

# **GEORGIA'S ARMENIAN AND AZERI MINORITIES**

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## GEORGIA'S ARMENIAN AND AZERI MINORITIES

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

Georgia is a multinational state, building democratic institutions and forging a civic identity. However, it has made little progress towards integrating Armenian and Azeri minorities, who constitute over 12 per cent of the population. Tensions are evident in the regions of Samtskhe-Javakheti and Kvemo-Kartli, where the two predominantly live and which have seen demonstrations, alleged police brutality and killings during the past two years. While there is no risk of these situations becoming Ossetian or Abkhaz-like threats to the state's territorial integrity, Tbilisi needs to pay more attention to minority rights, including use of second languages, if it is to avoid further conflict.

Some steps have been taken to improve the lives of minorities. With donor support, Georgia has invested in road and infrastructure rehabilitation in minority regions; created a ministry for civic integration; established a public administration institute to train minorities; and ratified the Framework Convention for the Protection of National Minorities. But overall the priority has been to assert national unity over minority protection.

Azeris and Armenians are underrepresented in all spheres of public life, especially government. The problem is especially acute for the Azeris in Kvemo-Kartli, where Georgians hold all important positions. Ethnic minorities' political participation and representation – a key to more effective integration – is disturbingly low. Lack of dialogue between Tbilisi and minorities adds to perceptions of discrimination and alienation.

The minorities' biggest problem is inability to speak the state language. Since the Rose Revolution, the government has been enforcing laws obliging minorities to communicate in Georgian with local officials, even to acquire official documents, submit complaints or receive services. State jobs and professional licences are contingent on knowing Georgian and passing new qualification exams. Language instruction in schools is inadequate, and fewer minorities are attending higher education institutions.

The administration of President Saakashvili is undertaking ambitious local government reforms. A new law on self-governance was passed in 2005 and elections for new

municipalities were held in October 2006. Yet, power remains largely with regional and Tbilisi-based officials. Minorities are unconvinced decentralisation will give them greater decision-making influence. Armenians especially want to take their own decisions on such issues as education and culture. Unless decentralisation allows this, they will continue to demand autonomy for Samtskhe-Javakheti. (Azeri activists in Kvemo-Kartli prioritise greater representation in local government rather than autonomy.)

Minorities have been emigrating to Armenia and Azerbaijan. However, Yerevan and Baku do not publicly advocate on behalf of their respective minorities. Their priority is good relations with Tbilisi and short-term stability. Armenians are mobilising politically more than Azeris but both minorities have organised recent protests which have on occasion turned violent. Tbilisi needs to do more to encourage minorities to address their problems through state structures rather than in the street.

### RECOMMENDATIONS

#### To the Georgian Government:

#### *To develop and implement more effective overall minorities policy*

1. Complete work on the National Civic Integration Strategy and Action Plan and allocate funds in the 2007 state budget to implement them.
2. Increase funding and capacities for the Ministry for Civic Integration and appoint a senior, respected official as presidential adviser on civic integration issues.
3. Ratify the European Charter for Regional and Minority Languages and the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.
4. Take affirmative action to encourage minorities' representation in central and regional government.

5. Fund public defender's offices in Marneuli and Akhalkalaki.
6. Consult with councils (*sakrebulo*s) in municipalities with over 20 per cent minorities on issues sensitive for minorities and include their representatives in the National Council on Civic Integration and Tolerance.
7. Consult with the Council of National Minorities when drafting new laws affecting minorities.
8. Continue investigation into land distribution in Kvemo-Kartli and expropriate and redistribute land obtained illegally to local farmers.
9. Make evening news TV broadcasts available in local languages in Kvemo-Kartli and Samtskhe-Javakheti.

***To secure minorities' rights in public administration and education***

10. Introduce legislation allowing Azeris and Armenians, in municipalities where they exceed 20 per cent of the population, to use their native language to communicate with administrative authorities, submit complaints, acquire civil documents and certificates, benefit from public services and conduct municipal business and *sakrebulo* meetings.
11. Amend all laws on civil service testing so that where minorities are over 20 per cent of the population, officials may be eligible to serve without knowing the state language at least for an interim period of ten to fifteen years.
12. Amend the 2005 Law on General Education to emphasise bilingual education in minority areas and ensure that core social science subjects are taught in Azeri and Armenian (in parallel with Georgian).
13. Strengthen Georgian as a second language (GSL) teacher training, development of GSL teaching materials and opportunities for minorities to learn GSL in primary and secondary schools.
14. Improve access to higher education by amending rules to allow minority students to take national entrance examinations in Russian, Armenian or Azeri and provide intensive GSL study to students who do not pass Georgian language exams.
15. Transform the Zurab Zhvania School of Public Administration into a two-year civic administration academy targeting minorities and offering intensive GSL training; set quotas so that at least 50 per cent of new entrants in the Akhalkalaki branch of the Tbilisi State University and the Marneuli branch of the Ilya Chavchavadze State University are minorities; and accept Armenian government support to improve the Akhalkalaki branch of the Tbilisi State University.

