adopted in 1997. One of its provisions concerns the protection and realization of human rights in the cultural sphere (article 3). Article 6 guarantees the equality of all citizens in the sphere of culture regardless of their ethnic, linguistic or religious origin. It gives broad authority to local self-government bodies, which is appropriate for regions densely inhabited by minorities (article 19). This provision is followed by another one according to which the State takes on the obligation to provide equal conditions for development of the cultural sphere in all regions (article 20). Article 9 guarantees the right for creative activities, excluding those that could provoke ethnic and/or religious hatred. International cultural cooperation is equally a right for the State as for any ethnic community residing in the country.

Unfortunately this law proved to be of a declarative nature because of minimal financial and organizational opportunities. The law should be enforced especially in view of the increase in the number of conflicts concerning cultural heritage that are fraught with unpleasant incidents.

- 1) The State **fully provides** the availability of the achievements of Georgian (Abkhazian and Ossetian within the territory of the autonomous regions) cultures for national minorities.
- 2) Through cultural and educational institutions, the State **fully provides the** development of amateur and folk arts in areas of compact settlement of national minorities; private activities in this sphere are encouraged, as well as cooperation with the motherland;

- 3) The State **partially provides or encourages and facilitates** the maintenance of minority libraries, video services, cultural centres, museums, archives, theatres and cinemas, as well as fiction and movie production, maintenance and development of amateur and folk arts festivals.
- 4) The State takes on the responsibility to protect cultural and historical monuments of national minorities throughout the whole territory.

Mass Media

The access of minorities to mass media is an issue of strategic importance. Their integration is closely dependent on this, as they should be adequately informed on events that take place in the country and have their own forum in which to express their claims and demands.

Several newspapers and magazines in minority languages are issued in Georgia. However, quite often these issues do not reach their readers due to lack of funding.

The problem with programs in Azerbaijani and Armenian languages within central broadcasting is resolved, and broadcasting in Ossetian language is established. But the editorial office of Kurdish broadcasting programs is still closed.

By means of licensing:

1. The State, *respecting the principle of the independence and autonomy of the media*, **fully provides** for the functioning of the media agencies in the Georgian language (Abkhazian and Ossetian within the autonomous regions);
2. The State, within the central radio and TV broadcasting activities, **fully provides** for availability of regular programs in minority languages;

3. The State **fully provides** for the functioning of the media agencies in the minority languages in regions of compact residence of persons belonging to national minorities;
4. The State **facilitates or encourages** the establishment of private radio and TV agencies that would function both in the state and minority languages. It applies similar regularity in the sphere of audiovisual production and its dissemination in minority languages;
5. The State **fully provides** for the publication and dissemination of central official newspapers on a regular basis on the whole territory, and of local newspapers in the regions. The State makes available the publication of separate materials in minority languages in local official newspapers where minorities live densely. The State does not impede the direct reception of radio and TV broadcasts from neighbouring countries in languages that are identical or similar to minority languages and does not oppose the retransmission of radio and TV broadcasts from neighbouring countries in such languages.

International Policy

In order to respect the rights of national minorities, the State signed bilateral and multilateral agreements in the spheres of culture, education and information with those States which are the historical motherlands of national minorities residing in Georgia. The State facilitates cooperation between local governments of border districts and regions compactly inhabited by national minorities and the government of their historical motherland.

Economic life

There is no doubt that the poor economic situation had a negative impact on the integration process of minorities. A poorly developed internal market and labour division among the regions does not create conditions conducive to civic integration. Mass unemployment and the collapse of living standards of living have led to the self-isolation of minorities, alienation from economic development, and massive emigration.

The difficulties of the transition are most evident in the conflict zones and in the territories characterized by a poor socio-economic and criminal situation. These problems are common for Georgia as a whole, but are more pronounced with respect to minorities.

Persons belonging to national minorities are poorly involved in business activities. Because of their lack of language skills or in some instances lack of access to more profitable markets, they cannot compete with businessmen of Georgian origin. Poor knowledge of specific laws or of their own rights often leaves them vulnerable to extortion and other manipulations.

The slow rhythm of the land reform resulted in various serious incidents, especially in Kvemo Kartli. A 21km-wide piece of land situated along the border that was not available for privatization became a source of conflict between the local population (Azeris) and the authorities. Ordinary peasants witnessed breaches of the law and protested, sometimes violently. Recently, a new law passed reducing the width of the restricted area to 500 m. Hundreds of households situated along the border received the right to new privatised land plots.

Underdeveloped infrastructure also contributes to the isolation of the regions, particularly Javakheti. Large-scale international infrastructure projects such as pipelines connecting the Caspian to the Black Sea, a proposed Kars-Akhalkalaki railway, and the U.S.-funded Millennium Challenge Account road that will connect Javakheti to Tbilisi all have the potential to drastically improve the economic, and thus, social and cultural integration of minority-populated regions.

