

ECMI

ANNUAL REPORT
2008

Excerpts on the Caucasus

TABLE OF CONTENTS

ECMI ANNUAL REPORT 2008	3
I. Georgia in 2008 – War and Instability	3
II. DENMARK’S CAUCASUS PROGRAMME 2008-09.....	4
A. COUNCIL OF EUROPE PROGRAMME STEERING COMMITTEE MEETING	4
A.1. Council of National Minorities.....	4
A.2. Law on repatriation.....	4
A. 3. The Framework Convention for the Protection of National Minorities	5
A. 4. Other minority issues	6
III. ENHANCING MINORITY GOVERNANCE AND DEVELOPING CIVIL SOCIETY IN MINORITY REGIONS	6
(2008-2009)	6
A. Armenian-populated rural district in Ninotsminda	6
B. Research and documentation.....	7

ECMI ANNUAL REPORT 2008

I. Georgia in 2008 – War and Instability

2008 was a dramatic and turbulent year in Georgia's recent history with tension over the breakaway territories of South Ossetia and Abkhazia culminating in August in armed warfare with Russia. The short Russo-Georgian war that raged from 7-12 August and resulted in the occupation by the Russian Federation of vast parts of Georgian territories interrupted the process of democratization, as the Georgian government and other actors were understandably preoccupied with responding to the crisis situation. Domestically, the year also witnessed significant political tension in the aftermath of the opposition's mass demonstrations in late 2007, leading to snap presidential elections in January and parliamentary elections in May. Together, these events impacted on the implementation of national minority programmes.

ECMI continued the implementation of its programme activities in the regions of Georgia inhabited in substantial numbers by persons belonging to national minorities, with a particular focus on the Samtskhe-Javakheti and Kvemo Kartli regions. Activities were also continued to enhance good governance on minorities through support to government institutions. This year ECMI concluded Denmark's Caucasus Programme 2005-7 that had been extended until June 2008, as well as the programme entitled Enhancing Minority Governance and Enhancing Civil Society in Minority Regions of Georgia 2007 funded by the Royal Norwegian Ministry for Foreign Affairs (also extended until June 2008).

The components of these programmes were carried over in two new main interventions. One is the new Denmark's Caucasus Programme 2008-9: Enhancing Good Governance, Human Rights and the Rule of Law in Georgia, implemented by the Council of Europe and supporting democratization in Georgia with a focus on the judiciary, the Public Defender's Office and institutions responsible for minority issues. This programme is funded by the Royal Danish Ministry of Foreign Affairs. ECMI acts as a sub-implementing partner within this intervention, responsible for the component on minority issues.

The other programme, Enhancing Minority Governance and Developing Civil Society in Minority Regions (2008-2009), funded by the Royal Norwegian Ministry of Foreign Affairs, is focused primarily on previous regions of concern, and aims to develop and make sustainable the two established networks of civil society stakeholders, the Javakheti Citizens' Forum (JCF) and the Tsalka Citizens' Forum (TCF).

In addition to the two main programme interventions, ECMI implemented two smaller projects in Georgia in 2008, both funded by the Council of Europe: one to conduct awareness raising activities (trainings and information meetings) in minority populated areas prior to the parliamentary elections in May; and another to provide information on repatriation procedures to deported Meskhetians in Azerbaijan seeking status as repatriates in Georgia.

Overall, the programmes implemented by ECMI in Georgia since 2003 have been largely successful and have resulted in reduced tension between minority regions and Tbilisi through enhanced political dialogue between the regions and the centre and by the creation of institutionalized structures for permanent dialogue, such as the Council of National Minorities functioning under the auspices of the Public Defender of Georgia, as well as the formation and development of the abovementioned umbrella organizations of NGOs in minority regions (JCF and TCF).

In 2008, the political turbulence impacted significantly on the implementation of politically sensitive issues related to programming on national minorities. While political instability effectively halted progress on implementation of minority policies, as government priorities shifted to crisis management, a few positive developments were still evident. In April, the former head of the board of the Georgian state television channel, Ms. Tamar Kintsurashvili, was appointed Adviser to the President on Minority and Civil Integration Issues. After the parliamentary elections Ms. Elena Tevdoradze, who formerly led ECMI had held the post as Chairperson of the Parliamentary Committee for Human Rights and Civil Integration, was appointed Deputy Minister for Reintegration with the mandate of establishing a Department for Minority Issues. The appointment of two senior officials with previous experience in the field of minorities is a positive sign that the government is paying increasing attention to this policy area. The minority department in the Reintegration Ministry was eventually formed in October, and personnel were hired both for the central office of the department as well as for the three regional offices in minority areas. ECMI envisages a number of new activities to be conducted in 2009 to support the functioning and development of the minority department.

II. Denmark's Caucasus Programme 2008-09

As part of Denmark's Caucasus Programme 2008-09, and in partnership with the Council of Europe, ECMI implemented a number of activities related to minority issues. These activities are reviewed briefly below.