16. Create joint commissions with Azerbaijan and Armenia to develop history textbooks for Georgian schools.

***To improve minorities' access to the judicial system and participation in local government***

17. Strengthen public services at the municipal level.
18. Allow judicial proceedings in Azeri or Armenian in municipalities with over 20 per cent minorities.
19. Translate into Armenian and Azeri and disseminate all new legislation.
20. Revise electoral boundaries to ensure equal representation in municipal councils and equality of suffrage.
21. Remove legal and administrative barriers to registration of political parties on a regional or ethnic basis and decrease the threshold for a party's representation in the parliament to 5 per cent nationally.
22. Distribute information, manuals for precinct election commissions (PECs), voter lists, ballots and protocols certifying results in bilingual form in municipalities with over 20 per cent minorities.

## GEORGIA'S ARMENIAN AND AZERI MINORITIES

### I. INTRODUCTION

Since the 2003 Rose Revolution, President Saakashvili's government has made significant progress in building strong state institutions out of the corrupt and weak structures inherited from previous administrations. More effective and more honest law enforcement, improved tax collection, more regular payment of pensions and creation of a stronger army are all signs of a more confident state. These reforms have generally benefited Georgia's population but there have been insufficient efforts to ensure that the country's minorities can access the new state structures and participate in policy-making.

One of Saakashvili's biggest successes has been the fight against corruption in public services. The government is eradicating nepotism, patronage and bribery, while building cohesion and pride amongst state employees. But the new criteria for hiring and promotion – knowledge of Georgia's language, history and laws – is often difficult for minorities to master. During the Soviet period, minorities had little access to these subjects and were schooled in their mother tongue. Consequently few today know Georgian and they are struggling to catch up. The state is doing little to make allowances for these differences.

According to the 2002 census, 284,761 ethnic Azeris and 248,929 ethnic Armenians live in Georgia,<sup>1</sup> 12.2 per cent of the total population.<sup>2</sup> Of these, 124,831 ethnic Armenians live in Samtskhe-Javakheti and the adjacent Tsalka municipality,<sup>3</sup> and 224,606 ethnic Azeris reside in Kvemo-Kartli. This report focuses on these two regions, which share specific problems and challenges.

<sup>1</sup> In this report the terms "Azeris" and "Armenians" will refer to ethnic Azeri and ethnic Armenian citizens of Georgia unless otherwise specified.

<sup>2</sup> Georgia's multinational character has changed greatly since 1989, when ethnic minorities (including Russians, Ossetians, Greeks, Jews and others) were 29.9 per cent of the population. Non-Georgians are 16.7 per cent according to the 2002 census.

<sup>3</sup> Tsalka is part of Kvemo-Kartli but in this report is discussed with Samtskhe-Javakheti unless otherwise specified. According to the 2002 census 55 per cent of its population is Armenian, 22 per cent Greek, 12 per cent Georgian, and 9.5 per cent Azeri.

Tensions are increasing in both. The international community is gradually beginning to try harder to improve dialogue between ethnic Georgians and the Azeri and Armenian minorities so as to prevent future conflict. EU Special Representative Peter Semneby warned the European Parliament in October 2006 that "the conflict potential in the Caucasus is far from exhausted....There are several other large minorities in Georgia, which means that as long as prosperity is not more evenly distributed...the country contains potential for future conflicts".<sup>4</sup>

The minority issues are highly sensitive. While most ethnic Georgians vehemently deny there is any inequality, many ethnic Armenian and Azerbaijanis claim they are treated as second-class citizens. Ethnic Georgians must do more to tackle minority grievances, even if they are sceptical of discrimination claims. The Armenian and Azeri populations, together with other minorities, have suffered from nationalistic and discriminatory policies under Zviad Gamsakhurdia<sup>5</sup> and from neglect under Eduard Shevardnadze. They frequently turned to Yerevan and Baku but generally to no avail. Both main groups have accumulated grievances and distrust towards central authorities.<sup>6</sup>

Many Georgians are wary of the minorities' claims. Feeling betrayed by the Ossetians and the Abkhaz, who have already declared independent states on Georgian territory, ethnic Georgians have a deeply rooted, if unfounded,<sup>7</sup> fear that other minorities may do the same.

