

**Center for Civil Integration and Inter-Ethnic Relations**

**SOME ASPECTS OF CIVIL INTEGRATION IN GEORGIA**

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**CONCEPT**

**Tbilisi  
2011**

## Contents

<b>Abstract</b>	3
<b>Introduction</b>	4
<b>Part I - Background information</b>	
Legal aspects concerning official recognition of national minorities under state jurisdiction	5
The demographic situation	5
Minority communities in Georgia	6
<b>Part II - Building a Concept of civil integration State policy</b>	
The legacy of ethno-national thinking	9
What does the term "minority" mean?	11
<b>Part III - Civil integration policy regarding issues of:</b>	
Legislation	20
Language	22
Language and education	27
Religion	33
Culture	36
Mass media	37
International policy	38
Economic life	38
Participation in State affairs	39
Spelling of names, patronymics and surnames of citizens of Georgia	
Language of toponyms, language of the name of State authority bodies, self- governance bodies, agencies, companies and organizations	
Language of information notices	42
<b>Final Statements</b>	43
<b>Bibliography:</b>	43
Annex I	45
Annex II	46
Annex III	48
Annex IV	49

## **Abstract**

The current civil integration policy in Georgia needs the creation of appropriate legislative, political and practical conditions. Elaboration of the Concept of this policy should provide its consistency. The core idea of the Concept is that civil integration as a social process implies two elements: civic belonging and ethnic belonging. A balance of the two is of great importance to the policy of civil integration. The fundamental **priority** of human rights is considered as a basis for integration.

This work consists of an introduction and three sections. The first section contains background information. The main statements of the proposed Concept and a terminology analysis is given in the second part. The third proposes practical recommendations for the implementation of the integration policy in various spheres. Abstracts from the Georgian legislation on minority issues can be found in Annex I. Materials on discrimination as a factor of the emigration activity of minorities, a comparative analysis of the migratory intentions of Georgians and of persons belonging to national minorities are presented in Annex II. Statistics on the linguistic issues and on religious life in Georgia are in Annex III. Institutional mechanisms concerning integration of the national minorities are presented in Annex IV.

## Introduction

One of the first challenges for Georgia as it continues to solidify its democratic institutions and transition to stable statehood is to effectively manage the multi-ethnic nature of the population. Rich in ethnic diversity, Georgia nevertheless suffers from a low level of internal integration.

For long this problem did not receive due attention from the State. In general, any measures taken were sporadic in character. Still now the issue of national minorities is considered to be delicate and politically risky, and is characterized by a lack of political will. 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 has already recognised 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 recognised internationally.

Paradoxically, these achievements have had a questionable effect, because they were not combined with integration processes. An opinion exists that all the best was done regarding the granting of the rights to minorities, but nothing was done for their participation in the society at large. For example, they obtained access to education in their native language but lacked opportunities to learn 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 minority participation in official structures; there are latent or explicit tendencies towards irredentism in regions compactly inhabited by minorities. An extreme consequence of this process is the existence of separatist regimes on Georgian territory.

Georgia has a number of international obligations with regard to minority rights protection which have not been fulfilled as yet. The situation regarding the adoption of the special law is still vague. The Georgian Parliament, after some delay, ratified the Framework Convention on National Minorities. The European Charter for Regional and Minority Languages is as yet unsigned.

The mentioned circumstances have raised **an awareness of the need for a conceptual vision** of the issues related to civil integration. Recently the National Concept for Tolerance and Civil Integration and Action Plan has begun to be realized. In fact it was a first step towards the elaboration of the conceptual understanding of problems. However, there are still many problems to be resolved. Cooperation with international organizations and the local civil society is a good basis for progress in this sphere.

## Part I - Background information

### *Legal aspects concerning official recognition of national minorities under state jurisdiction*

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 of the International Covenant on Civil and Political Rights, our country submitted a report on the realization of all provisions of this Covenant, including those of 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 Georgian legislation contains provisions for the presence of national minorities on the territory of Georgia. There are such provisions in the Constitution of Georgia that are made for direct or indirect official recognition of minorities quite apart from other legislative acts given below.

### *The demographic situation*

Data from the Georgian census is another confirmation of the official recognition of minority populations existing on Georgian territory (See Table 1).

	1989		2002	
	Total	%	Total	%
Total in Georgia	4,400,841		4,371,535	
		100		100
Georgians	3,787,393	70.1	3,661,173	83.75
Abkhaz	95,853	1.8	3,527	0.08
Ossetians	164,055	3.0	38,028	0.87
Armenians	437,211	8.1	248,929	5.69
Russians	341,172	6.3	65,671	1.55
Azeris	307,556	5.7	284,761	6.51
Greeks	100,324	1.9	15,166	0.35
Jews	24,795	0.5	3,772	0.1
Ukrainians	52,443	1.0	7,039	0.16
Kists			7,110	0.16
Others	70413	1.6	36359	0.8

State Department of Statistics

The data shown in Table I provide evidence of drastic changes in the structure of the population since the 1989 census. The proportion of minorities decreased from 30% to 16%. 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 same can be observed with the Greek minority. They made up 66% of the population in the Tsalka region in 1989; their number has now been diminished more than threefold. There has been a significant decrease among Armenians – from 8.1% to 5.69%. The only minority group whose share grew is the Azerbaijani minority – from 5.7% to 6.5%.

These changes took 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 this represents

12% of the reduced population. Emigration proved to be one of the coping strategies of a population in a situation of deep economic crisis.

Similar changes occurred in all former Soviet republics, where a homogenisation of the population structure at the expense of minority groups can be observed.

Some politicians attempted to prove that the increase in emigration is due to discrimination against minorities in Georgia. However a series of sociological researches was conducted to determine the role of discriminative factors in the respondents' motivation to leave the country (See Annex II). Economic hardship, unemployment and uncertainty, but not discrimination is the most significant factors for emigration. In all four research studies conducted, discrimination was not listed as one of the main factors of emigration. Most members of minority groups left Georgia for their country of origin - Greeks to Greece, Jews to Israel, Germans to Germany and Russians to Russia. Their repatriation took place, and was initiated on a **voluntary** basis. At the same time about 500,000 ethnic Georgians became the victims of the ethnic cleansing in the rebellious regions of Abkhazia and South Ossetia.

In all cases, the lack of integration results in the vulnerability of minority groups, particularly during an economic crisis.

#### *Minority Communities in Georgia*

The difficulties of forming a state policy on the integration of national minorities in Georgia arise because of the complexity of the phenomenon of national minorities. We can observe all possible varieties of characteristics here. Minority groups differ from one another in terms of numbers, 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 the fact that ethnic Abkhazians comprised only 17% of the population of that autonomous Republic. They occupied dominant positions in all significant public and private sectors and proved to be the 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 Azerbaijanis and Armenians live both in compact and dispersed settlements. Some compact settlements cover whole regions: Javakheti is inhabited mostly by Armenians (over 95%); Kvemo Kartli by Azerbaijanis (from 40% to 80% depending on the locality). Thus, Georgians, the majority in the country, represent the minority in certain regions.

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

can be observed in Ossetian villages situated in Shida Kartli 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 the Armenian villages in Kakheti and Abkhazia, as well as the Azeri villages in Shida Kartli. The same is true of Osseian villages that are situated in Shida and Kvemo Kartli and Kakheti. Dukhobor villages in Javakheti, for instance, can be also considered as such, but after the emigration of the Dukhobors the only island-like village that remains is that of Gorelovka.

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

In some cases, minorities live in small compact settlements within a large city: for instance Armenians inhabit Avlabari district, and Azerbaijanis inhabit Ponichala and Soganlugi districts in Tbilisi. Some minorities form small compact enclaves in a number of regions such as Kurds in Tbilisi. The same can be said about Chechens and Avars (Lek) in Kakheti.

Some regions densely inhabited by minorities adjoin the borders of their historical motherland; for example 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 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. For example, Azeri villages in Kakheti are sited along the border of neighbouring Azerbaijan and the Armenian villages in Kvemo Kartli are located along the border of Armenia.

Two national minority communities have historical motherlands, which have no form 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 economic and political patronage.

Representatives of about 90 ethnic groups were recorded by the last census and not all are united in communities. There are also small communities, such as the Czechs, Latvians or Bulgarians comprising approximately 100 persons, who actively work to preserve their identity.

Such a phenomenon as "the majority in the minority" exists in Georgia. This situation arises when ethnic Georgians residing in areas of a compact minority settlement, become a *de facto* minority.

The majority of national minorities present on Georgian territory have lived in Georgia since ancient times. Jewish settlements in Georgia appeared no less than 26 centuries ago. The latest wide-scale immigration took place in the period of Socialist

industrialization and was of such intensity that it affected the number and national composition of the whole population.

Historical aspects have determined the degree of inner homogeneity within the community groups. For example, the Armenian population of Georgia includes groups that have lived in Georgia for centuries. These communities have proved to be better integrated than Armenians who arrived in Javakheti in the nineteenth century, after Georgia's annexation by Russia, and whose geographic and cultural isolation has hindered their integration into the broader society.

The Greek minority can be divided into the Greek-speaking community and that speaking Turkish (mainly in the Tsalka region in the second case). Azerbaijanis living in Kvemo Kartli can hardly speak Georgian, contrary to those from Shida Kartli who have a fair knowledge of the language because they were educated in Georgian secondary schools.

The collapse of the Soviet Union 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 dramatically. However, in comparison to other national minorities, Russians still have a well-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 the majority in the Tsalka region a few years ago, but now they are in a 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.

Most of the religious believers in Georgia are Orthodox Christians. Some are Catholics, others Gregorians or Protestants. There are also Adjarian Georgians and persons belonging to certain other ethnic minorities such as the Azerbaijanis, Kists, and Leks who are Muslims. There is also, as has been mentioned, a Jewish community in Georgia. Some groups adhere to pagan types of religion such as Yezidism.