Recommendations:

1. Implement special activities in order to improve the employment situation in regions that particularly suffer from a shortage of jobs offered.
2. Implement special programs on the development of small and medium enterprises in regions compactly inhabited by persons belonging to national minorities.
3. In order to draw investments and assistance from international donor organizations the state **encourages and facilitates** the formation of farmers' and entrepreneurs'

associations and unions and other forms of cooperation, including agricultural credit unions for the development of irrigation systems and mechanization facilities.

4. The state attaches special importance to providing persons working at Russian military bases with employment, in parallel with the withdrawal of the Russian bases from Georgia. Through a special program the state provides a considerable amount of employment for Georgian citizens who worked at Russian bases and creates conditions for their involvement in small and medium enterprises. The state also encourages and facilitates efforts of international and donor organizations in this direction.
5. Because significant mega-projects will be realized in the areas compactly inhabited by national minorities, there will be an increase in employment and a necessity for the scientific and technical capacities of the local population.

Participation in State affairs

The so-called "third sector," the non-governmental sector of society, is an important part of civil society. It encourages social self-organization, and allows citizens to take initiative in the decision-making processes in their communities, regions, or the country at large. Third-sector organizations also serve as a bridge between society and particular communities. On the one hand, there is participation in society at large, on the other hand, it enables communities to express their interests and demands and articulates their needs in protection of their rights.

Cultural ethnic societies of Armenians, Azerbaijanis, Russians, Greeks, Jews, Assyrians, Ukrainians and other nationalities function today in Georgia. Such unions of citizens participate in the public life of the country and are engaged in charity and human rights protection, as well as in cultural and educational work to preserve and develop their traditions. They maintain relations with their historical homelands and with various international organizations and foundations.

These organizations (as well as individuals) have the right to communicate and cooperate with similar organizations (NGOs) in their own language, and to collaborate with international organizations, including those on the territory of their motherland.

NGOs that focus on minority issues usually aim to satisfy minority needs regarding language and culture, and to participate in international dialogue for conflict prevention, to contribute to the development of civil society institutions and to be in touch with international human rights protection organizations.

About 120 minority-oriented NGOs work in Georgia, although certainly only a small subset of these has been particularly successful or effective. Small NGOs struggle for funding, and often lack proposal-writing and grant-management skills.

Minorities in Public Life

The weakest point in the process of integration in Georgia is the alienation and misunderstandings between the authorities and the local population. This is particularly noticeable in Kvemo Kartli where high-ranking officials are mostly ethnic Georgians who cannot effectively communicate with the non-Georgian-speaking local population. The latter end up in an uncomfortable and defenceless position when facing administrative bodies.

Minorities are poorly represented in the Georgian army. The lack of knowledge of the state language impedes their participation in the building of the Georgian army. Conscripts are often subject to abuse and hazing.

Minorities are also woefully underrepresented in Parliament. Their share in the legislative body does not adequately reflect their share in the whole population of the country (6% vs. 15%).

This situation is due in part to the lack of knowledge of the state language. However, there have always been highly skilled specialists in minority communities. Azeris who reside in Shida Kartli and were educated in Georgian schools are a good example, but minority representatives rarely find themselves highly placed on party lists for proportional representation. There is a danger that the number of MPs representing national minorities will decrease to be only equal to the number of majoritarian MPs from certain regions.

Exacerbating the problem of representation is the absence of electoral pluralism in regions compactly inhabited by persons belonging to minorities. As a rule, pro-governmental

parties get their support from the local population. In fact they do not vote for a certain government but for authority.

In the opinion of some observers, this situation is due to the indifference of the population towards issues concerning society at large, to weak self-confidence and to a low level of civil culture. On the other hand, loyalty towards the establishment can not only be explained by a demand for security and stability. Their sympathies are determined to a significant degree by the position towards the authorities of their motherland.

Some specialists think that under-representation of minorities in bodies of authority can engender crises. They suggest using a system of quotas. As for us, we believe that a crisis is more probable when minority rights are ignored and not when there are sufficient numbers of MPs of certain ethnic origin in the Parliament. Moreover, if we take care of the ratio of minorities and do nothing to raise their competence in the Georgian language we cannot optimise parliamentary activities. There also are no guarantees that increasing the number of MPs belonging to national minorities will not take the form of a co-optation of an additional number of representatives from the local elite. They are in closest contact with the central authority bodies or its representatives, rather than with their communities. As a matter of fact a quota system could be useful for the integration of separate individuals but not of the community. A small clan becomes stronger by virtue of a quota, but might not be interested in the real integration of the whole community.

The establishment of political parties on an ethnic basis, currently not allowed by Georgian legislation, is also not an ideal solution to under-representation. Any step in this direction could hinder the integration process.

It is more worthwhile to encourage public participation in the democratic institutions, to create at all levels of authority councils that would specialise in minority issues, and to actively involve representatives of minority groups in the decision-making process.