<sup>4</sup> "Georgia: EU Urges 'Confidence Building' with Separatists", RFE/RL *Caucasus Report*, vol. 9, no. 34, 6 October 2006.

<sup>5</sup> For example the names of 32 ethnic Azeri villages and of rivers and mountains were changed to Georgian in the early 1990s. Stuart Kaufman, *Modern Hatreds: The Symbolic Politics of Ethnic War* (Ithaca, 2001), p. 127; Elizabeth Fuller, "Azerbaijani Exodus from Georgia Imminent?", RL, 15 February 1991.

<sup>6</sup> Crisis Group interview, regional representative in Caucasus, European Centre for Minority Issues (ECMI), Tbilisi, June 2006.

<sup>7</sup> "These are not issues of ethnic separatism and irredentism. While some Georgians are suspicious of hidden nationalist cravings within these minority communities, the latter have made no separatist demands or organised irredentist movements. The main area of concern is the lack of socio-political integration of these minorities and low level of their

In particular, they equate Armenian calls for autonomy with separatism. More sensitive and effective minority policies would dampen such demands and might even help build trust with the Abkhaz and Ossetians, who cite Armenian and Azeri grievances to explain why their own rights have little chance of being guaranteed within the Georgian state.<sup>8</sup>

The sense of alienation in Kvemo-Kartli and Samtskhe-Javakheti is aggravated by economic problems, including high unemployment, lack of industrial production, poorly remunerated agriculture and decaying infrastructure. These are common to all regions but Samtskhe-Javakheti, more than most, was in effect abandoned by the central government for years, resulting in the collapse of its economy and infrastructure.<sup>9</sup> Extremely poor roads make trips from most villages to Akhaltsikhe, the administrative centre, long, costly and difficult.

Georgia, with its partners, is taking steps to address these economic problems. The Millennium Challenge Georgia Fund (MCGF, \$102 million)<sup>10</sup> and the government (\$25 million) are financing a "Samtskhe-Javakheti Roads Rehabilitation Project" to reconstruct roads connecting with Tbilisi, Armenia and Turkey. The former plans to fund repair of Kvemo-Kartli infrastructure.<sup>11</sup> Since signing a grant program in 2004, the government, with the Baku-Tbilisi-Ceyhan Pipeline Company (BTC Co.), has been investing in Samtskhe-

Javakheti and Kvemo-Kartli.<sup>12</sup> Mercy Corps in the former and Acción contra el Hambre in the latter implement European Commission projects worth \$3 million to eradicate poverty and support rural development.<sup>13</sup> The UN Development Program (UNDP) Georgia has an \$855,000 Samtskhe-Javakheti project.<sup>14</sup> However, none of this is likely to appease minorities' political grievances without policies that increase inclusion and participation of the sort this report focuses on.

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genuine participation [in] Georgia's nascent democratic institutions". Ghia Nodia and Alvaro Pinto Scholtbach, *The Political Landscape of Georgia. Political Parties: Achievement, Challenges and Prospects*, NIMD, ODIHR, CIPDD, (Delft, 2006), p. 72.

<sup>8</sup> "A successful, open, tolerant and democratic Georgia is the best asset in the efforts to peacefully resolve the confrontation with the present South Ossetian and Abkhaz regimes and restore the country's territorial integrity", Parliamentary Assembly of the Council of Europe (PACE) Resolution 1415, 24 January 2005. Leaders of the Armenian community in Abkhazia referred to the plight of Armenians in Samtskhe-Javakheti to argue they were better off in Abkhazia. Crisis Group interviews, Sukhumi, May, September 2006.

<sup>9</sup> Mikael Hertoft, "Javakheti: The Temperature 2005", ECMI Occasional Paper, April 2006, available at [http://www.ecmigeorgia.org/works/occasional\\_paper\\_hertoft.pdf](http://www.ecmigeorgia.org/works/occasional_paper_hertoft.pdf). Sergey Minasian, "The Socioeconomic and Political Situation in Javakhetia", *Central Asia and the Caucasus*, vol. 3, 2005, available at <http://www.cac.org/journal/2005-03-eng/16.minprimen.shtml>.

<sup>10</sup> Figures denoted in dollars (\$) in this report refer to U.S. dollars unless otherwise stated.

