

# EUROPEAN REGULATIONS OF MINORITIES FROM THE GEORGIAN PERSPECTIVES

The aim of the article is to clarify the main trends of politics and policies on ethnic minorities in Georgian post-socialist key. The civic integration and ethnic fragmentation is turned out as one of the chief challenges for successful democratic state-building in Georgia after the collapse of the Soviet Union. The general problem of stateness and weaknesses of the political institutions have been the cornerstones of such challenges. Therefore, without the overcoming the “failed state” syndrome, there is no real perspectives of future successful civic integration. Despite of certain improvements in the sphere, the challenge has remained as deep and sharp.

Ethnic diversity and cultural pluralism has been one of the crucial and problematic challenges for post-communist Georgia. So called “ethnic conflicts” occurred in 90<sup>th</sup> of past century and 2008 Russian-Georgian war portrayed the main frames of ethnic relationship post-communist Georgian story.

The goal of the current paper is to highlight the main international institutional, namely European engagement in Georgia’s actual ethnic relationship policies and Georgia’s readiiness of implementation of European regulations concerning the Minorities. There are several document that regulate the minority issues on Euroepan context. The documents mostly are not obligatory, but bears strict recomendational charachter. Therefore, each Nation-State that is more or less associated to Euroepan political context, is expected them to be fulfilled.

## *1. Obstacles of definition of “minoroties”*

There is no clear juruducal definition of “national/ethnic minoroties” in International Law. As a result of such ambiguity, the definition of “minorities” remains the juridical prerogatives of given nation-state (e.g. France, Greece and Turky rejects the existance of “minoroties” within their frames).<sup>1</sup> In western realities, firts case of definition of “national minorities” is comming from UN 1992 declaration concerning the personalities belonging to national/ethnic, religiuous and linguistic minorities. Relatavley success of such definition has got within the frames of European context. Fists mention of such “success” is seen in 1992’s Euroepan declaration on minorities and regional languages by the Council of Europe. In such case, the definitiona is indirect and highlights the linguistic belonging as marker of being a minority. The approach does not bear the universalistic charachter and remains only as significant in European context. Moreover, there is no definition of “minorities” in European Framowork Convention of Minorities adopted by the Council of Europe in 1994.<sup>2</sup>

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<sup>1</sup> Minority issues mainstreaming in South Caucasus: a practical guide. Tbilisi, 2011. pp.8  
[http://www.ecmi.de/uploads/tx\\_lfpubdb/Minority\\_Issues\\_South\\_Caucasus\\_fulltext.pdf](http://www.ecmi.de/uploads/tx_lfpubdb/Minority_Issues_South_Caucasus_fulltext.pdf)

<sup>2</sup> *ibid*: pp. 46-60

The case of countries of South Caucasus expresses well such obstacles of definition. In Armenia there was not reached any agreement on “minorities” during the process of adoption of juridical regulations of such field. In Azerbaijan’s internal jurisdiction mentions the concept of “national minorities”, but does not specify the groups of people of belonging to such minority. “The National Conception of Tolerance and Civic Integration” of Georgia, adopted in 2009 defines in very general way the existence of “minorities”, but avoids any further concretisation of the issue<sup>3</sup>.

As far as, there is no clear definition of “national/ethnic minorities” by the international law, the question strictly remains under the prerogatives of given nation-states, but is heavily subordinated to the general international humanitarian law, that in its turn has been mostly expressed in the Constitutions and other juridical regulations of each country.

## ***2. European Regulations of “Minorities”***

There are several formal documents and regulations on minorities within the European political context, that does not bear any juridical obligatory character, but have strictly recommendation face for nation-state that are in some ways connected or associated to European political/public space.

These documents are the following:<sup>4</sup>

*European Charter of Minority Languages.* The main goal of such document is to take care on languages that are standing on the lines of extinction. From the South Caucasus only Armenia is the fully connected to the Charter. Azerbaijan only signed out it without ratification. Georgia still has not signed, nor ratified the one.