With the advent of Protestant communities severe problems occurred. These communities were considered as being non-traditional in Georgia and they were accused of proselytism and thus undermining the position of the Georgian Orthodox church. Some unpleasant incidents took place.

Ethnic communities are not necessarily homogeneous in terms of religion. Some Armenians are Gregorians while others, such as those in Samtskhe-Javakheti, are Catholics. The Abkhazian community mixes rites of several religions, namely totemic cults, Christianity, and sometimes Islam.



## Part II - Building a Concept of civil integration State policy

### *The legacy of ethno-national thinking*

The impediments to developing a national Concept of civil integration of national minorities include not only the complexity of the phenomenon concerned. Some ideological and cultural factors concerning ethnicity and nationality that were inherited from the Soviet part need to be neutralized.

Georgia, like other countries of the former Soviet block, was accustomed to a so-called ethno-national mentality. According to it, territorial divisions – the republics of the USSR – were based on ethno-national cleavages. In this way, the constituent republics were organised around a titular nationality, and representatives of other ethno-national origins were considered as minorities.

On the other hand, it considers a minority to be either part of a greater ethnic nation, which has its own statehood, or to be an ethnic-nation, living in a given country, representing numerically a small group, which has not any form of statehood. This view can be dangerous, as in its most extreme form it 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 understanding is opposed to the notion of "state-nation" that is a sum total of the persons living permanently within the borders of the territory of a State that can be multi-ethnic, multi-cultural etc. The notion of "state-nation" puts great emphasis on the principle of political citizenship rather than on ethnic belonging.<sup>1</sup>

During Soviet times ethno-nationalism was balanced by proletarian internationalism that implied the notion of the so-called "sovetskiy narod" ("Soviet people"). In other words, ethnic particularism was subsumed under the umbrella; this notion was considered to be a base of the state-nation and was used as a mechanism of integration. After the collapse of the USSR, this counteracting force no longer existed and ethno-nationalism became dominant.

Ethno-nationalism results in the segmentation of society. It solidifies and codifies ethnic differences rather than relegates such differences as secondary to a unified political identity. Society turns into a conglomeration of coexistent ethnic groups. There is variety rather than unity in society. In communist times, nomenclature mechanisms maintained the balance between the majority and minority groups. This implied quotas of ethnic group representation in the structures of authority.

Simultaneously historical traditions of tolerance should not be ignored in this respect. It is essential to ethno-nationalism and is based on the traditional division of labour, when members of ethnic groups are associated with a certain economic and social niche. As a minimum, this tolerance shows the ability of societies to resign them to the *status quo*. But tolerance inherent in ethno-nationalism is limited. The stability it provides is fragile and liable to internal and external conjecture. For example, our

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

population though tolerant towards various traditional types of religious faith, proved to be aggressive when confronted with non-traditional Protestant sects. In civic societies, tolerance is based on a rationally grounded set of values and is therefore flexible and dynamic.

Such tolerance could not, however, eradicate distrust between the majority and the ethnic minority and this undermines the stability of societies adhering to ethno-national principles.

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, while 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.

The question as to whether it was necessary to withdraw the ethnic origin from identity documents proved to be a test as to whether the population was prepared to conform to the standards of a nation-state society. Supporters of the withdrawal of ethnic origin from identity documents shared the opinion that this would contribute to the strengthening of civic society and its institutions. The main argument used was that the ethnic origin of citizens should not be of juridical significance and should not be subject to State regulation, as everyone has equal civic status regardless of his ethnic origin. The idea that ethnic requisites are of a discriminatory nature and that they are associated with the segregation of minorities was also expressed.

Their opponents expressed the fear that innovation could provoke conflicts, especially in regions of compact residence of minorities because it would be construed as an attempt to deprive them of their "nationality" and to assimilate them. Georgians could also misunderstand the motives because they were not ready for this innovation. They complained that the dominant position of the Georgian people would not be secured economically and demographically. Finally, they stated that if the ethnic origin were certified by a document, it would simplify the elaboration of policies regarding national minorities.

Poor civic self-identification is one of the main consequences of ethno-national thinking. One can meet Armenians in Javakheti who barely tolerate the idea of being citizens of their country of residence. We are also aware of cases where some Azerbaijanis, who participated in the presidential elections, looked for the name of the president of the neighbouring country on the voting-papers. One of the leaders of an NGO based in Javakheti said that they have no outlet to the sea. As everybody knows, Georgia has an outlet to the sea whereas Armenia does not. So it could not be the opinion of a genuine citizen of Georgia.

This thinking causes the phenomenon of indirect loyalty. This takes place when the ethnic group loyalty is determined by relations with its motherland and the country of civic belonging. At worst, there is only one step from such an attitude to real irredentism in the Kvemo Kartli and Javakheti regions.

Unfortunately, Georgia has faced the most tragic events provoked by ethno-nationalism in Abkhazia and South Ossetia. 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 these regions. Some experts try to prove that nations (ethno-nations) should have their own State because they are the autochthonous population on a certain territory. They insist that statehood is a necessary guarantee for the preservation and the development of the ethno-nation entity. As a result, we witnessed regimes of apartheid in these autonomous entities. Attempts to develop an ideology of exclusiveness took place, which was based, on mythological ideas of the people having an "Aryan background" as in the case of South Ossetia.<sup>2</sup>

The events that occurred in Georgia in the beginning of the 1990s constitute an implementation of this understanding in regards to the Georgian ethnos itself. The slogan "Georgia for Georgians" aggravated the disintegration of unity of the whole society. A very dominant ethnos was disintegrated. A struggle for political dominance among sub-ethnic groups took place.

In an advanced civic society, the development of sub-ethnic groups is considered to be normal. Such groups should also have rights for the preservation of their identities. Ethno-national thinking attaches political importance to these claims and they are considered to be dangerous for the unity of the dominant ethnos.

The main **aim** of the policy on civil integration is:

- Creation of legislative, political and practical conditions for the overcoming of ethnocentric tendencies and replacing them with civic society institutions.
- Integration is a process that implies two elements: civic belonging and ethnic belonging. A balance of the two is of great importance. **Integration means the active and effective involvement of the members of national minority groups in all spheres of the 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 the creation of material and cultural values. At the same time, these persons would enjoy all rights entitled to them as members of a minority group.

*What does the term "minority" mean?*

The absence of a working definition of "national (ethnic) minority" hampers the elaboration of an integration policy.

Fundamental international documents do not contain officially recognized definitions. The title of the "Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities" is an example of the refusal to make strict distinctions between these terms. As a rule, definitions differ from country to country and from expert to expert. Specialists are continuing to work hard on this problem<sup>3</sup>.

We face the same problems in Georgia. Official bodies justified the delay in the ratification of the Framework Convention by the absence of consensus on the

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<sup>3</sup> A Dangerous Balance: An Essay on Caucasian mentality ... minelres@mailbox.riga.lv> Original sender: **Guram Svanidze**

<sup>3</sup>UN Documents: E/CN.4/sub.2/AC.5/1996/WP.1 14 February 1996; E/CN.4/Sub.2/AC.5/1997/WP/1 2 April 1997;

definition of minorities, which was a procedural requirement for the ratification of the Convention. The definition adopted at the moment of ratification did not meet the required standards. It stated that minorities that live compactly in Kvemo Kartli (Azerbaijanis) and in Javkheti (Armenians) were considered to be the beneficiaries of the Convention. But they account for approximately only a half of the minority population residing in Georgia.

However, some common experiences have accumulated. Thus, in existing definitions the main emphasis is placed both on the numerically inferior positions (the "objective factor"), and on the desire of the members of the concerned groups to preserve characteristics that distinguishes them from the rest of the population (the "subjective factor").

The numerical factor is of utmost importance 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 State<sup>4</sup>.

The crucial point in the elaboration of a definition is the recognition of the "dominant" group e.g. Georgians in Georgia and therefore "non-dominant" groups i.e. national minorities. Georgians dominate not only numerically, their language is the state language, and Georgian legal and political traditions serve as a basis for the whole society.

Local peculiarities should be taken into account. One of these is that we are dealing with three types of minorities in Georgia. The **first** are minorities that live in dispersed settlements and in inferior numbers. The **second** type is regional. At this level the ethnic preservation issues develop into the administrative-territorial arrangement of regions that are compactly inhabited by minorities. The **third type** is of a political character and involves problems of political autonomy.

These types 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 in the first type; federalization issues and problems regarding the regional status of the languages of minorities are raised in the second type; arrangement of the optimal interrelations between autonomies and centre appear in the third type.

Our experience of relations with members of minority groups shows us that many of them 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. Another reason is that the more direct the contacts with the mother country, the more compact is the settlement, the more minority groups enjoy state-political attributes, the less they express the desire to be given the status of minorities.

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<sup>4</sup> 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

There are no problems with the first level in Georgia. Difficulties arise at the third level and partly at the second. Even a suggestion that Abkhazians and South Ossetians belong to minority groups can provoke a furious protest. They resort to argument: "Georgia consists of many nations and not only of one". It is used to confirm the claims for separation, for the entire self-determination of the people and not as a minority group. So, only those Ossetians who do not live within the territory of South Ossetia are considered to belong to a minority group.

A UN document (E/CN.4/Sub.2/AC.5/1997/WP/1 2 April 1997) recommends not to include in the definition those groups which have become a people and have claims on self-determination. World consensus should exist in such a case. There is no world consensus on the self-determination of the Abkhaz and Ossetians. 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 that should help them to survive in conditions of modernization.

Abkhazians have no such problems. Moreover, they are in a dominant position within their autonomous region, despite the fact that they represent a minority in the region. This is due to their *autochthonous status* by virtue of which they should have an autonomous status. This point of view is traditionally accentuated in Georgia. However, *autochthonous status, political autonomy* is not a reason for excluding Abkhazians from the list of minority groups as being numerically small and non-dominant on the **whole** territory of Georgia.