<sup>11</sup> Grants for farming activities and/or rehabilitation of water systems may be allocated to Kvemo-Kartli. The Fund is reviewing project proposals. Crisis Group email communication, Fund public outreach director, September 2006.

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<sup>12</sup> The Baku-Tbilisi-Ceyhan Pipeline Company (BTC Co.), led by BP, gave the government \$9 million as part of a new grant program for Georgia in February 2005. According to the foreign ministry, the program envisages allocation of \$40 million over the next five years. "BTC Co. grants \$9 Million to Georgia", *Civil Georgia*, Tbilisi, 1 February 2005.

<sup>13</sup> See the European Commission Delegation to Georgia site, <http://www.delgeo.cec.eu.int/en/press/12December2005.htm>.

<sup>14</sup> See the Georgia UNDP site, <http://www.undp.org.ge/Projects/poverty.html>.

## II. TENSIONS

### A. ARMENIANS IN SAMTSKHE-JAVAKHETI

Armenians are 55 per cent of Samtskhe-Javakheti, a region (6,400sq.km.) of southern Georgia sharing borders with Turkey and Armenia. In its municipalities, they are 98 per cent of Ninotsminda, 94.3 per cent of Akhalkalaki, 37 per cent of Akhaltsikhe, and 17.5 per cent of Aspindza.<sup>15</sup> Ninotsminda and Akhalkalaki are generally considered to form Javakheti. Located on a high rocky plateau, with (until recently) extremely poor road links and almost entirely Armenian, it has been isolated from the rest of Georgia. Ninotsminda and Akhalkalaki share problems which affect other municipalities less but Armenians throughout Samtskhe-Javakheti conceive themselves as sharing the common identity of *Javakhkahayer* (Javakheti Armenians).

Grievances are increasing. In 2005-2006 ethnic Armenian protests turned violent after clashes with law enforcement agents. On 9 March 2006, the killing of an ethnic Armenian in Tsalka by ethnic Georgian migrants caused protests across Samtskhe-Javakheti, though in Tsalka itself they were suppressed by Special Forces.<sup>16</sup> The protesters in Akhalkalaki demanded an immediate investigation into the killing. They alleged that ethnic Armenian judges in Akhalkalaki and Ninotsminda were being dismissed<sup>17</sup> and demanded the right to conduct proceedings in courts and other state structures in Armenian.<sup>18</sup> Protesters broke into the court building and the local branch of the Tbilisi State University.<sup>19</sup> Other violent incidents occurred on 11 December 2005, when Akhalkalaki protesters seized the customs house on the Armenian border after ethnic Georgians replaced ethnic Armenian staff.<sup>20</sup>

<sup>15</sup> Census 2002, State Department of Statistics of Georgia. The Borjomi and Adigeni municipalities are officially part of Samtskhe-Javakheti but their Armenian population is only 9.6 per cent and 3.4 per cent respectively.

<sup>16</sup> "Ethnic Clashes in Tsalka (Georgia): Police Used Force", *Regnum*, 10 March 2006, available at <http://www.regnum.ru/english/603424.html>; "One Dies in Clash, Rising Tensions in Multiethnic Tsalka", *Civil Georgia*, 10 March 2006.

<sup>17</sup> "Authorities of Georgia Got Rid of Armenian Judges", *Regnum*, 28 February 2006, available at <http://www.regnum.ru/news/597479.html>.

<sup>18</sup> "Protesters Raid Court, University in Akhalkalaki", *Civil Georgia*, 11 March 2006.

<sup>19</sup> *Ibid.*

<sup>20</sup> "Samtskhe-Javakheti Residents Raided Custom Houses at the Armenian-Georgian Border", *Regnum*, 12 December 2006, available at <http://www.regnum.ru/english/558553.html>. For a detailed chronicle, see: Sergey Minasian, *Minorities in*

In 2005 and 2006 mass demonstrations and political meetings were organised by Samtskhe-Javakheti activists, whose demands included autonomy within Georgia for Samtskhe-Javakheti and Tsalka Armenians, use of Armenian in public administration in Armenian-populated municipalities, an end to settlement of ethnic Georgians from other parts of the country in Samtskhe-Javakheti and improved Armenian representation in state institutions. Crisis Group observed a conference on 1 July 2006 in Akhalkalaki where more than 100 participants united in protest against "Georgianisation" policies and a call for autonomy.<sup>21</sup>

Armenians' strongest grievance is the inability to use their language in public life. The government's new language policies are a source of strong resentment. Tbilisi is accused of abolishing minorities' former rights to use Armenian or Russian and thus limiting access to jobs and education.

