

ECMI

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2006

Excerpts on the Caucasus

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I. Action-Oriented Projects

In 2006 these projects experienced a quality shift from being conflict resolution endeavors to constructive post-conflict transformation. ECMI's efforts to build capacities of governments and civil societies, majority and minority alike, resulted in greater awareness and a will to engage in finding political solutions based on transparency and institutional arrangements. Georgia, Kosovo, Serbia, Moldova and Roma inclusion were the focus of continued intensive actions bringing to successful closure some of the projects.

II. Ethnic Minorities in the South Caucasus - Georgia

This year has seen some positive developments in Georgia in the field of minority-state relations. Notwithstanding the deadlock in finding solutions to the ethno-political conflicts over the break-away and *de facto* independent regions of Abkhazia and South Ossetia - which remain frozen and where increased tension in the relations between Georgia and Russia in 2006 impacted negatively on the prospects for the solution to these conflicts - progress in relations between the central authorities and the larger regionally settled minorities could be observed in the past year. Although the Georgian government has shown a positive attitude to the implementation of international standards on minority protection, there is still a need to transform the intentions into legislation and concrete policy action. Georgia's national minorities remain largely disenfranchised from political participation and civic inclusion, not least the regional minorities in Javakheti and Kvemo Kartli.

The efforts of the Saakashvili leadership to build a strong Georgian state, fight corruption and integrate the minority regions of the country has materialized in reforms in the education sector as a first step. Significant efforts have been made in 2006 to advance 22 ECMI Annual Report 2006 knowledge of the state language in minority regions, where mostly Russian and minority languages are spoken. However, in the course of the reforms, a tendency to downplay the importance of minority rights can be noted, especially in the sphere of education or with regard to the increasing usage of Georgian as the only official administrative language.

ECMI began its activities in Georgia in 2003. In 2004 and 2005, ECMI implemented activities to engage the minority communities in Javakheti and Kvemo Kartli in a process of political dialogue with the central authorities and to empower regional communities to take an active part in this process. Moving forward to the period 2006-2007, ECMI has developed an integrated strategy that fully covers issues of integration and minority rights. In 2006, ECMI continued implementing its complex programme in Georgia, which is part of Denmark's Caucasus Programme 2005-2007 and funded by the Neighborhood Programme Department of the Danish Ministry of Foreign Affairs.

The integration and protection of minorities is among the primary factors to ensure more stable and democratic development in the South Caucasus and the prevention of future ethnic conflict.

The interventions of the programme thus aim towards the inclusion and integration of minorities into the socio-political life of the country, while at the same time ensuring that minority rights are protected. The programme focuses on supporting government efforts in devising legislation and policies to enhance governance on minority related issues and simultaneously on empowering local communities in minority populated regions to engage in informed and constructive dialogue with central government actors. The regional focus of the programme is on capacitating civil society actors in the predominantly Armenian region of Javakheti (Akhalkalaki and Ninotsminda districts) and the multi-ethnic district of Tsalka in Kvemo Kartli region. Below is a review of some of the key developments under the programme in 2006.

A. Engaging local communities

An obstacle for effective improvement of the conditions of national minorities and regional populations is that the minority and regional groups themselves are poorly organized and that the level of political participation in parliament and government remains very low. Hence, minorities are politically marginalized and face difficulties in raising their concerns in public debates and political life. To enhance the regions' involvement in policy-making processes — as a key component of ECMI's activities in Georgia — two regional stakeholder associations have been established, initially as informally organized structures, and subsequently as formal structures registered as associations of non-governmental organizations (NGOs). Two such associations formed in 2004 (Javakheti) and Tsalka (2005), have been further developed and capacitated in 2006: the Javakheti Citizens' Forum (JCF) and the Tsalka Citizens' Forum (TCF). The networks function as inclusive associations of regional NGOs and individuals committed to supporting the process of regional integration and protection of minority rights. Both networks are ethnically inclusive and consist of all minority groups in the respective regions.