The same can be said about Ossetians in Georgia. As already mentioned, we should consider separately Ossetians as a minority group living within their autonomous region and those who live in other regions of Georgia. As result, they enjoy different regimes of protection of their rights. Another point is that there is an Ossetian autonomous entity in the Russian Federation which is considered to be an *autochthonous territory* for this ethnos.

There is more certainty concerning Azeris and Armenians who live compactly in Kvemo Kartli and Javakheti. As mentioned, these regions adjoin the borders of their historical motherland. The territories have no special legal status. The fact that they Azeris and Armenians make up the majority or have a hypothetical status as subjects of a federation is not a sufficient reason to be excluded from the list of minorities within 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. However, this criterion is irrelevant in Georgia because thousands of people -mostly Russians- became citizens of the RF but continue to live in Georgia as foreigners. We think it is more appropriate to consider a permanent residence and not a citizenship as a prerequisite for minority groups to be a beneficiary of appropriate protection and integration programs. This factor was defined in Hungarian law: 100 years of residence of the minority group in the country is a precondition for entitling its members to a minority status. But this condition is of a formal nature. In Estonia those persons who arrived

after 1940 were deprived of citizenship and of the possibility to obtain the status of a person belonging to a minority.

It could be helpful to use a clause on traditional historical links with Georgia, which could for instance imply active participation of the members of minority groups in Georgian society. This clause could work in spite of its vagueness.

An interesting opinion was expressed that numerically small groups of Assyrians and Kurd-Yezidis are genuine minority groups because there is no form of statehood in their historic motherland.

The linguistic factor is also of significant importance. It is symptomatic that in some countries the term "linguistic minority" is used instead of "national" or "ethnic minority".

We can observe a certain underestimation of this factor in Georgia. The population itself does not distinguish linguistic from ethnic belonging. There is a confusion of notions. A stereotype exists in accordance with which the linguistic and ethnic origins are one and the same. Distinctions are made between the so called "first" and "second" language. Unfortunately, this phenomenon is poorly studied. The last census data show that 98% of respondents of Georgian origin living in Tbilisi declared their native language to be Georgian. A similar response (89.5%) was recorded among respondents from the minority groups (See Annex III). In Tbilisi Russian language is more often considered to be a native language among members of minority groups than among Georgians. For example, 6.8% Armenians and 3.8% Georgians made this statement. In regions compactly inhabited by minorities, persons belonging to the non-Russian ethnic groups, state that the Russian language is more frequently used than Georgian. Ossetians in Tbilisi are an exception, as 12% of them declared Georgian was their native language.

However, one can suppose that the number of the Russian speaking people in Georgia exceeds the number of the Russian minority to a more significant degree.

The specific position of the Russian language in the autonomous regions should be emphasised. Constitutions of these regions state that Russian is the official language. This is not only a political step to demonstrate the loyalty to Russia of these rebellious regimes 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 of 2002 was not carried out in those areas.

Similar peculiarities may be observed in the religious sphere. According to the census data, the number of both Georgians and members of the national minority groups 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 Annex III).

This phenomenon is normal in the case of Jews and Yezidis, when group membership depends upon religious faith. In other instances, however, we witness both the prevailing influence of the ethnic factor. Confusion often arises when some Orthodox movement for the purity of their religious credo turns to chauvinistic slogans. In other

words, linguistic and religious belonging are considered to be features of the ethnic group rather than a separate phenomenon.

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 notions of "national minority" and "ethnic minority", "linguistic minority" and "religious minority". Nevertheless, other documents are mentioned, in which ethnic, linguistic and religious minorities are considered to be attributive to the notion of the "national minority" (e.g. 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 Persons Belonging to National Minorities (21 October 1994).

More clarity can be obtained if we proceed from the fundamental **priority** of human rights as a basis of the integration.

These rights are divided into three different levels:

**The first level** - human rights as rights of a human being i.e. rights to life, to self-identity, etc.

A guarantee of the first level of rights is a prerequisite for the realization 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. These rights should not be regarded as privileges. In fact, they are an additional form of protection of socially non-dominant and vulnerable groups, such as national-ethnic, religious minorities.

This scheme in fact coincides with the logic: "If we admit civic belonging as inherent to an understanding of the "state-nation" as a *universal* category, belonging to a minority group (ethnic, religious, linguistic) in this context is of a *particular* nature".

The third level rights are particular in respect to the second ones.

The individualistic aspect is very topical in the drawing up of a definition of what is a national (ethnic) minority. In democratic societies every person is considered to be free in his choice. This point is stressed in the international conventions; 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.

At the same time collective rights should not be underestimated. So as to make a bridge between these, a notion of the "**person belonging to**" is used in international documents.

The ambiguous nature of this notion should be mentioned. This "belonging" could be a matter of individual choice or it could accentuate the ascriptive nature of a person's adherence to collective rights. A person freely takes upon himself obligations associated with membership of a group. At the same time nobody can deprive a group of a right to determine criteria for its membership.

We can trace the transition a notion into another within the framework of the human rights scheme. At the second level we deal with citizens or individuals "in their own capacity" etc. who become part of a "**national minority**" when freely making their choice to participate or not in an ethnic group, or to admit or not their belonging to a particular specific group, whether ethnic, religious, linguistic. At the third level we deal with members of a specific group. A person becomes a member an of "**ethnic (or religious, or linguistic) minority**" when he represents a particular group not as a person in his own capacity, but whose membership of a particular group is of an ascriptive nature.

The second and third levels are closely interconnected. If there are effective guarantees for the protection of the second level rights, there are favourable conditions for the realization of the third level rights associated with belonging to minority groups. A breach between levels is fraught with serious consequences. Thus, a person could ignore his civic duties and give preference to the particular interests of his group. In extreme cases, membership of a particular group overrides all other loyalties. In such cases we face the processes that oppose integration. It can take the form of the **self-isolation** of a person in a particular group. On the other hand, it can be a state policy to exclude some groups of the population from participation in society, i.e. **segregation**.

The extreme manifestation of this imbalance is **separatism** and **irredentism**. Both represent an active form of opposition to a society in general, to its state institutions and also to the dominant ethnic group. The aim is to break up the territorial integrity of the State. In the first case it is realised by means of the creation of an alternative unit with its own system of citizenship and, in the second case, by civic re-identification towards the civic institutions of another country.

As already mentioned, the assumption that the Georgian ethnos, its language and culture are in a dominant position in the country was considered as the objective precondition of a civil integration policy. But this circumstance should serve as a basis for civil integration and not be in contradiction with the multi-cultural principle. So, during discussions of issues concerning civil integration policy, representatives of minority communities expressed fear 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 the dominant ethnic group.

First of all, **assimilation** implies, especially in its more violent forms, a deliberate rejection of the necessity to preserve and develop the language, culture and self-identity of any particular group, so as to force their members to change their identity in favour of the dominant ethnic group. So this policy is opposed to the very notion of **integration and** implies balance.

Assimilation can be **voluntary**. There is the right for a person to change his identification from the group of his ethnic origin to identification with the dominant ethnos or with citizenship institutes. This not only regards members of a minority group, but also members of the majority ethnic group. A person may, for instance, refuse to be regarded as a member of his particular group because he thinks that there are not satisfactory conditions for his personal development within the ethnic community and he strives for self-realization within the civil society.



Assimilation, whether voluntary or forcible, could also mean a change of the person's identification with the group of his ethnic origin to identification with another non-Georgian community, or again it could be a change from his identification with a Georgian ethnic group and its citizenship to belonging to an ethnic group of his choice.

As already stated, the principles of a multi-cultural society form one of the main values of civic society. The way in which these cultures interact determines the type of integration that is possible - **mechanical or organic**. In the first case there is a mere coexistence of communities. Organic integration is a prerequisite for mutual enrichment, when a synthesis of the most valuable elements of various cultures takes place.

**Mechanical** interaction could be based on the principles of **double standard**. This pattern implies an unstable balance. It hampers the formation of confident interrelations between communities and between communities and State. No criticism is offered against officially declared society values, but as a rule particular interests prevail.

**Monism** is in the opposite category of the double standard. Monism is something like utopia that is free of any contradictions. It becomes monstrous when attempts occur to realize it in practice, as took place in the Stalinist era. An absolute domination of the state over civil society and ethnic communities was inherent to it.

Interrelations based on double standard entail many risk factors. For instance, such a psychological phenomenon as "**cross-pressure**" is intrinsic in this situation. The greater the difference of objects of identification, the greater the frustration engendered by the "cross pressure". Inner cross-pressure can be severe and can lead to a social or psychological crisis. Several reactions are possible to overcome this problem: isolationism, assimilation or active interaction.

We should bear in mind that the building of the Georgian civil society is conditioned to the overall process of **modernization**. It is associated with internalisation of Western values. In the case of double-standard, this phenomenon aggravates the cross-pressure situation and inevitably makes the process of integration more complicated. In any case, civil society, if based on organic integration, should be more capable to resist external challenges.

Here is a draft definition on national minorities. It is of a general character.

Emanating from the  
individual aspect of human rights and freedoms (1)

taking into account the objective characteristics:

- quantitative aspect (2),

taking into account the distinctive:

ethnic (3),

- linguistic (4),

- religious peculiarities (5);

- type and duration of the links with Georgian society (6),

- non-dominant position on the whole territory of the country, irrespective of the status of the territory of residence (autonomy, for example) and type of residence - compact or dispersed (7),
- existence or not of a historical motherland (8),

Taking into account the subjunctive characteristics:

- the desire of a person to preserve and develop his distinctive identity individually or in cooperation with other members of a group (9)

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

*"A person can be classified as belonging to a national minority if he  
 (1) has a desire personally or in cooperation with other persons to preserve and develop his ethnic, linguistic or religious identity  
 (2) who permanently resides in Georgia,  
 (3) and who belongs (freely or in ascriptive manner) to a group which is distinctive as to its ethnic, linguistic and religious characteristics,  
 which has long traditional links with Georgian society, its culture and its history  
 which is non-dominant and numerically in minority, regardless of the status and type of residence or of the existence of a historical motherland".*

As for the draft definition on **ethnic minorities** we should respect collective rights, right of a group to determine criteria of its membership.