*European Framework Convention for the Protection of National Minorities* adopted by the Council of Europe in 1994/5. The main object of the Convention is to underline the necessity defence of such minorities who populate the concrete geographic area. Georgia has been fully connected to the Convention since 2006.

*European Commission on Racism and Intolerance.* The commission is working within the frames of Council of Europe and monitoring the cases on racism and intolerance in every member state. Member states are obliged to write reports about the question in their home countries. Georgia as member of Council of Europe operates within the frames of the Commission.

*Number of documents adopted by the OSCE since 1989.* There are several regulations within the frames of OSCE on minorities, such as a) Hague recommendations Regarding Education Rights of National Minorities (1996), b) Oslo Declaration of Regarding the Linguistic Rights of National Minorities (1998), c) Lund recommendations

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<sup>3</sup> Minority issues mainstreaming in South Caucasus: a practical guide. Tbilisi, 2011. pp.9  
[http://www.ecmi.de/uploads/tx\\_lfpubdb/Minority\\_Issues\\_South\\_Caucasus\\_fulltext.pdf](http://www.ecmi.de/uploads/tx_lfpubdb/Minority_Issues_South_Caucasus_fulltext.pdf)

<sup>4</sup> Minority issues mainstreaming in South Caucasus: a practical guide. Tbilisi, 2011. pp.17  
[http://www.ecmi.de/uploads/tx\\_lfpubdb/Minority\\_Issues\\_South\\_Caucasus\\_fulltext.pdf](http://www.ecmi.de/uploads/tx_lfpubdb/Minority_Issues_South_Caucasus_fulltext.pdf)

of effective participation of National Minorities in public life and etc.<sup>5</sup> As far as Georgia is the member the OSCE, it has to meet with fulfilment of such regulations in some way.

At the same time, we should mention that, EU does not have any special mandate on minority regulations and it operates more within the frames of Council of Europe, but it does not mean the absence of EU at all from the context of minorities. The minority questions turned out very crucial for EU during its enlargement process and one of the important topics of negotiations with candidate (or possible candidate) states has been still remained the case of minorities relevant treatment.<sup>6</sup>

### **3. Georgia and European regulations**

In 2014, 2<sup>th</sup> of May the Antidiscriminatory Law was adopted by the Georgian Parliament, which highlighted the importance of evaporation of all kind of discrimination, among them the discrimination on ethnic base.<sup>7</sup> In spite of presence of certain codifications (civic code, criminal law, Georgian Constitution and etc.) on Georgian political space, bearing the antidiscrimination clauses, the Law was adopted specially as prerequisite of Associational Agreement with EU and therefore, the consideration of it as only Georgian independent decision is not just. After the adoption of the Law, in 2014, 27<sup>th</sup> of June the Association Agreement was signed and little later on 18<sup>th</sup> of July was ratified by the Georgian side,<sup>8</sup> which connected Georgia stronger with EU general space, despite the fact, that the Agreement does not mean the Georgias EU membership. Along with some other issues, the Agreement underlies the needs for more workable regulations of minorities, but the question has been examined with the broader context of human rights and is not the subject of separate reasonings. The agreement stresses on peaceful resolution of conflicts, which is a kind of normative base of minority regulations in direct or indirect ways.<sup>9</sup>

The above mentioned regulations have the significant impact on Georgian realities, as directly as indirectly and create the kind of new frames concerning the minorities. Among them, the European regulations are more influential and vivid for Georgian Polity. Georgia, practically is connected to the whole package of international humanitarian law, but there are certain European regulations which has not been signed out by Georgian side yet, and therefore their implementation and performance in practice has been weak.