A. Council of Europe programme steering committee meeting

A.1. Council of National Minorities

The creation of the Council of National Minorities (CNM) was facilitated by ECMI in December 2005 under the auspices of Georgia's Public Defender. After three years of operation, the Council has firmly established itself as an important structure for ongoing consultation between minority organizations and the government. The work of CNM was also affected by political instability in Georgia, as the drive towards enhancing the implementation of minority policies was hampered by political tension and dramatic events.

Nevertheless, in the past year CNM upheld a significant level of activities through meetings of thematic working groups, roundtables, plenary sessions and trainings. Prior to the presidential and parliamentary elections, sessions were held with nominated candidates that permitted minority representatives to scrutinize their policy on national minorities.

A number of specialized roundtables on the problems of specific minorities were also held, including sessions on the particularly vulnerable Roms and Yezidi-Kurds, to allow government and international actors gain a better insight into the concerns of these groups. Other meetings have featured prominent European experts on minority issues, while a meeting in September focused on the post-conflict situation and the impact of the war on national minorities.

A Memorandum of Cooperation was signed in June between CNM and the Council of Tolerance and Integration under the President's Administration in order to further develop and institutionalize interactions between the government and national minority representatives.

A.2. Law on repatriation

After years of delay, the Law on Repatriation of persons deported in the 1940s, affecting Meskhetians in particular, was passed by the Georgian parliament in July 2007. The Law has been seriously criticized for not adequately guaranteeing the rights of potential applicants and for

even creating obstacles for repatriation. According to the provisions of the Law, deported persons or their descendants, who wish to repatriate to Georgia, can apply for repatriation status only in 2008. In October 2007, the Council of Europe, ECMI and the Georgian government initiated a consultative process with the aim of providing international support for implementation of the repatriation policy. However, the process was interrupted by the political crisis that developed during the confrontation between the government and the opposition in November 2007, over the elections and, later, over the outbreak of war. Government priorities did not accommodate a process that could clarify and streamline policies with regard to the repatriation process. As a result, Meskhetian and other potential applicants were left unclear as to their rights and duties in relation to the submission of applications. At the same time, the responsible Georgian authorities, the Ministry for Refugees and Accommodation and the Ministry of Foreign Affairs did not ensure that application material was available in the Georgian consulates abroad until sometime in early March, and Meskhetians in several countries were complaining that they were unable to find properly informed staff at the consulates. Moreover, it was not until July that some details with regard to health certificates had been clarified by the Georgian authorities, hence impacting negatively on the possibility for Meskhetians to submit their applications.

To provide potential applicants with proper information about possibilities for applying and the practicalities related to the application process, ECMI implemented a project in a separate intervention to conduct awareness-raising in the final months of 2008. The project was carried out in November and December, in collaboration with the International Organization for Migration (IOM), based on funding made available by the Council of Europe. Following a 'training of trainers' workshop by ECMI in Baku in early November, ECMI trainers conducted dozens of information meetings for Meskhetian applicants in Azerbaijan, while IOM carried out similar meetings in the Northern Caucasus through local NGOs.

It is anticipated that the deadline set in the Law on Repatriation will be extended for several months into 2009 to ensure that Meskhetians and other deported persons who wish to repatriate – given the delays in starting the application process – will be given a more realistic timeframe for submitting their applications.

A. 3. The Framework Convention for the Protection of National Minorities

Having ratified the Council of Europe Framework Convention for the Protection of National Minorities in 2005, the Convention entered into force in Georgia on 1 April 2006.

A state report was submitted to the Council of Europe in July 2007 and, according to the established monitoring practice, was to be followed by a visit of the Advisory Committee of the Framework Convention soon after. However, due to political turbulence on the domestic scene from November 2007, followed by the elections and then the August war, the state visit was postponed several times. However, the mission finally took place on 8-13 December with the participation of three members of the Advisory Committee. Along with the government of Georgia, ECMI played a key role in organizing the visit, which included a thorough round of consultations with most minority organizations and relevant community structures in the country. The Advisory Committee also visited the regions of Javakheti, Kvemo Kartli and Shida Kartli. The findings of the Advisory Committee will lead to an Opinion on Georgia, to be published in spring 2009. Following the visit of the Advisory Committee, it is envisaged that ECMI in 2009 will conduct a number of trainings and other activities to support the implementation of the FCNM.

A. 4. Other minority issues

Georgia has yet to fulfill two missing commitments and obligation to the Council of Europe, namely the signing and ratification of the European Charter for Regional or Minority Languages (ECRML) and the Law on Minorities. Both are considered highly controversial by the government. However, the central authorities seem now to be close to commit to the Language Charter; at least a specific reference to the Charter has been incorporated into the Government's Strategy for Protection and Integration of Minorities.

It is envisaged that the Charter will be signed in the first part of 2009, while it is yet to be determined when the ratification may take place. On the Law on Minorities, the Government is of the opinion that there is no need for a separate law, as minority related legislation is or should be covered by the general legislative framework, including in the fields of education, culture, economic activities, penalty codes, etc. There are also concerns that a separate law risk being in contradiction with other legislation and it has been discussed recently whether this commitment could be modified, so as to ensure minority protection rather by a review of and amendments to existing legislation. Such considerations are likely to result in policy action in the coming year.