One way to accomplish this is to promote minority representation in parliament. Political parties should be given incentives to recruit national minority representatives and include in their program provisions concerning national minority issues. A system of bonuses for the recruitment of minorities in parties' proportional lists is desirable during the election process. It could serve as a precondition for lowering percent barrier for such parties.

The State fully provides:

- equal access to public services to all persons, regardless of their ethnic origin, gender or confessional belonging. In case of a breach of this provision, measures deriving from the administrative or criminal codes would be taken;
- implementation programs on the study of the Georgian language for officials from the regions compactly inhabited by minorities;
- establishment of consultative councils of representatives of ethnic minorities for their participation in the decision-making process where their interests are concerned;
- encouragement of NGO activities that focus on integration issues;
- establishment of special courses for officials to communicate effectively with the population;
- creation of a nomenclature of offices designated for the representatives of national minorities due to their specific needs which imply communication with the population in regions where the position of the Georgian language is still low;
- training programs to develop cross-cultural cooperation skills.

Place Names

Problems with toponyms, or place names, are not less acute. During the Gamsakhurdia period, names of several Azerbaijani villages in the Bolnisi district (Kvemo Kartli) were changed and ancient Georgian names restored. All possible democratic procedures needed for this action were ignored. As a result, there is a latent conflict in the region in respect to these place names. Fierce debates on these issues preceded the tragic events in Abkhazia.

- 1) Every person belonging to a national minority enjoys the right to use his name, patronymic and surname in the language of the respective minority group.

- 2) Toponyms are created and displayed in the state language.
- 3) Official names of state authority bodies, self-governance bodies, agencies, companies and organizations are created and displayed in the state language and in minority languages in the places of their compact residence. Private companies have the right to be named in minority languages along with their obligatory translation into the state language on the whole territory of the country.
- 4) Announcements, notices, bills, displays, playbills, advertisements and other visual information designed for the attention of the public shall be provided in the state language and could be accompanied with a translation in the respective minority language in areas compactly inhabited by minorities.

Final Statements

The Concept on the Policy Regarding the Protection and Integration of the Persons Belonging to National Minorities should be implemented by creating legislative acts, by amendments and additions to existing legislature, as well as by the creation of state programs, resolutions, decrees, orders, and other acts emanating from central and local authority bodies.

Funding for realizing the concept provisions should come from the state budget, with assistance from international donor organizations.

In accordance with the Concept's provisions the structures of executive bodies, in cooperation with the Parliament of Georgia, should create state programs.

The formation of appropriate subdivisions in the structures of executive, legislative and judicial bodies should ensure institutional guarantees for the protection of national minorities' rights and their integration.

The main target groups of Concept are policy-makers and NGOs. Public participation is a necessary precondition for implementation of the provisions of this document. It should

serve as a guide in the complex system of interethnic relations, and system of orientation. Publication of this Concept is another impetus for these groups to develop their activities, and to make them more purposeful.

Amendments and additions to the Concept on the Policy Regarding the Protection and Integration of the Persons Belonging to National Minorities are to be enacted by the Parliament of Georgia and could be initiated by anybody concerned in accordance with requirements of legislation.

Annex I

CONCEPT On the Protection and Integration of Persons Belonging to National Minorities

1. Introduction

1.1. In accordance with the Constitution of Georgia, every person is born free and is equal before the law regardless of race, colour, language, sex, religion, political and other views, national, ethnic and social belonging, origin, property and title, and place of residence.

Persons belonging to various national minorities reside in Georgia. It is necessary to integrate them into Georgian society in order to make them consider themselves precious citizens. At the same time it is important to preserve and encourage the development of the identities of national minorities and prevent their assimilation. In Georgia, this goal is pursued by the Concept on the Protection and Integration of (Persons Belonging to) National Minorities.

1.2. The Concept on the Protection and Integration of (Persons Belonging to) National Minorities is based on the international treaties to which Georgia has already acceded or is planning to accede to in the nearest future, or else shares their essence and spirit. Thus, the Concept on the Protection and Integration of (Persons Belonging to) National Minorities, besides other treaties, is based on the following:

- The UN Universal Charter
- The UN Universal Declaration on Human Rights Protection as of December 10, 1948
- The UN International Covenant on Civil and Political Rights
- The UN International Covenant on Economical, Social and Cultural Rights
- The UN International Convention on Elimination of All Forms of Race Discrimination
- The European Convention for the Protection of Human Rights and Basic Freedoms
- The International Convention for the Prevention of the Crime of Apartheid and Penalty for the Crime
- The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;
- The CoE Framework Convention for the Protection of National Minorities;
- The Document of the Copenhagen Meeting on Human Dimension;
- The Hague Recommendations Regarding the Education Rights of National Minorities,
- The Oslo Recommendations Regarding the Language Rights of National Minorities,
- The Lund Recommendations on the Effective Participation of National Minorities in Public Life.