One of the those documents which has not been signed from the Georgian side is the European Charter of Minority Languages, in spite of Georgia's obligation of signing it

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<sup>5</sup> *ibid.*25-35

<sup>6</sup> *ibid.*: p.75

<sup>7</sup> <http://civil.ge/geo/article.php?id=28143>

<sup>8</sup> <http://civil.ge/geo/article.php?id=28408>

<sup>9</sup> ასოცირების შესახებ შეთანხმება ერთის მხრივ, ევროკავშირს და ევროპის ატომური ენერჯის გაერთიანებას და მათ წევრ სახელმწიფოებსა და მეორეს მხრივ, საქართველოს შორის [/http://mfa.gov.ge/index.php?lang\\_id=GEO&sec\\_id=30&info\\_id=17011](http://mfa.gov.ge/index.php?lang_id=GEO&sec_id=30&info_id=17011)

undertaken during the membership of Council of Europe. The reasons of absence of signature is clear. If Georgia sign the Charter, it will likely recognize the existence of 19 languages and therefore needs of creation of special regulations for their preserving. Among the languages the recognition of Megrelian and Svan languages as minorities languages are the most controversial. According to the certain types of linguists, the Megrelian and Svan languages are formed languages without alphabet and writing culture traditions. Some linguists examine Svan and Megrelian as the only the strong dialects of common Georgian and thus their recognition as independent language branch does not overlap the linguistic realities and create the artificial demarcation lines within the broader Georgian identity and makes the obvious frames for potential separatism.<sup>10</sup> Moreover, along with such “language”, in possible perspectives, Georgia will meet the need of formalization of every minority languages, that is the additional threat of Georgian statehood in general. Maybe some minority does not need the special care (Armenian and Azerbaijanian) as far as they have their kin “historical homelands” where such languages bears the status of official, state languages. In short, Georgia tries to avoid the formalisation of minority languages (except of Abkhazian Constitutional Official Language status on territory of Abkhazia) from the perspectives of fear of possible future disintegration of statehood. Such fear is not unfounded, if we look through the Georgian post-communist separatism history. As long as separatist sentiments sometimes are traced on certain regions of the country populated compactly by ethnically non-Georgians, the signing process of mentioned Charter morally looks very illegitimate from the perspectives of Georgian political/public discourse. According to some studies of East-Central Europe, the security issues play the enormous role in creation of official policies to minorities. By many scientists, such ethno-political sentiments of East-Central Europe, has been characterised as “securitisation”. In many cases, the understanding of minorities as allied forces with enemies are quite widespread in the region.<sup>11</sup> Such description is the very relevant for understanding the ethno-political sentiments in Georgia as well connected with the Charter.

From the other side, Georgia has been connected to European Framework Convention of Minorities since 2006 and the implementation of it occupies the significant position of political agenda. The clear articulation of such policies is the adoption of “National Convention of Tolerance and Civic Integration” in 2008, which creates the certain normative base for development of policies on minorities. The Convention stresses on the obligation of submission of special reports on minority civic inclusion and integration before the Council of Europe which is the broader European institutional duty in its turn. In spite of formal fulfilment of European normative obligations, Georgia meets

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<sup>10</sup> ტარიელ ფუტყარაძე, “ენის ქარტია და თანამედროვე საქართველოს ენობრივი სიტუაცია” <http://www.putkaradze.ge/cigni%20dasrulebuli/links/2.3.2.htm>

<sup>11</sup> John Rex and Gurhpal Singh / Multiculturalism and Political Integration in Modern-Nation-States – Thematic Introduction / Journal on Multicultural Societies (IJMS), Vo. 5, No. 1, 2003:3-19 ISSN 1817-4574, [www.iunesco.org/shs/ijms](http://www.iunesco.org/shs/ijms), pp.3-4

certain problems during the adoption of special policies as well, that has been well expressed in lack of civic/language education and provision of employment of minorities. Georgian side recognizes such realities, but from the Georgian perspectives, it is rather a result of countries general poor social-economic performance and does not indicate on special discriminatory attitudes of general Georgian public to minorities.