So, emanating from the respect towards collective rights of a group (1) taking into account the objective characteristics:

- quantitative aspect (2),
- taking into account the distinctive:
- ethnic (3),
  - linguistic (4),
  - religious peculiarities (5);
  - type and duration of the links with Georgian society (6),
  - non-dominant position on the whole territory of the country, irrespective of the status of the territory of residence (autonomy, for example) and type of residence - compact or dispersed (7),
  - existence or not of a historical cultural motherland (8),

Taking into account the subjunctive characteristics:

- the desire of a group to preserve and develop his distinctive identity individually or in cooperation with other members of a group (9)

We can suggest a provisional definition of an "ethnic minority":

*"A group can be classified as belonging to an ethnic minority if it  
 (1) has a desire to preserve and develop his ethnic, linguistic or religious identity  
 (2) who permanently resides in Georgia,  
 (3) is distinctive as to its ethnic, linguistic and religious characteristics,  
 which has long traditional links with Georgian society, its culture and its history  
 which is non-dominant and numerically in minority, regardless of the status and type of residence or of the existence of a historical cultural motherland"*

These definitions are of a general character. They reflect differentiation of the mentioned second and the third level rights.

These versions and Georgian legal and political traditions serve as a basis for integration process. These versions of the definition could not have a legal status and so it could not serve as a definition of the beneficiaries of the Framework Convention for the Protection of National Minorities to be presented to the appropriate EC bodies. It should proceed from the availability of the legal, political and economic resources so as to be realized. It has been mentioned, that representatives of about 90 ethnic were groups were recorded in the last census in Georgia. It would not be reasonable if our State included all of them in the definition of beneficiaries of the Convention, nor was it correct to limit their number to two ethnic groups, as was done before. In general, the practice of formulating definitions is not the best procedure. They inevitably contain vague clauses and statements that could be a cause of misunderstanding.

No doubt, the State's strategy is to **protect** the rights of all groups and thus to **oppose** the prohibition or restriction of their rights. However, it is impossible to guarantee total equality in this respect. It is preferable to accent the most topical problems in this sphere.

We have analysed three level problems concerning the State and minorities. They are the rebellious regions of Abkhazia and South Ossetia and regions densely inhabited by minorities. However the number of minorities which live dispersedly should not be ignored. Following this statement, the State should elaborate a two-level strategy towards minority groups in the following manner: the State should

- Fully **provide** for the realization of minority rights and fulfils its obligations in this area at the expense of the central and local budget; in addition other sources of finance should be provided.
- **Facilitates** and/or **encourage** private initiatives of minority groups; it should not impede access to rights and should ensure access to the various grants, donations programs of assistance from the motherland and international organisations, etc.

There is an alternative procedure to the submission of the definition of the beneficiaries of the Framework Convention a list of which could be provided. Following from the two-level strategy a list of groups may be drawn up. The first level regime rights protection could be mainly realised in the autonomous regions of Abkhazia and South Ossetia, in regions where minorities reside densely (Kvemo Kartli, Javakheti) or, reside in dispersed settlements, comprising numerically big groups. It is reasonable to consider this category of minority group as main beneficiaries of the State policy.

The second level regime is applicable to the numerically small groups which express their desire to develop and preserve their identity.

**Positive discrimination** or affirmative measures could be provided too. Their implementation could be possible where there are obvious indicators of the vulnerability of the group. For example some minority groups, such as Kurds and Assyrians, are in a vulnerable position because there is no State structure in their historical motherland. In such cases, positive discrimination can be justified.

### **Part III – Civil integration policy regarding issues of:**

## Legislative sphere

The lack of a conceptual understanding of the problems of protection and integration of national minorities has hampered legislative processes in this sphere. The situation is aggravated by the requirements of international organizations concerning the necessity 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 view 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. It would not help the formation of a common civil identity in the country, but would on the contrary promote group egoism. Even leaders of several minority communities share this opinion. According to them, the working out of special legislative acts on minority protection issues gives rise to an inferiority complex in itself, and the concept of «national minority» causes resentment.

It is also considered that the presence, in the Constitution, of statements, ensuring minority rights (article 38) excludes the necessity for other regulations.

Some experts think that the enforcement of a universal principle of non-discrimination is a sufficient guarantee for the protection of minority rights.

The current economic hardship is considered as an argument for the inability of the country to undertake measures in this sphere.

The most extreme thinking is that the entitlement of minorities to special rights would only hamper. There is no assimilation policy in Georgia. More specifically, there is no danger for the minorities to lose their self-identity and their native language. However, representatives of the minority groups frequently do not know the official State language. An absurd situation arises when some minority representatives construe a request for knowledge of the State language as an attempt at forcible assimilation.

In our opinion, the question whether laws are needed in this matter could be determined by in-depth monitoring. As to tolerance, it is necessary to make distinctions between myth and reality. Myth, as is well-known, tends to varnish reality. Certainly, the importance of good and kind traditions is beyond doubt, but their resources are limited. We need to gain a taste for the more universal categories of legislation. It is especially important in order to regulate such complicated issues as relations between nations. It is a good sign that some NGOs now insist on the elaboration of a law.

The presence of constitutional guarantees for minority rights does not exclude the necessity for their development in the legislation.

Doubtless, it is necessary to take into account the harsh economic situation in the country and not to make too many promises too early.

There was one interesting draft Law on National Minority 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 OSCE experts also looked into it. The project was positively assessed and considered to conform to international standards in the field of minority rights protection. At the same time, the foreign experts noted that this law would prove its real value only within the general context of the whole legislation. Actually the restrictive statements referred in some cases to non-existent laws.

But the main shortcoming of the draft was that the authors tried to embrace all possible issues concerning minority rights. An "umbrella law" could be pertinent for Hungarian conditions, but not for Georgian. There are issues that should be considered by separate laws, by laws that have a different status. For example, some issues could be dealt with by subject of the ordinary law, but others by organic or constitutional laws.

The hierarchy concerning levels was discussed earlier as being *ethnic, administrative-territorial* and *political*. Special laws that comprise the first level have already been adopted. The clauses providing minority rights are contained in laws a variety of profile laws on education, language, culture, mass media, etc. Unfortunately, nothing has been done in this respect at the regional level. Even more complicated is the situation at the political level; we have to deal with problems of the establishment of peace. There is no chapter as yet in the Constitution on the territorial-state structure of the country.

It is no secret that the opponents of federalization are afraid of an escalation of separatism in the regions densely inhabited by minorities. The danger is especially real in the case where 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 monsters to be avoided.

The principle of differentiation and mutual delegation of power will serve as a basis for the constitutional law on the State and territorial structure of the country which, according to article 3 of the Constitution, will be adopted after the restoration of the territorial integrity of the country.

The implementation of the people's right of self-determination is also provided by article 4 of the Constitution, according to which the Parliament will consist of two houses - the Council of the Republic and the Senate. The Senate, in particular, will be composed of representatives elected in Abkhazia, Adjara and other territorial units of Georgia.

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 encompass all complexities and do so comprehensively, including problems at all three levels.

International monitoring groups revealed an understanding of the Georgian situation and did not insist rigorously on the immediate adoption of the laws. However, they are persistent in urging Georgia to meet the obligation concerning the adoption of the special law. Some diplomatic efforts should be made by State bodies to reformulate the existing obligation, so as to clarify issues concerning this law.

Similar collisions occur in respect of the definition of national minorities that was provided in the ratification document of the Framework Convention for the Protection of National Minorities passed by the Parliament of Georgia (#1938-Iis 2005) Officially the version presented was rejected by the UC. Neither Parliament nor society as a whole has sufficient information about the last version of this document.

Georgia is a State party of the fundamental HRI concerning anti-discriminatory issues. Such provisions are presented in the Georgian legislation but there are difficulties in their application. That is why international organizations recommend the creation of a specialized body to combat racism and racial discrimination, which would *inter alia* make legal aid available to any victims of racism and racial discrimination and would contribute to the rise of public awareness of the significance of these issues. The establishment of such a body would be a logical consequence of the membership of Georgia in the UN and a signatory of the UC Conventions on the Elimination of all Forms of Racial Discrimination.

### Language Issues

One of the manifestations of the disintegration processes in Georgia is its 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 of the integration of society. Some of the conflicts that have taken place in Georgia had a character of "linguistic" wars. The position of the State language is most vulnerable in regions densely inhabited by minority groups (Kvemo Kartli and Javakheti).

Poorly developed civil institutions, geographical isolation and bad communication infrastructure with the centre (in the case of Javakheti) might lead to negative consequences. This is even more likely to happen if the borders of these regions adjoin the borders of the historical motherland - Kvemo Kartli to Azerbaijan, Javakheti to Armenia. Incorporation of these whole regions into the linguistic and cultural space of the neighbouring States is highly possible.

The history of the migration of minority groups plays an important role. For example, Armenians living in Shida Kartli know the Georgian language much better than Armenians living in Javakheti. They migrated to Georgia in a different historical context. Javakhetians settled in Georgia when Georgia was part of the Russian empire while Armenians from Shida Kartli settled here much earlier.

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. Moreover, segmentation can easily develop into disintegration if special measures are not taken. This already occurred in Abkhazia and South Ossetia, where local separatist authorities granted a special status to the Russian language.

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. Numerous opinions were expressed by representatives of various political and ethnic groups during discussions that were held in Parliamentary committees and also in the mass media.

After creating the draft law, discussion took place as to the correct timing. The following incident demonstrates the importance of the debate. Some MPs began to blame the Chairman of the Committee on Civil Integration and the Chairman of the Subcommittee on the State Language for anti-constitutional activities, implying that they were hindering or even blocking in Parliament discussion of this draft. They demanded that these persons be forced to resign.