1.3. According to the Resolution of the Parliament of Georgia (# 1938-I) adopted with the aim of the ratification of the European Convention (Council of Europe Framework Convention for the) for the Protection of National Minorities, a group of persons can be granted status as a national minority only in the case that:

Its members are citizens of Georgia;
They differ from the majority of the population in linguistic, cultural and ethnic identity;
They have lived on the territory of Georgia for a long period of time;
They reside compactly on the territory of Georgia.

- 1.4.** According to the definition the emphasis is put on the regional aspect of the protection of rights and civic integration of the persons belonging to national minorities. At the same time there is no inconsistency in the fact that groups of people complying with the features listed above and at the same time not residing compactly can be considered as national minorities and enjoy the regime of protection guaranteed by the Constitution of Georgia.

Besides,

- 1.5.** Groups of persons can not be considered national minorities in case they:

- represent an autochthonous population;
- represent the titular nationality of the autonomies;
- do not wish to preserve and develop their identity;
- are small in number.

- 1.6.** The Concept on the Protection and Integration of Persons Belonging to National Minorities, as a legal document, has the following content: Introduction; Principles of the Concept; General Provisions; Self-Identification of Persons Belonging to National Minorities; Language; Religion; Education; Mass Media; Socio-Economic Aspects; Public and Political Life; Justice and Penitential System; Sphere of Economics and Final Provisions.

2. Principles of the Concept

The protection and integration of national minorities in Georgia shall be accomplished in strict compliance with the following principles:

- 2.1.** Inviolability of the territorial integrity of Georgia;
- 2.2.** Non-discrimination and strengthening of the tradition of tolerance;
- 2.3.** Guaranteeing the rights and freedoms of persons belonging to national minorities;
- 2.4.** Voluntary participation in the integration process;
- 2.5.** The leading integrating role of the Georgian language and culture;
- 2.6.** Cooperation with the international community in the sphere of conflict prevention;
- 2.7.** Strict observance of the demands of the Georgian legislation by national minorities;
- 2.8.** Prohibition of activities that are aimed at undermining state security and inspiring social, racial, national and religious hatred.

2.9. Promotion in the society of full and efficient equality in all spheres of economical, social, political and cultural life, as well as promotion of freedom for religious views and confession (taking into consideration the specific conditions of the persons belonging to national minorities).

3. General Provisions

3.1. The rights of national minorities present an inseparable part of the international protection of human rights and freedoms.

3.2. The Georgian State guarantees equality before the law for the persons belonging to national minorities and their equal protection by the law. Any discrimination based on the belonging to national minorities is prohibited irrespectively of their number or nature and place of settlement.

3.3 Every person belonging to national minority can enjoy his or her rights and freedoms both individually and together with others.

3.4. Aiming at the preservation of dialogue between cultures, the Georgian State shall take effective measures to ensure mutual respect, understanding and cooperation between all persons residing on the territory of Georgia, in particular in the fields of education, culture and the media irrespectively of their ethnic, cultural, language or religious identity.

3.5. The Georgian State shall provide necessary conditions to persons belonging to national minorities for the preservation and development of the main elements of their identity, namely religion, language, traditions and cultural heritage.

3.6. Persons belonging to national minorities have the right to establish and manage their own organizations and unions (associations) observing the Georgian legislation.

3.7. The Georgian State shall support and, when necessary, contribute to the integration of national minorities into the economic, social, political and cultural life of Georgian society.

3.8. The Georgian State rejects forced assimilation of representatives of national minorities. It also rejects such actions that restrict and infringe upon the rights of its own citizens belonging to national minorities. These include unauthorized expropriation, involuntary resettlement, expulsion, manipulation of census data, etc.

3.9. The Georgian State shall take necessary measures for the protection of persons who are subjected to threats, discriminative actions, hostility or violence because of their ethnic, cultural, religious or linguistic origin.

3.10. Persons belonging to national minorities shall respect the Georgian and Abkhaz peoples, their history and traditions, as well as other national minorities, residing in Georgia. The representatives of national minorities are also obliged to adhere to the Georgian legislation.

3.11. Accomplishment of the state economical interests and harmonization of the interests of its regions compactly inhabited by national minorities.

3.12. Residents of Georgia belonging to a national minority fully enjoy the guarantees, programmes and benefits of the state social protection and insurance.

3.13. Persons belonging to national minorities have the right to pursue business activities.

4. Self-Identification of Persons Belonging to National Minorities

4.1. Any person belonging to one of the national minorities has the right to choose whether or not to be treated as a representative of the mentioned minority. No disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

4.2. Persons belonging to national minorities enjoy the right to use their first name, patronymic and surname in compliance with the native language, traditions and linguistic systems. The Georgian State shall officially recognize first names, patronymic and surnames of persons belonging to national minorities.