Another concern is that the Armenian population is dwindling, putting into question preservation of their identity.<sup>22</sup> Polls show Armenians are four to five times more inclined to emigrate than ethnic Georgians and Azeris.<sup>23</sup> According to unofficial data 20 per cent of the Soviet-era Armenian population has left.<sup>24</sup> Armenians believe they are victims of a policy to shift the region's demographic balance, citing settlement in 1997-2006 of thousands of ethnic Georgians in Tsalka<sup>25</sup> and government plans to allocate \$700,000 to buy houses for 220 migrant families.<sup>26</sup>

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*Georgia: Potential for Integration, A Case Study of the Country's Armenian Population* (Yerevan, 2006).

<sup>21</sup> A *Javakhk* movement leader said: "If Georgia continues its policies, and Armenia does not defend us, we will defend ourselves with blood." A former prosecutor's words – "if all rise up, no authorities will be able to resist us" – received standing applause.

<sup>22</sup> Armenians point to Akhaltsikhe Armenians, who were 51.1 per cent of that municipality (25,753) in the 1959 Soviet Census and are now 36.6 per cent (16,879 people). Crisis Group interview, former Mayor Nairi Yeritsian, Akhalkalaki, June 2006.

<sup>23</sup> Guram and David Svanidze, "Emigration from Georgia and its Causes", Migration in the Caucasus Conference materials, Caucasus Media Institute (CMI), Yerevan 2003, p.132.

<sup>24</sup> Crisis Group interview, head of statistical department, Akhalkalaki municipality, Akhalkalaki, June 2006. Crisis Group interviews, village officials, Akhalkalaki, Aspindza, Akhaltsikhe and Aspindza, June 2006.

<sup>25</sup> Only one Georgian village (180 families) existed in Tsalka in the Soviet period. Since 1997, 297 houses have been bought through a governmental resettlement program, based on the 1997 presidential decree on settlement of eco-migrants, and 400 more are planned in 2006. Officially 1,500 Georgian families have been settled. Crisis Group interview, *gamgebeli*,

Many activists believe the government allows only two unsatisfactory alternatives: to emigrate or accept "Georgianisation". An influential NGO activist told Crisis Group: "The situation is very tense now. Only 5-10 per cent goodwill is left before a war starts. The attempt to change the demographic situation is a bomb, by means of which Georgians will explode themselves".<sup>27</sup>

Dissatisfaction with their position in Georgian society pushes Armenians overwhelmingly to support autonomy as the best guarantee for preserving their ethnic and cultural identity. Yet, when pushed to explain what they mean by it, they are not unified. Some seek "cultural autonomy" – independent decision-making on educational and cultural issues.<sup>28</sup> Others call for full political autonomy, with their own elected executive and complete self-government. Activists argue that autonomy can save Georgia from further ethnic conflicts.<sup>29</sup> "We believe that political autonomy is the best solution for both Javakheti and Georgia. It would dissolve all the tensions and provide Armenians with the possibility to fully integrate as loyal citizens of Georgia on the one hand, and to preserve our national identity and feeling of security on the other", one says.<sup>30</sup>

The state should be able to argue that local government reform and greater decentralisation will address many

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Tsalka municipality, June 2006. However, the Georgian population seemed actually to be 6,000 to 9,000. Many bought or illegally seized houses belonging to Greeks who emigrated to Greece. Crisis Group interviews, Armenian and Greek activists, Tsalka, June 2006.

<sup>26</sup> "The Government of Georgia plans to settle Georgian families in Javakheti", *Regnum*, 12 May 2006, at [www.regnum.ru/news/639074.html](http://www.regnum.ru/news/639074.html). According to the Ministry of Refugees and Accommodation, the government, in co-operation with the Greeks, has begun to compensate ethnic Greeks in Tsalka for houses taken by persons forced to move because of floods or other ecological disasters. "There are no ethnic problems in Tsalka...only money problems....We will continue the resettlement programs as long as houses are available", Crisis Group interview, senior ministry official, Tbilisi, June 2006.

<sup>27</sup> Crisis Group interview, head, local NGO, Akhalkalaki, June 2006.

<sup>28</sup> Crisis Group interviews, leaders of political movements and NGOs, Samtskhe-Javakheti, July-August 2006. They also question the logic of offering autonomy in Abkhaz and Ossetia, with much smaller populations, but not to Armenians. Speeches at the Armenian-Georgian expert group meeting, with Samtskhe-Javakheti NGOs, 4 June 2006.