Some MPs used the old methods of searching for those who tried to undermine the position of the State language. A group of "vigilant Members of Parliament" verbally attacked OSCE bodies that advised the authors of the draft law, accusing them of furthering the process of globalization. They declared that they would boycott parliament if the hearings of the draft were not immediately included on the parliament agenda. When this demand was satisfied this group suddenly changed its mind and insisted that the discussion should be cancelled.

It is symptomatic that those of an arch-patriotic position oppose Georgia's signature on the European Charter on Regional or Minority Languages, fearing numerous risks for the status of the Georgian language.

Being aware of the necessity to strengthen the position of Georgian as the State language, representatives of minority groups also claim that they lack the opportunity to master it. The total lack of funds for State programs on language issues in Kvemo Kartli and Javakheti were mentioned as an argument. It is believed that some clauses of the draft in regions densely populated by minority groups are doomed not to be realized. The provision that State officials must know the State language is ignored. The provision contained in the Constitution and the Law on the State Service is permanently disobeyed in these regions. Some opponents were of the opinion that the aforementioned provision was indeed enforced seeing that there are very few representatives of minority groups among high ranked civil servants. The cause was well known - their insufficient knowledge of the state language.

There was an appeal by representatives of minority groups not to forget problems of preservation and development of the languages of linguistic minorities. Some participants in the debate believed that conferring a special status by law would not improve the situation. Constitutional provisions have already been included but they are broken.

Some experts criticized the draft for the statement that all citizens of Georgia must know the State language. They think that it is unlikely to be put into practice. In some States such an obligation is connected with the acquisition of citizenship, but not as a general obligation for all citizens. "Every citizen of Georgia is obliged, in relations with administrative bodies, to use the State language as prescribed by the law". This

statement was included in the final version of the draft. It should be highlighted that the authors took into account the opinions expressed and consequently the draft improved from one version to next. Thus, a clause which referred to non-state languages as being "foreign" was excluded after receiving harsh criticism. As a matter of fact, the Estonian law on language issues had inspired that particular clause.

According to some specialists, the content of the articles on "Language of Trade Marks", and on "Persons and Entities Liable for the Breach of the Legislation on the State Language" was an impediment in the development of the market economy. These articles widen the prerogatives of the State Chamber of Language. The population fears that new control bodies would be established and that these could be another source of corruption in the country. One further possible and dangerous consequence might be the misuse of the State Chamber of Language on the political scene.

This negative attitude arose from the provision, which requires that any person who did not receive secondary, specialized or higher education in the State language must take a State examination. This would be in order to receive a certificate that he or she would have to present to be employed as a civil servant. Critics of this provision consider it to be discriminative. They also criticize the fact that such an examination is taken at school or university. Therefore it would lead to the creation of two types of diploma with asymmetric status.

Those participants in the debate oppose the immediate passing of the draft. At best there would be one additional law that could not be enforced and that would do nothing to contribute to the development of civic society; it would result in legal nihilism and would not help to develop the appropriate relation between the State language and non-State languages. At worst, new problems would arise in the regions densely inhabited by ethnic minorities.

Some experts rely on the use of legal nihilism, believing that no problems would arise where provisions of the Constitution are ignored. A time will come when all laws will be obeyed.

Serious problems were caused by the statement that "Sakrebulo" - the representative body of local self-governance - shall be authorized to vote, by no less than two thirds of its full membership, for the use, in a manner prescribed by this law, of a language understandable to the majority of the local population, along with the state language, in the activities of Sakrebulo relevant and subordinated executive agencies".

The signs of the regional language are easily visible. The main drawback is that there exist no clauses on the regionalisation or federalisation of the country. The simplicity of the procedure, i.e. voting by means of which additional official use of a non-State language is put into practice, is also criticised.

If we look at the various problems in the light of the three structure levels (*ethnic, administrative-territorial, political*) one can conclude that the ethnic aspect is more or less covered by legislation and to in practice. The draft does not propose anything new in this regard. But regional and political levels are less reflected in Georgian legislation. A provision on the use of minority languages in State organizations in the



regions moved the draft law to the second (*regional*) level, probably to the surprise of those drawing up the document. Those opposing this law believed that the type of provision is a prerogative of the law with a higher status, while others considered it to be its main achievement.

A compromise was proposed in which a buffer time zone could be established during which this ruling would operate and could be abolished after strengthening the position of the Georgian language. Is it normal to confer an official status to a language in order to abolish it a few years later?

Some specialists expressed the idea that this statement is applicable mostly to a small number of local bodies of self-government in Kvemo Kartli, where the population is ethnically more homogenous than at the higher levels of self-government. Following such logic we would have to admit that it is also entirely applicable in Javakheti where the population is ethnically homogeneous at all levels of self-governance. Such differentiation can provoke unpleasant situations.

The topicality of these issues became acute after local political forces and NGOs in Javakheti and Kvemo Kartli actively began to bring up the question of the official status of the Armenian and Azeri languages.

The interrelationship between the Georgian and Abkhazian languages is defined in the draft law only in reference to a place name. This provision does not go far enough to clarify the situation. Giving the Abkhazian language the status of a State language may not produce a positive effect if the whole population of this region does not have equal possibilities to become proficient in this language. Bilingualism for public servants must become an obligation. If not, there will be alienation between Georgian and Abkhazian linguistic groups. Nothing was said about the status of the Ossetian language in South Ossetia.

The position of the Russian language was also ignored. In our opinion, cultural autonomies have much reserve concerning the preservation and development of Russian and other non-State languages. In any case, it is hard to predict whether this will change the status of the Russian language as one of the official languages in Abkhazia and South Ossetia. And will the new law make it possible to avoid the necessity of having a third official language - a vehicular language to use between Georgian and Abkhazian ethnic communities?

This turmoil could be avoided if a well-designed legislative policy concerning inter-ethnic relations existed. This policy of defining the system of priorities would link the regularity mechanism to a concrete draft submission. The fate of the draft law on national (ethnic) minorities is typical in this regard. It is not accidental that the draft law "On the State Language" does not cover many problems and that there is considerable reserve toward a deeper immersion into the problem.

Problems presented at different levels are interdependent and require a complex approach. Is it possible to regulate all these problems in the framework of one law, or in different interdependent legislative acts? Is it possible to adopt a law on the State language if there is no definition of an administrative-territorial arrangement in the Constitution of Georgia, which will define the character of relations between the State language and languages of compactly settled ethnic groups in the regions of Georgia?

Only after the adjustment of political relations and distribution between the centre and the "unruly" autonomous regions it will be possible to optimize the legislative regulation of language policy.

These reasons in fact became the cause for the delay in the ratification of the Framework Convention and to acceding to the European Charter for Regional or Minority Languages. It is characteristic that there is much similarity in discourse concerning submission of the mentioned law and participation of the country in the Charter. Moreover, the situation has aggravated since the discussions on the provisions of the draft law. One international expert called his Georgian colleagues to get rid of their "phobic attitudes" toward some linguistic issues. The answer was that Georgians would prefer to experience phobic attitudes and not face the reality of the occupation of two regions, which are inhabited by so called linguistic minorities.

Taking into consideration these circumstances, we can conclude that the adoption of the law on the State language, as well as to acceding to the European Charter for Regional or Minority Languages **is not of top-priority**. Before this takes place the development of constitutional provisions on the State language and administrative-territorial arrangement of the State must be defined, let alone the de-occupation issue which is a matter of concern to both the Georgian and international to the community. It is necessary to take practical measures to strengthen the infrastructure surrounding 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. The implementation of the projects and programs regarding the strengthening of the Georgian language has started and international organizations have made their contributions. Broadening NGO participation in this project is one of the main priorities.

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 including the Abkhazian and Ossetian 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 to enable 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 the authorities 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 the official mass media, the State **fully provides** for the publishing of laws and other normative acts in the language of the national minorities in areas where they reside compactly.

In the judiciary sphere:

The State provides for the usage of the Georgian language as a 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 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. As far as possible, imprisoned persons should be kept together to have an opportunity for communication.

In addition, provision is made for 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.

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 non-State languages in documentation related to contract agreements and instructions regarding safety measures. If necessary, a translation in the State language should be provided.

#### Language and education issues

The language issues in education are mainly regulated by the law on general education and law on higher education. According to article 4.3 of the Law on General Education, citizens of Georgia for whom Georgian is not the native language have the right to obtain full public education in their native language following the curriculum elaborated in accordance with the law. In these public schools learning the State language is compulsory and in the Autonomous Republic of Abkhazia learning both State languages is required. Furthermore, pursuant to paragraph 4 of this article, in some cases regulated by international treaties and agreements to which Georgia is party, teaching in foreign languages is also allowed. In those public schools learning the State language is compulsory, and in the Autonomous Republic of Abkhazia both State languages should be taught.

According to the law, national minorities may found educational institutions as private legal entities. To do so, they must obtain a relevant license for carrying out

higher, elementary or secondary educational activities in accordance with the provisions of the law.

Irrespective of the language of instruction, all public schools in Georgia are funded equally. The Constitution stipulates that full public secondary education should be financed by the government. During the last three years of the educational reform, the educational system of Georgia moved to the principle of *per capita funding*, according to which every school, whether public or private, whether using the Georgian language or not, would obtain one voucher per student.

Article 5 of law on general education defines the subjects of the national curricula; specifically paragraph 3 of the article states: “The national curriculum shall include the following disciplines and disciplinary groups:

- a) Georgian language and literature(in the Abkhazian Autonomous Republic – Abkhazian and Georgian);
- b) History of Georgia, Geography of Georgia and other social sciences;
- c) Mathematics;
- d) Natural science;
- e) Foreign languages;
- f) Physical, labor and aesthetic education”.

Paragraph 4 of the same article and paragraph 5 of article 58 indicate that in schools where the language of instruction is not Georgian, social sciences should be taught only in the Georgian language at the latest from 2010-2011. These provisions create some legislative framework for bilingual education in Georgia; however the formulation caused several problems, which will be discussed in the next chapter.