5. Language

5.1. Every person belonging to a national minority shall enjoy the right to use freely and without any kind of interference his or her minority language, orally and in writing, in private and in public.

5.2. The Georgian State shall ensure that representatives of persons belonging to national minorities shall not be deprived of the right to communicate with other representatives of their minority groups in their native language.

5.3. Every person belonging to a national minority enjoys the right to study the language of his/her minority group. Good knowledge of the Georgian language is a necessary precondition for the integration of national minorities in the society of Georgia. Hence, the State shall ensure that provisions for adequate learning of the Georgian language are provided in educational institutions in all parts of Georgia.

5.4. Private organizations (unions, associations, enterprises, etc.) established and managed by persons belonging to national minorities are entitled to be named with a name selected by them in the minority language. Such names shall be used officially according to the linguistic system and traditions of the given minority.

5.5. Persons belonging to a national minority, in conformity with the local rules, have the right to place inscriptions, announcements and other information of private character both in Georgian (also Abkhazian on the territory of the Abkhaz Autonomous Republic) and in the language of their minority group.

5.6. In areas and regions compactly inhabited by national minorities, the names of settlements and streets, as well as other toponymic designations can be expressed both in Georgian (also Abkhazian on the territory of the Abkhaz Autonomous Republic) and in local national minority languages when possible and necessary.

6. Religion

6.1. Persons belonging to a national minority and residing on the territory of Georgia have the right to manifest his or her belief or confession.

6.2. Persons belonging to national minorities have the right to establish religious institutions, organizations and associations in compliance with the law.

6.3. Persons belonging to national minorities enjoy the freedom to manifest their belief and religious views, including the freedom of public worship, if these do not violate public safety and order as defined and protected by the Georgian legislation, and do not threaten morals and people's health (including those who manifest their belief and take part in worship).

6.4. Persons belonging to national minorities have the right to issue legal documents during religious acts (wedding and funeral ceremonies). These documents come into force if the mentioned documents and registration of the acts are compiled both in the national minority and the Georgian language (also Abkhaz on the territory of the Abkhaz Autonomous Republic).

7. Education

7.1. Persons belonging to national minorities are provided with equal opportunities for receiving education at all levels.

7.2. In regions compactly inhabited by national minorities, the state provides inclusion of the minority language in the curriculum of the local schools. The state shall provide adequate opportunities for teacher professional training and access to textbooks.

7.3. The content of the curriculum concerning minorities shall be elaborated with the participation of the representatives of the given minority.

7.4. Persons belonging to national minorities have the right to establish private educational institutions on their own initiative and financing. Such institutions must conform to the norms and requirements in force on the territory of Georgia. The state is not obliged to provide financial support to such institutions. However, these institutions have the right to apply for grants and receive them (also from the state).

7.5. Persons belonging to national minorities have the right to enroll their children into private educational institutions established by the representatives of minorities.

7.6. In the fields of education and academic research, the Georgian State shall ensure the fostering of knowledge of the culture, history, language and religion of national minorities.

8. Mass Media

8.1. Persons belonging to national minorities have the right to consider, receive and disseminate all types of information and ideas both orally and in written form or in print,

with the use of electronic or printed sources, without the interference of the government and regardless of frontiers.

8.2. Persons belonging to national minorities have the right to establish and use printed media. They also have the right to create their own information sources. The establishment and functioning of these informational sources are liable to state regulations.

8.3. The state shall ensure that persons belonging to national minorities do not experience discrimination in access to both home and foreign mass media.

8.4. The state shall promote the establishment of tolerance and cultural pluralism through mass media.

8.5. The Georgian State provides creation of programmes in minority languages and their airing by media agencies financed by the budget.

9. Socio-Economical Sphere

9.1. In the districts (rayons) compactly inhabited by persons belonging to national minorities local specialists are given priority for employment in the accomplishment of state or international projects. Persons belonging to national minorities shall be prepared as local specialists, if necessary, in order to solve the problem of the lack of command of the Georgian language.

Taking into account the fact that highly important mega-projects accomplished in Georgia (Baku-Tbilisi-Ceyhan oil pipeline construction, planned construction of the Akhalkalaki-Kars railroad) also take place in the districts compactly inhabited by minorities, an increase of scientific-technical capacity and staff potential among the population of these districts shall be planned as well as ensuring a higher level of participation.

The state shall emphasize the employment of persons working on the Russian military bases in Georgia alongside with the withdrawal of the bases in minority regions.

9.2. In the framework of regional policy (namely, in the regions compactly inhabited by minorities) the state shall create conditions for:

- a) equalization of the levels of socio-economical development of the regions;
- b) territorial distribution of labour and use of the economical advantages of the regions;
- c) accomplishment of special measures for the provision of working places in districts with unemployment;
- d) small and medium business development.

The state shall enhance and encourage the establishment of farmers' or entrepreneurs' associations and unions and other forms of cooperation, agricultural credit unions among them (e.g. for the development of irrigation systems, means of mechanization).