The forums serve as important channels of information exchange between the authorities and the regional populations; on the one hand as platforms for dissemination of new legislation and government policy in the regions; and on the other hand as mechanisms for consultation between civil society and regional and central authorities. Both forums are governed by a board and a chairperson elected by the members. In the predominantly Armenian populated region of Javakheti a resource centre, established in 2005, has been maintained and developed throughout the year. The resource centre hosts meetings of the JCF and individual NGOs and implements activities to enhance awareness regionally on social and legal issues. The centre also facilitates the work of four thematic working groups made up of JCF members, who in 2006 have been drafting regionally specific recommendations to the central government. Like in earlier years, ECMI has also offered training in project development and management for JCF member organizations and has provided small grants for social, educational and cultural activities in the region. As part of a strategy for gradually making JCF sustainable, efforts have also been undertaken to engage JCF members in the running of the resource centre, and since October the centre is manned by a group of key stakeholders.

Similarly, in Tsalka, the Tsalka Citizens' Forum is supported by a resource centre established in July. Like in Javakheti, the centre runs trainings and working group meetings as well as consultative meetings with regional and central authorities. In terms of ethnic composition, the Tsalka region is more complicated than Javakheti. Here, the population consists of Greeks, Armenians, Azeris and Georgians. In general, there is little interaction between the ethnicities of the region, and while there are only 2-3 active NGOs in Tsalka district, the TCF is the first association which seeks to embrace all groups in the region, aimed at enhancing cohesion at the regional level, and at the same time establishing a channel for policy consultation and information exchange between the region and the state.

Most of the ethnic Georgians in Tsalka district are recent immigrants displaced from mountain regions affected by natural disasters. The immigration has caused tensions in ethnic relations, especially because, in many cases, ecological migrants have illegally settled in houses owned by Greeks who have departed for Greece. To bring attention to this and other problems in relation to the potential for tension in the Tsalka region, ECMI in 2006 conducted a research study on the current situation, providing an analysis with recommendations for government action. The resulting working paper has been a key source of information for the Public Defender and other state bodies in considering appropriate responses to the tense situation in the district.

There is little doubt that the policy dialogue conducted between the regional stakeholder forums and central levels of government has contributed to reducing mutual distrust and is helping to create a measure of confidence between the regional populations and the government. Indeed, the environment for region-state consultation has improved over the course of the past two years. Government officials now frequently visit the regions to attend meetings organized by JCF and TCF. In the same vein, regional stakeholders are able through the programme to travel to Tbilisi for consultation with government officials and participate in meetings organized by the Public Defender's Council of National Minorities (see below).

In December, ECMI organized a large conference in Tbilisi as an annual culmination of the work conducted by the working groups of JCF and TCF. Some 90 representatives of governmental and non-governmental structures from Javakheti and Tsalka took part in the event, as well as representatives from the central government and parliament, foreign diplomats and international development aid agencies.

The conference addressed issues related to regional integration and minority protection. Special emphasis was placed on local self-governance and integration/protection of minorities in the cultural and educational spheres. Notably, this was the first major event that specifically concerned also the situation in Tsalka district. At the conference, representatives of JCF and TCF presented regional recommendations for legislative improvements and policy action as seen from a regional perspective. While the recommendations provided a starting point for the discussions, the conference bolstered a concrete dialogue between regional actors and various central stakeholders, especially on language issues and minority inclusion in the decentralization process.

The conference took place in a cordial and cooperative spirit and, in spite of differences in opinions, participants on both sides expressed satisfaction with the constructive attitude of government and regional stakeholders to enter into this problem-oriented discussion. In contrast to similar events held in 2004 and 2005, this year's conference gave a clear impression to most participants that the government and regional stakeholders are increasingly committed to enhancing consultation to find solutions to regional and minority issues.

B. International treaties on minority issues

Georgia has moved forward in fulfilling its obligations to the Council of Europe in 2006. As regards minority related treaties, the Framework Convention for the Protection of National Minorities (ratified in December 2005) entered into force in April. The European Outline Convention on Trans-frontier Co-operation was ratified by Georgia in August. On the other hand, the signing and ratification of the European Charter for Regional or Minority Languages (ECRML) was postponed until 2007. Among other unfulfilled obligations are the issues concerning the return of the Meskhetian Turks deported from Soviet Georgia in 1944 (see below), and the adoption of a Law on National Minorities.