<sup>29</sup> Statements at 1 June 2006 conference organised by the Coordination Council of Samtskhe-Javakheti NGO. Crisis Group interviews, political activists, Akhalkalaki, July 2006.

<sup>30</sup> Crisis Group interview, David Rstakian, leader, Virk movement, Akhalkalaki, July 2006. He has pledged to collect 30,000 signatures in support of autonomy.

ethnic Armenian grievances. Inability to do so has kept autonomy calls alive and fuelled disenfranchisement with the state and frustration at being unable to solve local problems. Addressing the root causes and helping Armenians reengage with state structures can help ensure that tensions do not escalate to conflict.

## B. AZERIS IN KVEMO-KARTLI

Ethnic Azeris are 45.5 per cent of Kvemo-Kartli (6,528 sq km), a region immediately south of Tbilisi and bordering Armenia and Azerbaijan.<sup>31</sup> Kvemo-Kartli is less isolated than Samtskhe-Javakheti. Some 83.1 per cent of the population of Marneuli, 66 per cent of Bolnisi, 66.8 per cent of Dmanisi and 43.7 per cent of Gardabani municipality are Azeri, though ethnic Azeris in Georgia decreased from 307,500 to 284,761 between 1989 and 2002.<sup>32</sup> Emigration is mainly to Azerbaijan, Turkey and Russia.<sup>33</sup> Ethnic Azeris cite the difficult socio-economic situation, high unemployment, and uncertainty about the future, as main emigration causes.<sup>34</sup>

Superficially, the situation seems less volatile than in Samtskhe-Javakheti. Partly because ethnic Azeris do not mobilise and demonstrate as often as Armenians,<sup>35</sup> Kvemo-Kartli gets much less interest from Tbilisi and donors. This contributes to the frustration of Azeris, who often compare themselves to Armenians. An Azerbaijan official asked Crisis Group: "If Azeris are the biggest national minority in Georgia, why are they not represented in local and state affairs? If Armenians are

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<sup>31</sup> Kvemo-Kartli is traditionally known in Azeri as *Borchali*.

<sup>32</sup> Based on the 1989 and 2002 censuses.

<sup>33</sup> This has had a strong effect on Kvemo-Kartli marriage and birth rates. In 1989 there were 3,387 births and 990 marriages in Marneuli; in 2001, 1,189 births and 135 marriages. "Conflict Potential Concerning Language and Education Problems in the Region of Kvemo-Kartli," German Technical Cooperation (GTZ) and the Caucasus Institute of Peace, Democracy and Development (CIPDD), May 2006.

<sup>34</sup> Causes given in a 2001 survey. In the early 1990s, however, ethnic Azeris migrated due to fear of the nationalist policies of the then president, Gamsakhurdia. "Ethnic Confessional Groups and Challenges to Civic Integration in Georgia," CIPDD, 2002.

<sup>35</sup> Ethnic Azeris are among the least politically active groups in Georgia. Their silence may be caused by fear due to pressures from both Georgian and Azerbaijani authorities. They prefer to remain quiet or deny they have problems to officials but become outspoken with ordinary Azeris. Crisis Group interview, director, Civic Integration Foundation, Tbilisi, June 2006.



less numerous than Azeris, how do they hold all key posts in Javakheti?"<sup>36</sup>

Several incidents during the past two years, however, show deep political grievances and potential for violence. Many Azeri activists expected conditions to improve rapidly under Saakashvili but optimism has faded.<sup>37</sup> Tensions simmered until 2004. Since then, demonstrations have centred mainly on unequal land privatisation. Ethnic Azeris, predominantly farmers, claim Georgians were favoured when land was privatised. Initially, for security reasons, land within a 21-km. border strip remained state-controlled, so much of Kvemo-Kartli was not privatised.<sup>38</sup> When this changed, it turned out much land was already leased, mainly to people close to local officials and clan leaders, leaving many Azeris landless or forced to rent small plots mostly from Georgians. Azeri farmers believe little has changed since. They particularly complain that many large landowners are not even from Kvemo-Kartli.<sup>39</sup> While some Georgian officials say there is no discrimination, officials in Baku call for a complete land redistribution.<sup>40</sup>

Some protests turned violent. On 3 December 2004 an ethnic Azeri woman was killed and several injured, after a protest in Kulari village (Marneuli municipality) demanding that the Tbilisi-based Jockey Club – which owned over 1,000 hectares – give half its property to

local farmers.<sup>41</sup> To cool tensions President Saakashvili replaced the local governor.<sup>42</sup> The new governor says he has implemented reforms to provide land to ethnic Azeris. Up to 8,000 Azeris received plots of 0.5 hectares during the first seven months of 2006 alone<sup>43</sup> but Azeris want more.