Georgia officially does not reject the repatriation process of so called “Meskhetian-Turks” to their former homeland (that is the one of the obligations undertaken by Georgian state before the Council of Europe prior to its membership), but there is no official date and timing of fulfilment of such policy.<sup>12</sup>

The political developments has taken place after the so called “Rose Revolution” of 2003 proposed many institutional changes, uncluding the Constitutional ones. The question of minorities took more “respectful” place in political agenda. The fact was determined as according to internal need as international obligations.

After the 2003, several official structures were created working on minorities. After the 2004, State apparatus on civic integration has been appeared as responsible branch of minority issues, but after governmental changes the obligations of on minorities was undertaken by the State Ministry of Reintegration (after 2012 elections, State Ministry of Reconciliation and Civic Equality). At the same time, the Council of Tolerance and Civic Integration was created, who shared the obligations and operations on the issues with Advisor of the President on Civic Integration. As a result of such joint operation, Georgian government in 2009 approved the National Convention of Tolernacne and Civic Integration. In 2006, Georgia signed the European Framework Convention on Minorities and took the obligation for signing on European Charter of Minority languages.<sup>13</sup> The Council of Tolerance and Civic Integration was delegated the power for working on relevant policies on minorities. As a result, the Council adopted the „National Convention of Tolerance and Civic Integration and its implementation plan“.<sup>14</sup>

Actually, the issues of ethnic minorities and civic integration is the competence of several governmental branches and there is no one centralized institution on minorities. In spite of coordinating role of State Ministry of Reconciliation and Civic Equality, such ministry does not bear the full competences of the field.

From the legislative branch, the Standing committee of Human Rights and Civic Integration has been directly involved in the sphere. T At the same time, here are some other Committees working on minorities, but their operations are expressed more in indirect ways. There is one additional branch on minorities within the apparatus of State

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<sup>12</sup> Minority issues mainstreaming in South Caucasus: a practical guide. Tbilisi, 2011. pp.120-125  
[http://www.ecmi.de/uploads/tx\\_ifpubdb/Minority\\_Issues\\_South\\_Caucasus\\_fulltext.pdf](http://www.ecmi.de/uploads/tx_ifpubdb/Minority_Issues_South_Caucasus_fulltext.pdf)

<sup>13</sup> გიორგი სორდია / ეროვნულ უმცირესობათა მართვის ინსტიტუტები საქართველოში, მიმოხილვა; C I – სამუშაო მოხსენება № 43, სექტემბერი 2009, [www.ecmigeorgia.org](http://www.ecmigeorgia.org)

<sup>14</sup> შემწუნარებლობის და სამოქალაქო ინტეგრაციის ეროვნული კონცეფციის და სამოქმედო გეგმის დამტკიცების შესახებ / [www.diversity.ge](http://www.diversity.ge)

Ambudsman, Council of Minorities, but its obligations are rather recommendational and therefore is not the part official decision/policy-making.<sup>15</sup>

The functions of mentioned structures are confused very often, that causes the certain problems in effective policy-making. The representatives of International Communities are requiring the the creation of central, authoritative institution with clear competences on the issues, but there is less motivation from the Georgian political elites to meet with the desires of international community from this perspectives.<sup>16</sup>

### **Conclusion**

We can conclude the several tendencies. Approachment with EU does not mean the activation any regulatory function toward Georgia from EU side. At the same time, close approachment with European institutions has been heavily based on respect of human rights and relevancy on respect and fulfilment to those regulations to which Georgia is the official member. Despite the absence of separate regulations connected to national/ethnic minorities, that does not mean the ignorance of the question, because of its strong connection with broader human rights issues. The question is also highlighted in EU Association Agreement. That's why, Georgia have to pay more attention to minority issues in the future and the possible requirements will rise from EU side more, than it was before. At the same time, Georgia is the full member of Council of Europe and there are number of obligations standing before the Country concerning to human rights and among them the minority cases, that are waiting to be fulfilled. Indeed, the Council of Europe is the EU's outside standing institution, but Association Agreement has the indirect affect on such questions. The fact is also confirmed from the official representatives of Georgian relevant public offices in interviews when they are involved in negotiations in European institutions.<sup>17</sup> That's why it is legitimate to examine the civic integration issues as not only as internal framework of Georgia, but its international obligation as well.