While a State Concept for Integration and Protection of National Minorities was drawn up in 2005 as a tentative measure to clarify state policies on national minorities, no progress has been made in 2006 to adopt this Concept. It is now envisaged that the State Concept can be amalgamated into a Law on National Minorities to be adopted in 2007 in order to conclude the fulfillment of Georgia's obligations to the Council of Europe.

However, government and parliament action towards fulfilling the remaining obligations to the Council of Europe continues to take a slow pace, and even if the obligations are fulfilled *de jure*, it remains to be seen whether government and parliament will fully commit to the provisions enshrined in these obligations.

In 2006, however, ECMI has taken steps to support the process of implementation of the FCNM. In June, two seminars were co-organized with the Council of Europe and the Georgian Ministry of Foreign Affairs on the implementation of the Convention, respectively with the government/parliament and with minority representatives. On these occasions, the Government undertook to establish a working group to draw up the first state report due on 1 April 2007. However, by the end of 2006 little progress had been made in the drafting process. It is yet to be seen if the drafting body will be able to submit the report in a timely manner. To enhance the basis for drafting a high quality state report, however, ECMI has held several individual consultations to provide inputs to the state report, while a feasibility study on the FCNM and a set of recommendations elaborated by the Public Defender's Council of National Minorities have also been widely circulated.

The feasibility study in relation to the FCNM, conducted in 2006, undertook to identify the gaps in legislation and policy practice for Georgia to comply with the Convention. The report, which is informed by literary sources and fieldwork among minority communities, has been widely circulated among government and minority stakeholders. Moreover, ECMI has conducted research on the status of regional and minority languages - in relation to the European Charter for Regional or Minority Languages (ECRML) - leading to the publication of two working papers in 2007. One report studies the feasibility of implementing the ECRML with a special focus on the compactly settled minorities (the Armenians and the Azeris), while the other paper aims at studying the situation with regard to several regional languages (Mingrelian, Laz and Svan), which are related to Georgian, yet are not mutually intelligible with the state language. The papers will be used as a basis for providing more documentation on the language issue and for organizing a number of consultative meetings in 2007, which can impact on the policy action subsequent to the adoption of the ECRML.

C. Council of National Minorities

While ECMI in December 2005 facilitated the establishment of a Council of National Minorities (CNM) under the auspices of the Public Defender of Georgia, enhanced efforts were undertaken in 2006 to develop the council into a viable and respected structure. The Council consists of representatives of some 80 national minority organizations in Georgia and has been created to bring an institutionalized mechanism for minority-state consultation into being at the national level. During the year, the CNM has drafted a set of elaborate recommendations to the government, emphasizing deficiencies in Georgia's current legislation and policy practice in relation to the provisions of the Framework Convention 26 for the Protection of National Minorities. Representatives from the regional stakeholder networks in minority regions, the Javakheti Citizens' Forum and the Tsalka Citizens' Forum (see above), as well as other regionally based minority groups have also been encouraged to take an active role in these proceedings in order to ensure a fully representative function of the Council. Subsequent to the elaboration of the recommendations, which were drafted by four thematic working groups,

consultations were made with government stakeholders in December to familiarize them with the views of the minority representatives.

In the first half of 2007, the recommendations will be further refined, also taking into account the feedback from the state structures. Eventually the document will be developed into an alternative report, supplementary to Georgia's state report on the FCNM, to be submitted to the Council of Europe. In the coming year, efforts will also be made to develop the CNM into a largely sustainable consultative institution. The Public Defender of Georgia, Mr. Sozar Subari, signs the declaration of the Council of National Minorities. The Council, working under the auspices of the Public Defender of Georgia and established with technical and financial assistance of ECMI, was inaugurated in December 2005 and consists of over 80 minority organizations.

D. Decentralization and self-governance

With local elections held in Georgia on 5 October, a new law on local self-governance entered into force. The law envisages, *inter alia*, the delegation of more power to local district authorities in administering their own funds. ECMI has worked closely with a range of state bodies, most notably the Centre for Effective Governance and State Territorial Reform (CEGSTAR) and the Parliamentary Committee for Regional Policy in enhancing awareness on the implications of the new law and the overall decentralization process.

ECMI has facilitated several meetings between the above state bodies and regional minority representatives to consult on the decentralization process, and a national expert has been seconded to CEGSTAR to support this structure in elaborating policy mechanisms for regulating minority governance based on European standards. In addition, a number of trainings were held at the regional level on the election code prior to the local elections, as well as a number of training events on self-governance for newly elected local government officials.