In accordance with article 7 of the Law on Public Education, the State ensures the right of every student to obtain public education in his or her own language in the vicinity of his residence. In the case where the exercise of this right is not possible through a standard voucher, the State provides a student with an enhanced voucher and/or additional financing, as approved by the Ministry of Education of Georgia through a specifically tailored program. The number of enhanced vouchers and additional financing programs should ensure access to education within a small-contingent of public schools, specialized or corrective schools, or linguistic minority schools or class if there are at least three students at the primary level, six students at basic level and 21 students at secondary level.

The Law on Public Education protects all students from any type of coercion and allows freedom of expression in their native language. Paragraph 2 of article 13 of the law states: “The use of the learning process at public school for purposes of religious education, proselytism or forcible assimilation is prohibited. This norm does not limit the right to celebrate public holidays and historical events, as well as to carry out activities directed at strengthening national and universal values”. According to paragraph six of the same article, schools shall protect and promote tolerance and mutual respect among students, parents and teachers irrespective of their social, ethnic, religious, linguistic or other belonging. Paragraph 7 of the same article states: “The school shall protect individual and collective rights of minorities to freely use their native language, and to preserve and express their cultural origin on the basis of equality of all”.

By the decree of the Ministry of Education and Science dated 22 May 2005 No. 452, “Statute of the certification of external (distance) learning“, a student is entitled to obtain education through a distance learning program in Georgian, Russian, Armenian or Azerbaijani languages. For external (distance) learners who take exams in Russian, Armenian or Azerbaijani languages but take the exam in Georgian language and literature according to the approved test, a translation from Georgian into Russian, Armenian or Azerbaijani language should be provided by the National Examination Centre. In addition, those external (distance learners) taking tests in the Russian language may not be allowed to take the test in the Russian language as a foreign language.

By decree of the Minister of Education and Science dated 28 March 2005 No. 127, the Statute of the Unified National Entrance Examinations was approved. According to Article 5.2 of this Statute, all students enrolling in the accredited higher educational institutions (irrespective of their language of instruction) are obliged to take tests in Georgian language and literature, one foreign language of the student’s choice (English, German, French, Russian), and a test on general skills.

In addition, pursuant to section 7 of the same article, students enrolling in higher educational institutions (irrespective of their language of instruction) accredited by the State may take tests in general skills, mathematics, history of Georgia and social sciences (physics, chemistry, biology) either in Georgian or in Russian. In such cases, applications should be submitted in advance.

According to Article 4 of the Law of Georgia on Higher Education, the language of instruction in higher educational institutions is Georgian, as well as the Abkhazian language in Abkhazia. Instruction in any other language is admissible provided it is regulated by an international treaty or agreement with the Ministry of Education and Science. The latter requirements do not apply to individual teaching courses. Where Georgia signed relevant international treaties or agreements on the matter, instruction in a foreign language in some institutions is allowed, and in those institutions instruction of the Georgian language is compulsory, while in the Autonomous Republic of Abkhazia both languages are compulsory.

#### *Language Policy in Education*

We have to admit that language issues are quite well regulated in the field of education. However several problems still exist.

The State provides ethnic minorities with an opportunity to obtain general education in their native language. However, paragraph 3 of article 5 of the law on general education lists the subjects, which are part of the curriculum. The native language of ethnic minorities is not included in the list. Even though the native language of ethnic minorities is taught in non-Georgian schools and almost all subjects are taught in the native language of ethnic minorities this reality is not reflected in Georgian legislature. This fact has practical implications; for instance, the Ministry of Education and Science in partnership with the OSCE High Commissioner on National Minorities developed curricula of Armenian as a native tongue and Azerbaijani as a native tongue. However these curricula were not adopted and are not implemented in non-Georgian schools. Teachers’ Professional Development Centre of the Ministry of Education and Science developed standards for teachers. The standards for Armenian and Azerbaijani language teachers have not been developed

as yet. Accordingly, these teachers will not be certified and will not be a part of the whole reformed educational system. These facts can have a negative consequence in the process of school accreditation and bilingual educational reforms.

Most problematic is paragraph 4 of the article 5 of the law on General Education. According to this, the History and Geography of Georgia, as well as other subjects of social sciences must be taught in Georgian. According to paragraph 5 of article 58 these regulations should be implemented step by step, but should be implemented at the latest by the 2010-2011 academic year. These regulations of the law are unrealistic and can not be carried out in Kvemo Kartli and Javakheti regions. Those regulations cannot be justified neither methodologically and pedagogically nor politically. To teach the subjects of social sciences in Georgian the language is realistic only for students with a high level of Georgian language competence. Thus, instead of the increasing the motivation of students to learn the state language, this initiative resulted in dropping state language classes and classes of social sciences by minority group students. Even worse, the attempt of the practical realization of this initiative gave rise to the political problems in the regions of Kvemo Kartli and Javakheti. The population perceived this initiative as forced assimilation.

Considering the issues that national minorities have been facing during the 2005-2009 unified national exams, the Ministry of Education and Science decided to introduce affirmative action plan for national minorities. Specifically, the amendment of November 19 of 2009 to the Law on Higher Education, defined the number of national minority students to pass the training program in the Georgian language. It also defined the education institutions, which are to admit students based on the results of the general skills tests alone (administered in Azerbaijani, Armenian, Ossetian and Abkhazian languages). They must allocate 5-5% for such admissions for Armenian and Azerbaijani students, and 1-1% for Ossetian and Abkhazian students out of the total number of students admitted, as defined by the National Centre for Education Accreditation (Article 52.5). Also, considering the number of entrants registered in the same year, admitted only on the results of the general skills tests administered in Azerbaijani and Armenian languages, it is possible to re-arrange the percentage allocation by decision of a higher education institution, and with the relevant approval of the Ministry of Education and Science. However the same rule regarding the Ossetian and Abkhazian languages will go into effect only from the academic year 2012-2013 (article 90.2). The mentioned national minority admission system is temporary, and will stay in effect only until 2019 (article 90.2).

The affirmative action policy positively reflected on the number of registered entrants for the 2010 unified national exams. The number increased to 335 of Azerbaijani language entrants from 250 in 2008 (a 34% increase), and to 253 from 113 Armenian language entrants (a 123.8% increase) The minority students increased dramatically and it was 294 in 2010 and 425 in 2011. The positive effect of the affirmative action policy in the admission system of Georgia is obvious.

#### *Policy Recommendation in Language and Education Bilingual Education*

- Schools and teachers should develop individual curricula for the submersion program students when enrolling the non-Georgian language-speaking students in Georgian language schools. It is important to train teachers in developing an individual curriculum.

- It is important the participants of these programs to attend the compensatory intensive classes in the state language, in order to minimize the time necessary for studying the state language, and to minimize the resulting low academic standing.
- It is important to inform parents about the negative effects of the submersion programs, in terms of the lingual, cognitive and social development of the children.
- It is important to focus on ‘strong’ bilingual education programs, despite the difficulties connected with the implementation and administration of these programs.
- It is important to provide schools with the necessary methodology and human and financial resources, to enable them to plan and implement ‘strong’ bilingual education programs. It is therefore important to ensure a significant increase in funding for the schools that run the bilingual education programs.
- It is important to continue awareness raising activities with parents and communities with regard to increasing the efficiency of bilingual education.
- It is important to develop the mechanisms for encouraging the participation of parents and communities in bilingual education reform process
- It is crucial that the National Curriculum and Assessment Center develop the recommended models of bilingual education for schools, to simplify the individual program development process for schools;
- It is important to conduct preliminary assessment of student language skills and academic performance in the pilot schools for bilingual education.
- It is important to identify the efficiency measurement mechanisms for the bilingual education programs.

The following policy measures should be taken in order to ensure the success of the of bilingual educational reform.

#### *Preschool Education*

- Initiatives of the Ministry of Education and Science that envisage the opening of preschool education centers in public schools, with the view of increasing the access to preschool education, are important. It is recommended to continue these initiatives and cover all non-Georgian language schools, especially in rural areas, where no preschool education institutions operate.
- The program of the Ministry of Education and Science envisages support to the instruction of the Georgian language in preschool education centers. It is recommended to focus on bilingual education rather than on focusing only on instruction in Georgian.

#### *Curricula and Textbooks*

- It is important to reinstate the requirement of exposing the diversity of Georgia in the textbook approval procedures;
- It is important to reflect the national minority languages as part of the curriculum in the legislation, to approve and implement the national minority native language curriculum and to start working on textbooks

- It is crucial to defer the requirement of instructing the History and Geography of Georgia and other social sciences in the state language until 2016, and to target only the secondary school levels. The instruction of social sciences in the state language will become benchmarks for elementary and secondary levels of non-Georgian language schools, and schools will guide their strategic planning according to these benchmarks.
- It is recommended to develop an intercultural cross-subject approach in curricula, which will ensure reflecting the diversity in Georgia, and to develop intercultural sensitivity among the students of Georgian and non-Georgian language schools.
- It is important to increase the number of hours of instruction of Georgian as a second language and its regulation based on the bilingual programs provided by schools; to ensure increased freedom of schools in allocating academic hours for languages.

*Certification of Teachers, Professional Development, Future Teachers Training*

*(a) Professional Training for Teachers*

- It is important to increase the funding for the non-Georgian language school teachers' professional development programs and to support the work of relevant providers, to enable them to attract more professionals, translate teaching materials into minority languages, and to use translation services if necessary.
- It is important to incorporate Armenian and Azerbaijani as native languages into the subject matter list of the teachers' certification provisions. This will allow the opportunity to obtain a teacher's license for these languages, and will entitle them for corresponding social benefits, as well as will enable the educational institutions to train new staff in these disciplines.
- It is important to adopt standards for teachers of Georgian as a second language, and to base the teachers' certification and professional development programs on those standards.
- It is important to develop the professional standards for teachers of bilingual programs, as well as to ensure their professional development.
- It is crucial to employ motivation mechanisms for teachers of bilingual programs (for example, incorporating a bonus system in the bilingual program teachers' remuneration formula), in order to ensure teachers' interest in professional development and bilingual program teacher certification.
- It is important to provide training in the state language for teachers of non-Georgian language schools, in order to enable the teachers to extend their teachers' licenses through enrolling in professional development programs and certification tests, from 2014. This is important for ensuring the successful implementation of the bilingual programs, especially for 7-12 grade levels.