High importance shall be given to the right and just accomplishment of land privatization policy in the mentioned regions. This is especially true for the territories included in the former border zone.

10. Public and Political Life

10.1. The state undertakes to ensure that persons belonging to national minorities have the right to participate effectively in cultural, socio-economic, public and political life.

10.2. Persons belonging to national minorities have the right to establish and run their own NGOs, associations and unions both at the national and international levels.

10.3. Persons belonging to national minorities have the right to participate effectively in the decision-making process on issues affecting the given minority. Structures regulating problems of the national minorities shall be established at the state level ensuring the participation of the persons belonging to national minorities in the work of these structures.

10.4. Persons belonging to national minorities have the right to unrestricted participation in the political life of the country, and to be elected in the bodies of both local governance and central authorities.

10.5. Employment in public institutions is equally accessible for persons belonging to national minorities.

10.6. In areas compactly inhabited by national minorities the minority language can be used in local self-governance institutions for internal purposes together with the Georgian language (Abkhazian in Abkhaz Autonomous Republic).

10.7. In areas compactly inhabited by national minorities it is possible to establish permanent (or temporary) advisory bodies in the local governance bodies with participation of persons belonging to national minorities for solution of various problems.

11. Justice and Penitential System

11.1. Persons belonging to national minorities and residing in Georgia have the right to defend their own rights with the help of the court.

11.2. In case of detention, arrest or prosecution, a person belonging to a national minority shall be promptly informed, in a language he/she understands and in detail, of the reasons for his/her detention, the content of the accusation and of all subsequent procedures. When necessary, he/she shall exercise the right for the free assistance of an interpreter.

11.3. A person belonging to a national minority has the right to express himself/herself in his/her own language during legal proceedings.

11.4. Detained or arrested persons belonging to national minorities have the right to use their own language in communication with inmates, visitors and in personal correspondence without restrictions. When possible, such convicts shall be placed together to have an opportunity for communication.

12. Final Provisions

12.1. The Concept on the Protection and Integration of Persons Belonging to National Minorities shall be implemented by creation of legislative acts, amendments and supplements to current legislative acts, state programmes, resolutions, decrees, orders, and other acts of the central and local authorities.

12.2. The main source for the execution of the Concept's provisions is the State Budget.

12.3. In accordance with the provisions of the Concept, the structures of executive bodies in cooperation with the Parliament of Georgia shall work out corresponding State programmes.

12.4. The formation of appropriate subdivisions in the structures of executive, legislative and judicial bodies shall ensure institutional guarantees for the protection of the national minorities and for their integration.

12.5. The Concept on the Protection and Integration of National Minorities is ratified by resolution of the Parliament of Georgia.

12.6. Amendments and supplements to the Concept on the Protection and Integration of National Minorities shall be made by the Parliament of Georgia on the basis of a resolution.

Annex II

Excerpts from Georgian Legislation on Minority Issues

Article 38 of the Constitution states:

«Citizens of Georgia shall be equal in social, economic, cultural and political life irrespective of national, ethnic, religious or linguistic belonging. In accordance with universally recognized principles and rules of international law they shall have the right to develop freely, without any discrimination and interference, their culture, to use their mother tongue in private and in public. ».

Non-discrimination clauses in Georgian legislation the Constitution of Georgia:

Article 14

Everyone is born free and is equal before the law, regardless of race, skin colour, language, sex, religion, political and other beliefs, national, ethnic and social origin, property, title of nobility or place of residence.

Article 47

1. Foreign citizens and stateless persons living in Georgia have the rights and obligations equal to the rights and obligations of citizens of Georgia with some exceptions envisaged by the Constitution and law.

Law of Georgia on Citizenship

Article 4. Equality of Citizens of Georgia

Citizens of Georgia are equal in law regardless of their origin, social or property status, race or ethnic origin, sex, education, language, religion or political beliefs, place of residence, activity or other circumstances.

Article 8. Legal Capacity of Citizens of Other States and Stateless Persons

Citizens of other States and stateless persons who are on the territory of Georgia are obliged to respect and observe the laws of Georgia; they shall enjoy rights and freedoms guaranteed by the norms of international law and legislation of the Republic of Georgia including the right to apply to court and other State bodies to protect their personal property and other rights.

Citizens of other States who are on the territory of Georgia have the right to appeal for help and protection to diplomatic representations and consular missions, etc.

There are anti-discriminatory provisions in Article 9 of the Code of the Criminal Procedure and Articles 142, 142-1 of the Criminal Code.

Provisions on the language issue:

Article 8 of the Constitution states that Georgian is the State language of Georgia. In the Abkhaz Autonomous Republic, the Abkhaz language is also a State language.

Article 85/2 of the Constitution and article 17 (2,3) of the Code of the Criminal Procedure and article 9 of the Code of the Civil Procedure provide the specific rights for members of ethnic minority groups.