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<sup>15</sup> იქვე

<sup>16</sup> ეთნიკური უმცირესობების სამოქალაქო ინტეგრაციის პოლიტიკის ანალიზი / ბტკპ-პოლიტიკის კვლევის ჯგუფი, ეთნიკური უმცირესობების პროგრამა, თბილისი 2008, წყ.პტკპპ

<sup>17</sup> Interview with Tina Ghoggeliani, Chief of civic integration department, Ministry of reconciliation and civic equality. 10/06/14

## Bibliography

1. giorgi sordia / *erovnul umciresobaTa marTvis institutebi saqarTveloSi, mimoxilva*; ECMI – samuSao moxseneba # 43, seqtemberi 2009, [www.ecmigeorgia.org](http://www.ecmigeorgia.org)
2. *eTnikuri umciresobebis samoqalaqo integraciis politikis analizi* / btkk-politikis kvlevis jgufi, eTnikuri umciresobebis programa, Tbilisi 2008, [www.btkk.ge](http://www.btkk.ge)
3. tariel futkaraZe, “enis qartia da Tanamedrove saqarTvelos enobrivi situacia” <http://www.putkaradze.ge/cigni%20dasrulebuli/links/2.3.2.htm>
4. Daniel Smihula / *Definition of national minorities in International law* / Oct. 2009, Volume 6, No. 5 (serial No. 48), Journal of US-China Administration, ISSN 1548-6591, USA, pp. 45
5. Hans. *The Idea of Nationalism: A Study of Its Origins and Background*. First ed. New York: The Macmillan Company, 1944
6. Minority issues mainstreaming in South Caucasus: a practical guide. Tbilisi, 2011. pp.8 [http://www.ecmi.de/uploads/tx\\_lfpubdb/Minority\\_Issues\\_South\\_Caucasus\\_fulltext.pdf](http://www.ecmi.de/uploads/tx_lfpubdb/Minority_Issues_South_Caucasus_fulltext.pdf)
7. Judi Toth / Kin Minority, Kin-state and Neighbourhood policy in the Enraged Europe, pp.73-74. [https://src-h.slav.hokudai.ac.jp/coe21/publish/no9\\_ses/05\\_toth.pdf](https://src-h.slav.hokudai.ac.jp/coe21/publish/no9_ses/05_toth.pdf)
8. John Rex and Gurhupal Sigh / Multiculturalism and Political Integration in Modern-Nation-States – Thematic Introduction / Journal on Multicultural Societies (IJMS), Vo. 5, No. 1, 2003:3-19 ISSN 1817-4574, [www.iunesco.org/shs/ijms](http://www.iunesco.org/shs/ijms), pp.3-4
9. ასოცირების შესახებ შეთანხმება ერთის მხრივ, ევროკავშირს და ევროპის ატომური ენერჯის გაერთიანებას და მათ წევრ სახელმწიფოებსა და მეორეს მხრივ, საქართველოს შორის /[http://mfa.gov.ge/index.php?lang\\_id=GEO&sec\\_id=30&info\\_id=17011](http://mfa.gov.ge/index.php?lang_id=GEO&sec_id=30&info_id=17011)
9. Semwynareblobis da samoqalaqo integraciis erovnuli koncefciis da samoqmedo gegmis damtkicebis Sesaxeb / [www.diversity.ge](http://www.diversity.ge)
10. Interview with Tina Ghoggeliani, Chief of civic integration department, Ministry of reconsiliation and civic equality.10/06/14
11. <http://civil.ge/geo/article.php?id=28505>
12. <http://civil.ge/geo/article.php?id=28143>
13. <http://civil.ge/geo/article.php?id=28408>