*(b) Training of Future Teachers*

- Developing an incentives system to increase the attractiveness of the teaching profession;
- Development proper Quality Assurance mechanisms for teacher education program by National Centre for Educational Quality Enhancement;



- Implementing the bilingual program teacher education programs in institutions of higher education, based on the bilingual program standards, developed by the National Center for Teacher Professional Development.
- To develop incentive system for students admitted within the frameworks of the affirmative action policy to attract them on teacher education programs at higher educational institutions of Georgia.
- Develop a contract system for those students enrolling through the affirmative action plan, on education programs in institutions of higher education, and/or provide funding by the government for bachelor and master degree levels. Based on the contract system, the students may agree on the obligation to work in Samtskhe-Javakheti and Kvemo Kartli regions for a certain period of time, in exchange for the funding/privileges provided by the government.
- Incorporation of intercultural education classes as required courses in all teacher training programs in Georgia.

#### *Unified National Exams*

- Improved awareness raising about the affirmative action policy, especially in the Kvemo Kartli region, to ensure the quota are maximally used by national minorities
- It is important to elaborate the levels of Georgian Language Proficiency to identify the levels of the level of language proficiencies, which will be sufficient for the students to continue the studies in the state language.
- It is recommended, the quotas to be allocated in respect to the professions, and it is very important to concentrate on the professions that are easier to be regulated (teachers, doctors, lawyers);
- It is important to develop a contract system, to ensure the employment of students, who enrolled in their regions via the affirmative action policy.

#### *Adult Education*

- It is important to expand the network of the ‘Language House’, and cover such areas as Marneuli, Tsalka, Gardabani , Akhaltsikhe as well as the Kakheti region;

#### Religious issues

No one doubts the fact that Georgia has a rich history of coexistence between the various confessions. However, nowadays there are still some problems concerning religious minorities’ rights in society. These problems are not as serious as they used to be when some members of the Apostolic Orthodox Church led by excommunicated priest Father Basil provoked acts of vandalism against the so-called “non-traditional” sects. Official church bodies and representatives of society condemned these cases of fanaticism and extremism. Father Basil and some of his followers were imprisoned. However, arbitrary interpretations of notions of “traditional and non-traditional confessions” and “prozelytism” in the media and even in official documents inspire an intolerant attitude towards religious minorities.

The facts of intolerance could be explained by the fact that our society had to make a rapid turn from atheism to theism.

It is interesting that in Georgia confessional belonging often coincided with ethnic belonging or even substituted it. Unfortunately, we lack the possibility to carry out a deeper analysis of the correlation but to a certain degree ethnic composition reflects confession. For example, Armenian Gregorian and Armenian Catholics in sum almost comprise the number of Armenians 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 (14/10/2002) between the State of Georgia and the autonomous Apostolic Orthodox Church of Georgia was 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. Such a status would be hard to reconcile with the characteristics of a pluralist society.

For the certain period there were no provisions for the registration of religious organizations, regarding their judicial recognition. Separate provisions on religious unions and procedures are provided, in addition to the Constitution, in the Civil Code of Georgia (1997, #31), the Tax Code of Georgia (2004, #692), in the Criminal Code of Georgia (1999, #41, 48) and in the law of Georgia on Suspension and Termination of Civil Organizations (1997, #46).

Since 1997 conditions for the registration of religious organizations have improved. The current form of registration for religious unions grants beneficiaries the status of non-entrepreneurial (non-commercial) legal person or a branch/representation of a foreign non-entrepreneurial (non-commercial) legal person. More than thirty such organizations have already registered in this form. During the following years new amendments were introduced to the legal acts in this sphere by means of which the situation has been improving in this regard.

However, some churches (the Armenian Holy Apostolic Orthodox Church, the Roman Catholic Church, etc) insist on the adoption of a special law on Religious Unions which should reflect the specificity of the religious activities. Recently (05/07/2011) an amendment to the Civil Code was introduced. As article 1509<sup>1</sup> states, a religious organization can be registered as a legal entity under public law. In accordance with this article a religious organization must meet two requirements; (1) it should have close historical links with Georgian history and (2) in the EU member states' legislation there should be a precedent for its recognition as a religious organization.

We believe that instead of unification of the religious sphere on the basis of non-discrimination and the universally recognized principle of secularism the new law aggravates the existing situation. It will result in religious organizations with four different legal statuses - as a subject of the constitutional Agreement, as a legal entities of public law, as a non-commercial legal entity or as a representation of a foreign non-commercial legal entity, as an unregistered organization. There is a statement in a law that guarantees that after its enforcement no infringement of the

rights of the religious organization will take place and the principle of equality will be observed. To follow the law this could be achieved by the independence of these newly legal entities from the public law. More over, they may be registered in accordance with the registration requirements of the non-commercial legal entity. Vagueness of the provision “with close historical links with Georgian history” could serve as an obstacle for some religious organizations in the obtaining of such a specific status.

The **main** purpose of activities in this sphere is the promotion of the participation of a broad spectrum of the population, especially representatives of minorities, in the discussion on issues concerning democracy-building problems, especially in the sphere of the enjoyment and exercise of freedom of thought, conscience and religion.

The legislative acts to be elaborated should provide:

- a) measures guaranteeing persons belonging to religious minorities the right to equality before the law without discrimination and without distinction 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 group.<sup>5</sup>

### 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 organized amateur drama groups and music bands. Some unique facts have to be mentioned: a Kurdish theatre and music band used to function in Georgia - the only Kurdish one in the entire world; the first Armenian drama theatre still functions in Tbilisi; the first Abkhaz professional theatre has been created. An Azerbaijani drama theatre has also been opened recently.

There are numerous ancient cultural and religious objects that belong to various minority groups. Some Armenian communities raise the question on the regulation of poverty issues concerning these objects. Serious clashes took place between Georgian and Armenian communities because of the absence of consensus on the ownership of some churches.

After the economic and political crisis of 1990-s the network of folk art that covered the whole country and had been financed by the government was destroyed, the so-called "club-houses" and "culture houses" closed down; the system that prepared specialists in amateur and folk arts were also abolished. The system existed by virtue of enthusiasts and deep traditions but this resource was exhausted.

Library funds have not been renewed. This can be said about the Georgian share of these funds, let alone the funds of libraries belonging to minority groups. The same can be said about museums.

A law on culture was adopted in 1997. One of its provisions in article 3 concerns the protection and realization of human rights in the cultural sphere. Article 6 guarantees the equality of all citizens in the sphere of culture regardless of ethnic, linguistic or religious origin. Article 19 gives broad authority to local self-government bodies, which is appropriate for regions densely inhabited by minorities. This provision is followed by another one according to which the State takes on the obligation to provide equal conditions for the 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 fraught with unpleasant incidents concerning cultural heritage.

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

- 1) The State **fully provides for** the availability of the achievements of the Georgian, Abkhazian and Ossetian cultures for national minorities.
- 2) Through cultural and educational institutions, the State **fully provides for 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 **encourages and facilitates** the maintenance of minority libraries, video services, cultural centres, museums, archives, theatres and cinemas, as well as fiction and film production and the maintenance and development of amateur and folk art festivals.
- 4) The State takes on the responsibility to protect the cultural and historical monuments of national minorities throughout the whole territory.

### Mass Media

The access of minorities to the 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 tribune 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. Lack of financial resources is the main cause for this situation.

A new law dedicated to mass media problems has been adopted. It contains some provisions for giving minorities' access to the mass media in the minority language, and to mass media of their mother country. It also prohibits anti-State propaganda.

1. The State, respecting the principle of the independence and autonomy of the media, **fully provides** for the functioning of the official media agencies in the Georgian language and also Abkhazian and Ossetian within the autonomous regions;
2. The State, within the official central radio and TV broadcasting activities, **fully provides** for the availability of regular programs in minority languages;
3. The State **fully provides** for the functioning of the official media agencies in the Georgian language and on Abkhazian and Ossetian within the autonomous regions, 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 regulations 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.
6. 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 has had a negative impact on the integration process of minorities. A poorly developed inner market and labour division among regions do not contribute to the creation of conditions enabling civic integration. Mass unemployment and the collapse of standards of living have led to the self-isolation of minorities, their alienation from the building of the economy and their massive emigration.

The difficulties of the transitive stage are most evident in the conflict zones and in the territories characterized by a bad socio-economic situation. These problems are common for Georgia as a whole, but are more accentuated in respect to minorities.

Persons belonging to national minorities are inadequately involved in business activities. Because of their insufficient integration they cannot compete with businessmen of Georgian origin. A lack of knowledge of specific laws often makes them vulnerable in the face of the State.

The slow rhythm of the land reform resulted in various serious incidents, especially in Kvemo Kartli. The fact that a twenty-one kilometre wide piece of land situated along the border was not available for privatization was a source of conflict between the local population (Azeris) and the authorities. Ordinary peasants witnessed breaches of the law and protested. It sometimes even entailed bloodshed. A new law in fact cancelled this piece of land. So hundreds of households situated along the border have received the right to new privatised land plots.

Realization of such international economic macro-projects as the "Baku-Tbilisi-Ceyhan" and the "Baku-Tbilisi-Erzurum" pipelines, and the Kars-Akhalkalaki railway, which stretch across the Kvemo Kartli and Samtskhe-Javakheti regions, inhabited by ethnic minorities, might become a significant condition for spreading and strengthening the State language. These economic projects will create highly paid

vacancies. The language of documentation together with English will be Georgian and this fact will increase the motivation of the population to study the Georgian language.