E. Repatriation of deported Meskhetian Turks

During World War II, a wholesale deportation of several populations took place in the Soviet Union. While most of these people were rehabilitated and repatriated in the 1950s after Stalin's death, the Meskhetian Turks deported from Soviet Georgia remain the last of the deported nations who are yet to be granted to right to return. It is among Georgia's obligations to the Council of Europe to complete the process of rehabilitation before 2012, and over the past two years some progress has been seen in Georgia to take the necessary preparatory steps. ECMI is playing a leading role in advancing this issue. From 2004-2006, ECMI conducted a large-scale research project on the Meskhetian Turks funded by the Volkswagen Foundation, leading to the publication of a 650 page authoritative research volume and covering the Meskhetian Turks in all the nine countries of current settlement.

The book will be published simultaneously in English and Russian and is to be released in April/May 2007. It is expected that the volume will be a major tool for Georgian policymakers and the international community in addressing the issue. At the same time, ECMI — in close cooperation with the Council of Europe — is actively supporting the government in devising policies on Meskhetian Turk repatriation. In the first part of 2006, ECMI facilitated a working group of Georgian experts to elaborate a draft law on repatriation. Moreover, a national key expert has been seconded to the Office of the State Minister for Conflict Resolution Issues, who has been instrumental in advancing the issue on the political agenda. ECMI has also taken part in several consultations with the Council of Europe experts and other international agencies on the issue. However, the government, in spite of ongoing pressure from the Council of Europe, has been slow in making preparations for adopting the law. Currently, it is envisaged that the law will be adopted not earlier than spring 2007. While ECMI is planning a series of follow-on activities, including the elaboration of a state strategy on repatriation, such measures will be

implemented only subsequent to the parliamentary hearings on the law. ECMI will seek to second a national expert to the Ministry for Refugees and Accommodation, which is now the state body responsible for the repatriation issue.

F. Other policy-action generating research

Several smaller research studies have been conducted in 2006 as part of ECMI's overall intervention in Georgia. The research is practice-oriented and designed to generate policy action, while it seeks to provide much needed data and information on little known aspects of minority concern.

Starting from late 2005, ECMI has continued researching the situation of ecologically displaced persons from the mountain regions of Ajara and Svaneti during the past year. Since the early 1980s, dozens of thousands of persons have been displaced due to natural calamities in their region. Many of the ecologically displaced have been settled in regions populated by national minorities, at times resulting in tension between the natives and the migrants. In order to support the efforts of the government, and specifically the Ministry for Refugees and Accommodation, in managing the process and to enhance consultations with recipient communities, research on this poorly documented issue is envisaged to provide a basis for subsequent policy action. The results of the research will be published in early 2007 as an ECMI working paper.

In the second half of 2006, ECMI also began the preparation for a handbook on Georgia's national minorities. The purpose of the handbook is to explain and describe minority groups and issues and the context of their existence in simple prose for the informed, but not necessarily scholarly, reader. The book, which is scheduled for publication in Georgian and English in the second half of 2007, aims at providing basic information on the history and current situation of 14 national minorities in Georgia, including the numerous groups such as the Azeris and Armenians, but also smaller groups with a significant historical presence in the country, such as Abkhazians, Ossetians, Russians, Ukrainians, Kists (Chechens), Jews, Kurds-Yezids, Greeks, Assyrians, Avars, Udins and Roms. The intention is to provide a handbook based on facts rather than opinions as a tool for enhanced awareness in Georgian society on the country's multitude of national minority groups.

In the light of the Russian-Georgian crisis, and the increasingly harsh, at times even xenophobic, policies taken towards ethnic Georgians living in the Russian Federation, ECMI also embarked on a study of the situation of Georgia's Russian minority. Research on this issue was conducted in late 2006, and a report is scheduled for publication in early 2007. It is encouraging to note that among the conclusions of the report, it is observed that no measures against the Russian minority have been taken by the Georgian government in response to anti-Georgian policies carried out in Russia since a diplomatic crisis erupted in September 2006. Generally, the Russian population in the country does not face problems based on their nationality, other than a general lack of state funding for minority community activities.