On April 8, 2005 the Law on Secondary Education was adopted. Article 4 (3) of the law provides specific rights for non-Georgian native speakers to receive primary and secondary education in their native language.

Law on Public Service (article 12), The Law on Citizenship (articles 26), the Law on Public Advertisement (article 4), The Law on the Names of the Geographical Objects (article 7), etc.

Annex III

Considerations on the difference between notions of "national minority" and "ethnic minority".

The previously mentioned UN Document (E/CN.4/Sub.2/AC.5/1997/WP/1 2 April 1997) proposes its own version of the definition, in which no distinction is made between these two notions. Nevertheless, other documents are mentioned, in which ethnic, linguistic and religious minorities are considered to be attributive to the notion of "national minority". Good examples are article #1 of the Decree on the Central European Initiatives on the Protection of Minorities (18, November, 1994) and the CIS Convention on the Protection of Rights of the Persons Belonging to National Minorities (21 October 1994).

The functional aspect should be helpful so as to make a distinction between those terms.⁶

In accordance with the logic of structural-functional analysis, there is a difference not only in the content of social processes but also in the way in which they are fulfilled. Social processes are realised in the framework of dichotomies (universalism-particularism, individualism-collectivism, achievement-ascription, diffusia-specificity etc.) We are aware of the relative and formal nature of this division. It could anyway be helpful for the analytical purposes. In reality we can observe numerous combinations of these *pattern variables* and it is difficult to distinguish pure forms.

There is a strong emphasis on the common past and origins in some societies. Membership in a particular group, at an extreme, overrides all other loyalties. It can be contrasted with statements of international documents that consider every person to be free in his choice (See page 15). So collision of *individualism-collectivism* orientation is designated.

The same can be said about the "*achievement-ascription*" dichotomy. Membership in any ethnic group and status in it is ascribed, but it could also be subject to free choice and to achievement orientation.

A person has a "diffusive" role when he or she is considered to belong to a particular ethnic group ("he is a typical Armenian"), but as an individual he has his personal images and needs ("he in his personal capacity").

Adherence to the values of some communities is of the *affective* character, or self-sufficient; whereas there could be a reflection or affective *neutrality* of an individual towards his membership in the group and its values.

If we admit civic belonging as inherent to the understanding of the "state-nation" as a *universal* category, belonging to a minority group in this context is of a particular nature.

When universal national (civic) belonging adjoins particular ethnic belonging we deal with a citizen (national) or citizens (nationals) with their voluntary adherence to the values of a particular ethnic group, namely "**national minorities.**" On the moment when he or they represent a particular ethnic group and not himself or themselves in their own

⁶ Parsons T. On Building Social System Theory: A Personal History// Deadalus, 1970).

capacity but a particular group as whole we deal with "**ethnic minorities.**" In such a way a transition from one pole of dichotomies to other is fulfilled. Differentiation between these is a precondition for the implementation of various protection and integration strategies. So, individual rights are associated with the term "national minority," collective rights - with "ethnic minorities."

Balance between these poles should be kept. Individual rights are associated with sovereignty of individuals. But collective rights should not be underestimated. Nobody deprived a group the right to define the type of membership of it. In social practice minorities show their worth as ethnic minorities. Some do it from case to case, for the others it is the only form of social behaviour.

Pattern variables are the elements of the inner cross-pressure. They could coexist or be in acute contradiction. The more reserves for their coexistence the more opportunities for the successful integration, for maintaining its internal balance; and the less reserves for their coexistence the more opportunities for assimilation, on the one hand, and separatism and self-isolation, on the other.

Annex IV

Georgia is in a transitive phase of development: from a totalitarian society to a society oriented toward values of market economy and democracy. Drastic and rapid changes took place in the country in the way of life of all strata of society and individuals, which mostly caused frustration among the population. The country is however aware of the necessity and the inevitability of such processes. There are also problems caused by the inertia of the past, which the population expresses through nostalgia of Soviet times.

At the same time, almost no research that could clear up whether there were any social, cultural and psychological preconditions for reforms have been conducted in Georgia. Only a few scientists raised the question as to whether our society was able to adapt to the rapidly changing reality. An interesting wide-scale qualitative study of impoverishment and coping strategies was nonetheless conducted by the World Bank in 1996 in 9 regions of Georgia. (I was a field manager of this survey). This study, based on 600 household interviews, examined how Georgians were coping with new conditions, and how they understood the social and economic changes. This research revealed that a new form of existence was emerging which can be described in terms of «every one for himself». Georgians remain strongly loyal to kin, neighbours, friends and colleagues but there is little sense of responsibility to society as a whole. The only viable way in which individuals can protect themselves is to find a «protector» or patron mainly, in State structures. The State has not lost its paternalistic image. Respondents interpreted «market economy» and «capitalism» as a means to pursue one's self interests without any regard to the impact of one's actions on those outside one's personal network.