Azeris also feel unduly targeted by the government's anti-corruption program, particularly its effort to curb black-market, cross-border trade.<sup>44</sup> They harbour grievances from police operations in 2004-2005 which allegedly broke into houses, confiscated goods, arrested ethnic Azeris and fired on suspects. In anti-drug and anti-smuggling efforts, police particularly targeted the Gardabani municipality.<sup>45</sup> In December 2005, anti-smuggling operations closed the Sadakhlo market, a key source of income for tens of thousands of Georgians, Azeris and Armenians.<sup>46</sup> A few months later, customs regulations were tightened, causing closure of the market at the Red Bridge (*Krasny Most*) customs point.<sup>47</sup> Azeris complain that by cutting off their livelihood, the authorities are forcing them to leave Georgia.<sup>48</sup>

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<sup>36</sup> Crisis Group interview, chairwoman, Azerbaijani-Georgian Inter-parliamentary Friendship Commission, Baku, September 2006.

<sup>37</sup> "We were encouraged by Saakashvili's many pledges to resolve ethnic Azeris' problems. We launched public protests when his pledges did not come true". Crisis Group interview, leader, *Geyrat* Public Movement, Marneuli, June 2006.

<sup>38</sup> Resolution no. 10, State Council of the Republic of Georgia, 1992. The state transferred this strip of land to the Ministry of Defence. A comprehensive "Law on the Ownership of Agricultural Land" was passed in 1996. The "Law on the State Border" (1998) defined a five-km. border zone where land privatisation was restricted. In July 2004 a new law was passed. For more, see Jonathan Wheatley, "Implementing the Framework Convention for the Protection of National Minorities in Georgia: A Feasibility Study", ECMI Working Paper no. 8, October 2006, pp. 40-41; "Ethnic Confessional Groups and Challenges to Civic Integration in Georgia", CIPDD, 2002, p. 15; Ramila Aliyeva, "Land reform problems in Southern Georgia", Institute for War and Peace Reporting (IWPR), 13 April 2006.

<sup>39</sup> In Damia-Gorarkhi village, Marneuli, an ethnic Georgian from Zugdudi owns 110 hectares and a Tbilisi Georgian owns 35. Native Azeris were only granted a third of a hectare. Crisis Group interviews, farmers, Marneuli, June 2006.

<sup>40</sup> Crisis Group interview, chairwoman, Azerbaijani-Georgian Inter-parliamentary Friendship Commission, September, Baku 2006.

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<sup>41</sup> Villagers had almost no arable lands. From 1992 to 2005 almost all land in Kulari and Kirikhlo villages (Marneuli municipality) belonged to the Jockey Club (formerly owned by Tbilisi hippodrome). Crisis Group interview, local activist, Marneuli, June 2006; Sofo Bukia "Azeris Angry Over Georgia Killing", IWPR, 15 December 2004.

<sup>42</sup> Zurab Melikishvili replaced the former governor, Soso Mazmishvili.

<sup>43</sup> He considers the land problem largely solved in Bolnisi and Marneuli but not entirely in Gardabani. However, appropriate redistribution is not always easy as some large landowners have documentation to prove ownership. Crisis Group interview, governor, Kvemo-Kartli region, Rustavi, September 2006.

<sup>44</sup> Crisis Group interviews in Marneuli and Gardabani, July 2006.

<sup>45</sup> Some Azeri informants allege that financial police raids targeted random Azeris in Vakhtangisi, Agtehle, Ponichala, and Garajalar villages of Gardabani, and Marneuli's Kirech-Muganli and Kesheli villages. Crisis Group interview, former member of parliament, October 2006; Ramilya Aliyeva, "Smuggling Crackdown Hurts Azeris," IWPR, 17 February 2005.

<sup>46</sup> The Sadakhlo market promoted confidence between Armenians and Azerbaijanis who traded there. Tbilisi authorities claim it was a transit site for contraband, including drugs. Azeri merchants have been left heavily indebted by the closure. Crisis Group observations and interviews in Sadakhlo and Marneuli, June 2006.

<sup>47</sup> This market was in Azerbaijan and closed when customers from Georgia stopped trading due to stricter implementation of customs regulations. Crisis Group interview, customs official, Red Bridge customs point, September 2006.

<sup>48</sup> Crisis Group interview, deputy rector, Tax and Customs Academy, Marneuli, June 2006.