A specific study of a Russian ethno-religious sect settled mostly in Ninotsminda district of Javakheti, the Dukhobors, was conducted during the second part of 2006. This group, which settled in Georgia in the 1840s having been expelled from central Russia for their religious dissent, is currently facing serious trouble with the status of their collective farm (a Soviet style *kolkhoz*). While nearly all state farms were privatized in the mid 1990s, the Dukhobor community has maintained their *kolkhoz* and now find themselves caught in a complicated legal trap that threatens to jeopardize the future existence of the community. Currently facing the threat of bankruptcy of the collective farm, thus potentially depriving the small-scale farmer community from of its of subsistence, many Dukhobors consider emigration to Russia as their

only option. Against this background, the ECMI study has undertaken to document the reasons for the unfortunate developments regarding the Dukhobor farm as a means of providing the government with information to take necessary action in finding solutions. When published in November, the report received extensive media coverage, and a roundtable at the Public Defender's Office was held with key government figures from relevant state bodies. As a result, ECMI and the Public Defender have established cooperation with the Central Tax Department, the Georgian Young Lawyers Association and the Ministry of Culture to resolve the issue, and it is expected that the legal problems can be fully resolved in the first part of 2007.

The research on the Dukhobors, which also studies the process of implementation of a current land privatization reform, has also highlighted the need for provision of more information to rural dwellers on their rights in the privatization process. According to a 2005 law on privatization, thousands of hectares of state owned land is to be privatized and a large proportion of this land is situated in regions predominantly inhabited by national minorities. To prevent tension over land ownership, it appears crucial that the rural population in minority regions (but also in Georgian inhabited regions) is properly informed about their right to acquire land. Hence, ECMI in cooperation with the Georgian Young Lawyers' Association has developed an easy-to-read publication in Georgian, Russian and Armenian, which is being distributed at a series of information-sharing meetings with farmers in Javakheti and Kvemo Kartli in relation to the privatization process.

Finally, ECMI has conducted initial research on the Roms in Georgia. There are an estimated 4,000 Roms in the country, but hardly anything is known about this particularly vulnerable national minority. The study, which will lead to a policy paper for publication in spring 2007, will provide basic information on the Romani community, and is intended for future action on Roma social inclusion by the government and the international community.

Overall, Georgia has moved slightly forward in the past year to enhance governance on national minorities. While the government has been vigorous in advancing regional — and especially linguistic — integration, concerns remain that the integration policies to an extent affect the protection of the rights of minorities. However, the Georgian government that took office after the “Rose Revolution” of 2003 remains keenly interested in furthering the integration into Euro-Atlantic structures and with the current prospects of becoming a NATO-member in the not too distant future, the country's leadership is stimulated to complete the fulfillment of its obligations to the Council of Europe, including provisions on national minorities. Although the pace of ratification, adaptation and implementation of Georgia's commitments continues to be behind schedule, government officials have appeared increasingly willing and committed to enter into policy dialogue with representatives of national minorities. There are signs that attitudes among decision makers towards national minorities are gradually, albeit slowly, changing, and that policymakers and key-government stakeholders are moving towards more ethnically inclusive concepts of state building. While this is an encouraging fact, it should also be noted that 30 dialogue alone cannot enhance participation and inclusion of national minorities in society.

The Georgian government and parliament will have to make significant progress in 2007 on enhancement of minority related legislation, governance, minority protection and tolerance promotion to show its constituency and the international community that the country's commitments are more than just declarative intentions.

A condition for promoting regional integration and defusing inter-ethnic tension in the South Caucasus, and in particular in Georgia, is the empowerment of the central government to enhance governance on minority and regional issues. Government structures in Georgia generally remain weak and lack institutionalization, in spite of some progress made after the

“Rose Revolution”. Issues concerning regional and minority issues are largely dealt with in an unsystematic and *ad hoc* manner. This issue needs to be seriously considered by the government in 2007. While there is a range of government and parliamentary bodies, which are partly responsible for these areas, there is a clear absence of an efficient state body to carry out policies in this field. In 2007, ECMI will make efforts to seek government support for the establishment of an effective central structure — be it a separate ministry or a department within an existing ministry - to be responsible for minority issues and civic integration.