ECMI will support the implementation of the ECRML, the Law on Repatriation and the yet unfulfilled commitments and obligations as part of the minority component of Denmark's Caucasus Programme 2008-09. A number of trainings, seminars, conferences and workshops are envisaged to this end.

III. Enhancing Minority Governance and Developing Civil Society in Minority Regions (2008-2009)

A. Armenian-populated rural district in Ninotsminda

As mentioned above, this programme funded by the Royal Norwegian Ministry of Foreign Affairs focuses on two Georgian regions densely populated by persons belonging to national minorities, i.e. the predominantly Armenian region of Javakheti (part of the Samtskhe-Javakheti province) and the multiethnic region of Kvemo Kartli, consisting of six districts and where the programme's main emphasis is on the Tsalka district, inhabited by Armenians, Georgians, Azeris and Greeks.

In spite of the difficulties faced in relation to the two elections and especially the August war, efforts to develop region—centre dialogue and build the capacity of the Javakheti Citizens' Forum (JCF, established in 2004) and the Tsalka Citizens' Forum (TCF, established in 2005) were successfully continued. JCF and TCF are regional umbrella associations for NGOs and individual members in the minority regions, the capacity and outreach of which has been built up over previous years to facilitate the formation of a solid base in the regions for civil society engagement and dialogue with the central government over matters of regional concern. ECMI's direct engagement in the two regions is coming to an end, and particular efforts are being made in 2008 and 2009 to ensure the sustainability of the networks. At the end of 2008, JCF was already functioning as a fully independent entity with its own organizational and administrative structures. At the same time, this year has seen a boost in the commitment and engagement of local stakeholders, and JCF now engages in a wide range of policy matters in Javakheti and consults closely with the district authorities as well as relevant ministries in Tbilisi, particularly the Ministry of Education and Science.

In 2009, ECMI will continue to provide JCF with financial support, but without the active involvement of previous years, and it is foreseen that JCF – with its developed organizational structures and administrative capacity – will be able to secure funding from other donors from

2010 and beyond. TCF, which was initiated at a later date and in Tsalka, which is less developed than Javakheti, is also on its way towards sustainability. It is envisaged that TCF will become sustainable in 2009, while direct financial support to elementary activities, such as the running of a resource centre, core personnel etc., will be required beyond that point.

As a spin-off effect of successful ECMI activities to build up civil society capacity in minority regions, other minority NGOs in the Kvemo Kartli region, and particularly those in Marneuli, Gardabani, Bolnisi and Dmanisi, have been inspired to establish a similar network of civil society organizations, aimed at covering the entire province of Kvemo Kartli. It is expected that around 30 NGOs will formally establish the Kvemo Kartli Citizens' Forum (KKCF) in early 2009. ECMI has supported preparations by the NGOs and will seek to provide more targeted assistance in the coming year.

B. Research and documentation

In 2008, ECMI continued to conduct its research and documentation activities, which play an integral and highly important part of the larger programme activities. In past interventions, research and documentation on groups or issues have been instrumental in directing governmental and/or international attention to specific problems. In February, ECMI published the results of comprehensive field research among the small and disadvantaged Romani communities in Georgia. The paper, by David Szakonyi, was published in the ECMI working paper series (No 39), entitled "No Way Out: An Assessment of the Romani Community in Georgia". It was presented to a larger audience of government and NGO stakeholders at a roundtable organized in collaboration with the Council of National Minorities in March.

In late 2007, a study of the treatment of ethnic Russians was also carried out, resulting in the publication in February 2008 of issue brief no. 16: David Szakonyi, "Reciprocity or the Higher Ground? The Treatment of Ethnic Russians in Georgia After the 'Spy Scandal' of 2006".

ECMI also continued its research on the effect of educational reform on national minorities, and a report is expected for publication in early 2009. A study on the development of institutions responsible for minority issues since the Rose Revolution in 2003 is also underway and is expected to be published in early 2009.

In addition, two studies are currently being prepared on the upcoming signing and ratification of the European Charter for Regional or Minority Languages and include a paper on language issues in Javakheti and Kvemo Kartli and a paper on regional languages (Megrelian, Svan and Laz). These are designed to inform the debate between government and minority/regional stakeholders, and presentation is envisaged for 2009.

Moreover, field studies in the Georgian breakaway region of Abkhazia have led to the compilation of a book by ECMI Regional Representative in Georgia, Tom Trier, Hedvig Lohm and David Szakonyi on the interethnic situation in that territory, entitled *Under Siege: Inter-Ethnic Relations in Abkhazia* (Hurst and Co., 2009).

Finally, ECMI continued its work on a larger research project that will lead to the publication of a handbook by Tom Trier and George Tarkhan-Mouravi on Georgia's ethnic groups, entitled *Georgia: An Ethnopolitical Handbook* (Bennett and Bloom, forthcoming). Georgian and Russian versions of the book are also being prepared thanks to a grant from the Swiss Embassy to Georgia. The eventful year of 2008 necessitated a significant number of revisions which affected the completion of the manuscript, and publication is now expected for 2009.