Another conclusion is that emigration became one of the coping strategies of the population of Georgia. Poor living conditions forced people to seek a better place to live. Western countries face nowadays the problem of illegal immigration from the former USSR republics.

Since 1989 about 1.5 million of the population of the country has left. The number of those who have emigrated to the West is significant. Despite the fact that we have no authentic statistics about Georgian emigrants there is evidence that the Georgian diaspora in the USA is a reality, but unfortunately, there are no reliable statistics. In any case this diaspora mostly consists of marginalized persons who face the problem of legalisation of their status.

I carried out sociological research on the emigration process in 1994 in co-operation with the Caucasian Institute for Peace, Democracy and Development and the Committee on Human Rights and Inter-ethnic Relations and in 1996 in co-operation with the Open Society Institute. A similar project was conducted in 1998 by virtue of the IOM.

In 2001 a survey was funded by DFID. The main **goals** of these research studies was to determine the reasons for emigration, to define the intensity of the readiness for emigration and to find out whether discrimination was the main reason for the emigration of ethnic minorities.

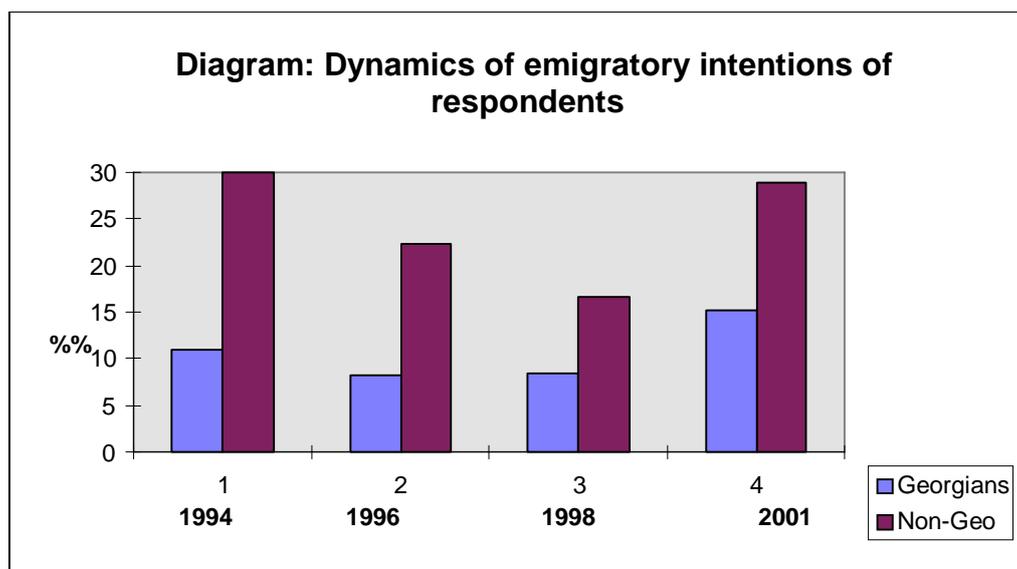
According to the research conducted in 1996, one fifth of Georgians questioned and 38% of persons belonging to ethnic minorities said that some of their relatives had left the

country, so this number is two times bigger than that of the research of 1994.

The third research (conducted in 1998) showed that compared to the 1994 and 1996 data the population's intention to emigrate had decreased. Fewer people said that they wanted to emigrate. However, the fourth survey showed a drastic raise of the population's will to leave the country. A 2001 survey revealed this fact even more strongly.

Dynamics of migratory intentions

%



It followed from surveys that the decision to emigrate for both Georgians and non-Georgians is mainly caused by such factors as «decrease in standards of living», «lack of confidence in the future», «impossibility of self-realisation». Emigration of non-Georgians may be explained by the existence of the «better-off» historical native country and not by «discriminative factors».

Annex V

Some data on the linguistic issues obtained from the 2002 census

	Total	The same as ethnic belonging	Georgian for non-Georgians	Russian For non-Russians
Tbilisi:				
Total	1081679	1062863		9906
Ethnic minority groups	170967	153157	8314	8961
Among them:				
Azeris	10942	10429	242	268
Armenians	82586	73590	3185	5691
Russians	32580	32114	425	
Ukrainians	3328	2443	156	684
Jews	2726	1436	993	271
Ossetians	10268	8150	1831	260
Greeks	3792	2878	410	459
Yezidis	17116	15753	641	584
Kurds	2144	1978	65	90
Assyrians	1373	1138	111	112

State Department of Statistics

Some data on the religious issues obtained from the 2002 census

	Total	Per cent
Whole population	4.371.535	100
Among them		
Orthodox believers	3666233	83.9
Muslims	433784	9.9
Followers of Armenian Apostolic Church	171139	3.9
Catholics	34727	0.8
Jews	3541	0.1
Other Congregations	33468	0.8
Atheists	28631	0.6

State Department of Statistics