State should:

1. implement special activities in order to improve the employment situation in regions which particularly suffer from a shortage of workplaces.
2. launch special programs on the development of small and medium enterprises in regions compactly inhabited by persons belonging to national minorities.

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.

### Participation in State affairs

The so-called "third sector" is an important aspect of civil society. It is a form of society's self-organization. As for the issues concerned, it serves as a bridge between society and ethnic 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.

Cultural ethnic societies of Armenians, Azerbaijanis, Russians, Greeks, Jews, Assyrians, Ukrainians and other nationalities were set up and are functioning 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 activities 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 a right to communicate and cooperate with similar organizations (NGOs) in their own language.

These NGOs aim to participate in international dialogue for conflict prevention.

About 120 ethnic NGOs work in Georgia, but only 5-6 of them are to some extent effective. Access to grants has become a main precondition for the existence of any NGO. Not all NGOs have appropriate skills to work with international organizations - the main source of grants and not many members of NGOs have enough experience to adequately formulate problems and requests in their applications. The situation is improving in this respect because international agencies organize a considerable amount of training in this sphere.

The weakest point in the process of integration in Georgia is the alienation and misunderstandings between the authorities and the local population. It is particularly noticeable in Kvemo Kartli where high ranked officials are mostly Georgians who have problems in their relations with the local population, which does not speak Georgian. The latter end up in an uncomfortable and defenceless position when facing administrative bodies. Sometimes representatives of administrative bodies allow themselves to insult the ethnic dignity of citizens of non-Georgian origin.

Minorities are poorly represented in the Georgian army.

The fact that minorities are underrepresented in Parliament is particularly disturbing. Their share in the legislative body does not adequately reflect their share in the whole population of the country (6% vs. 15%). This situation we witness in the central executive bodies.

This situation is due to the lack of knowledge of the State language which is the main reason for the poor integration of the representatives of minority communities. However, there are reserves that are not used. Azerbaijanis who reside in Shida Kartli and who received their education in Georgian schools are a good example. In spite of the fact that there are many skilled specialists among them, they are poorly represented in State bodies.

There is no electoral pluralism in regions compactly inhabited by persons belonging to minorities. In these regions, everything is always clear and easily predictable. As a rule, pro-governmental parties obtain their support from the local population. In fact they do not vote for a certain candidate but for authority. Elections can be compared to rites that express loyalty to the dominant political forces.

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. It must also be mentioned that communities in Kvemo Kartli and Javakheti are closed patriarchal entities and that standards of modern society are uncommon there. 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 the political establishment of their motherland i.e. the so called "indirect loyalty".

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 a 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 are also no guarantees that increasing the number of MPs belonging to national minorities will not override the co-optation practice of representatives from the local elite. They are in closest contact with the central authority bodies or its representatives. The latter play the role of protégé. 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. It might not be more interested in the real integration of the whole community.

Anyhow, the distribution of quotas is a rather delicate procedure. Definition of criteria would be topical. From experience it appears that quota distribution is more purposeful in the case of numerically relatively equal groups rather than in relations between majority and minority groups.

The establishment of political parties on an ethnic basis is also not a good way to solve this problem. Any step in this direction could hamper the integration process. When we see the low level of civil culture in regions with latent or open irredentist



and separatist aspirations, nobody can guarantee that these measures would be effective, and we would have to deal with the overt effect.

In Kutaisi a school for public servants was opened. One of its main goals was to work with representatives of minority groups, to bring up managerial personal. But this measure, as practice shows, proved to be insufficient.

It is more purposeful to encourage public participation in the democratic institutions, to create at all levels of authority pyramid councils which would be specialised in minority issues, and to provide active participation of representatives of minority groups in the decision-making process.

Political parties should develop an awareness of the necessity of recruitment of national minority representatives and include in their program provisions concerning national minority issues. A system of bonuses for the recruitment of minorities in proportional lists of parties is desired during the election process.

**The State fully provides:**

- equal access to public services to all persons, regardless of their ethnic origin, gender or confessional belonging. In the 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 are specialized in 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 implies communication with the population in regions where the position of the Georgian language is still low;
- application programs for the development of skills for cooperation with populations of non-Georgian origin.

Spelling of names, patronymics and surnames of citizens of Georgia. Language of toponyms. Language of the name of State authority bodies, self-governance bodies, agencies, companies and organizations. Language of information notices.

Problems with toponyms are not less acute. The Abkhazian war was called "a war for toponyms". One of the coping strategies coherent in a traditional society is the sacralization of the territory and therefore of its name. One has to make a difference

between ethnic territory and territorial entity of the civic society. Any slight attempt to change the situation is construed as an encroachment on the rights of the community residing on that territory. The issue needs special diplomacy and discretion. This particular element should be of big importance when the draft on the territorial-administrative arrangement of Georgia is elaborated.

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 these place names.

- 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 and also the right to their official recognition in accordance with existent legislation.
- 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 the areas compactly inhabited by minorities.

### **Final Statements**

The Concept could 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.

The main source for the realization of the Concept's provisions is the State budget. One of the necessary preconditions for its implementation is the 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.

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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 and to use their mother tongue in private and in public.

Non-discrimination clauses in 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.

Non-discrimination clauses in the Georgian legislation

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 the 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 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 Criminal Procedure and article 9 of the Code of Civil Procedure provide specific rights for members of ethnic minority groups.

The Law on Public Service (article 12), the Law on Citizenship (articles 26), the Law on Public Advertisement (article 4), the Law on Culture (articles 3,6 etc), the Law on the Names of Geographical Objects (article 7), the Law on the Freedom of Speech and Expression (article 2), etc.

Georgia is in a transitive phase of development: from a totalitarian society to a society oriented toward values of a market economy and democracy. Drastic and rapid changes took place in the country in the way of life of all individuals of all strata of society, which caused much 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 for Soviet times.

An interesting wide-scale qualitative study of impoverishment and coping strategies was conducted by the World Bank in 1996 in 9 regions of Georgia. (one of the concept's author was a field manager of this research). As followed from this study, emigration became one of the coping strategies of the population of Georgia. Poor living conditions forced people to seek a better place to live. Since 1989, about 1 million of the population of the country has left.

One of the concept's authors 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 twice as large as that of the research of 1994.

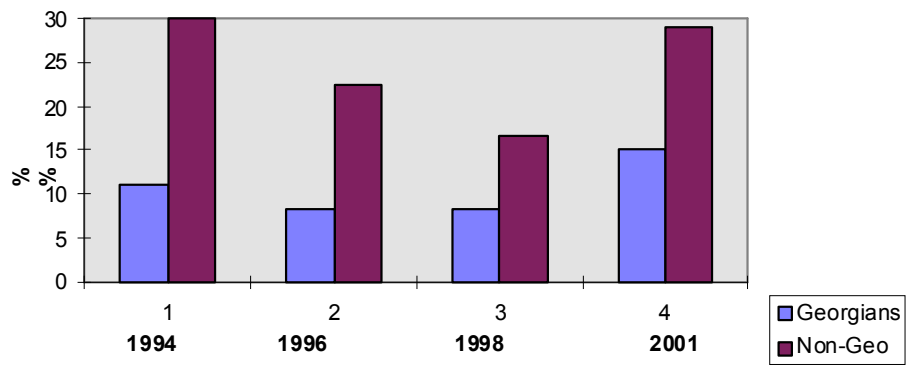
The third research was conducted in 1998 and showed that compared to the 1994 and 1996 data, the population's intention to emigrate had decreased. Fewer people said that they wanted to emigrate. However, the fourth survey showed a drastic rise of the population's will to leave the country. A 2001 survey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

It follows from the researches that the decision to emigrate for both Georgians and non-Georgians is mainly caused by such factors as a "decrease in the standards of living", "lack of confidence in the future" and "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".

### **Dynamics of migratory intentions**

%

**Diagram: Dynamics of emigratory intentions of respondents**





### Annex III

Some data on the linguistic issues obtained from the 2002 census

	Total	The native language same as ethnic belonging	Georgian as native for non-Georgians	Russian as native for non-Russians
<u>Tbilisi:</u>				
Total	1,081,697	1062,863		
Ethnic minority groups	170,967	153,157	8,314	9,906
Among them:				
Armenians	82,586	73,590	3,185	5,691
Azeris	10,942	10,429	242	268
Russians	32,580	32,114	425	
Yezidis	17,116	15,753	641	584
Ossetians	10,268	8,150	1,831	260
Greeks	3,792	2,878	410	459
Ukrainians	3,328	2,443	156	684
Jews	2,726	1,436	993	271
Kurds	2,144	1,978	65	90
Assyrians	1,373	1,138	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
Orthodox believers	3,666,233	83.9
Muslims	433,784	9.9
Followers of Armenian Apostolic Church	171,139	3.9
Catholics	34,727	0.8
Jews	3,541	0.1
Other Congregations	33,468	0.8
Atheists	28,631	0.6

State Department of Statistics

## Annex IV

### *Institutional mechanisms of the integration of the national minorities*

State Minister for Reintegration Issues

Advisor to the President on Civil Integration Issues and the Civil Integration and Tolerance Council

Public Defender and the Council of National Minorities

Ministry of Education and Science of Georgia

Ministry of Culture, Monument Protection and Sport

State Minister for Diaspora Issues

Ministry of Foreign Affairs

Ministry for Refugees and Accommodation

Ministry of Interior Affairs

Committee of the Parliament of Georgia on Human Rights the Civil Integration

Committee of the Parliament of Georgia on Regional Policy, Self-Government and Mountainous Regions

Committee of the Parliament of Georgia on Foreign Relations

Committee of the Parliament of Georgia on European Integration Issue

Committee of the Parliament of Georgia on Legal Issues

For a long period there was no clarity in the distribution functions between the state institutions in the realization of policy regarding national minority issues. After the adoption of the National Concept for Tolerance and Civil Integration and Action Plan some positive changes took place. The document outlined state policy in the sphere of minority integration in Georgia. It made clear how different state bodies are involved in policy development and implementation.