Some ethnic Azeris accuse police of heavy-handed tactics and intimidation. On 28 June 2005 an influential activist, Haji Sadraddin Palangov, disappeared near Sadakhlo. The investigation continues with no arrest.<sup>49</sup> In September 2005 another activist, Telman Hasanov, was arrested when some 30 Azeris blocked a main road. He is serving a four-and-a-half-year prison term.<sup>50</sup> Police have also reportedly broken up protests violently. For example, on 23 February 2006, nine protestors were arrested and detained for three months for violating public order during a land demonstration.<sup>51</sup> Police allegedly physically intimidated Baku-based journalists covering the event and confiscated their videotapes.<sup>52</sup> An Azeri journalist arrested in April 2004 and sentenced to five years for fraud remains behind bars though his health has seriously deteriorated.<sup>53</sup> The leader of the *Geyrat* (honour) Public Movement told Crisis Group: "None of the Georgian officials react to our petitions and grievances. We have no way out of the protest actions. Ethnic Azeris are being jailed when they air grievances openly and demand their own rights".<sup>54</sup>

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<sup>49</sup> Haiji Sadraddin Palangov, also known as Molla Gara, represented the Ozan Society in Sadakhlo. He was openly critical of a powerful local criminal group blamed for extorting money from Azeris working at the market. Witnesses found bloodstains and seven pistol shells where he allegedly disappeared but no progress has been made on the case. Crisis Group interview, Palangov family members, Sadakhlo, June 2006; Crisis Group interview, department head, Ministry of Internal Affairs, October 2006.

<sup>50</sup> The protesters, led by Telman Hasanov in Vakhtangisi village of Gardabani municipality, accused authorities of violating Azeris' rights and turning a blind eye to crimes. They demanded dual citizenship, more equitable land reform, investigation of crimes, an end to high customs fees at the Azerbaijani border and more state jobs for Azeris. Before his arrest, Telman Hasanov said they would demand autonomy if their rights were not restored. Crisis Group interview, head, Georgia is my Motherland organisation, Tbilisi, June 2006; "Georgian Azeris Hold Protest Action", APA News Agency, 2 September 2005.

<sup>51</sup> They were released after the local community paid bail. Some allege they were tortured in custody. Crisis Group interview, leader, *Geyrat* Public Movement, Marneuli, June 2006.

<sup>52</sup> Journalists were from Baku-based Lider TV and ANS TV. Crisis Group interview, reporter, ANS TV, Tbilisi, October 2006.

<sup>53</sup> Gajar Huseynov of the Azeri-language paper *Yeni Dushunca* (New Thinking), had frequently written about ethnic Azeri problems. The Azerbaijani ombudsman's office and Azerbaijani and Georgian human rights activists appealed to the penitentiary system to give him medical attention. The Azerbaijani Press Council has written to President Saakashvili expressing concern about his health. "Azerbaijani journalist goes on hunger strike in jail", APA News Agency, 22 August 2006.

<sup>54</sup> Crisis Group interview, leader, *Geyrat* Public Movement, Marneuli, June 2006.

As in Samtskhe-Javakheti, some Azeris believe they are victims of an ethnically motivated campaign to encourage them to emigrate.<sup>55</sup> "We are being politely told to leave", an activist affirmed.<sup>56</sup> Compared with their Armenian counterparts, Azeris live in a greater climate of fear. A hard-line ethnic Azeri, now living in Baku, says: "We are orphans and 'second class citizens' in Georgia. Active Azeris who demand that our rights be protected are either killed or kidnapped. Neither Georgia nor Azerbaijan thinks of us. We do not feel safe in Georgia".<sup>57</sup> While many Armenians consider autonomy the solution to their problems, most ethnic Azeris rule this out. As they are underrepresented in local and municipal government, autonomy would do little for them. A leader asked: "How can we demand autonomy when there is almost no ethnic Azeri working in state structures? The lack of representation and language barrier is above all of our other problems and demands".<sup>58</sup>

Like Armenians, Azeris lack access to policy making. Their inability to influence land privatisation in the 1990s continues to cause grievances. To change matters, they need to feel they can take part in decisions, and for this they must be properly represented in state structures.

### C. TBILISI'S RESPONSE

The 1995 Constitution (Article 38) guarantees equality irrespective of national, ethnic, religious or linguistic identity and says all citizens have the right to develop their culture and use their mother tongue in private and public. But for much of the post-Soviet period, minorities tended to be ignored. Saakashvili vowed action:

While talking about our society, we should take into consideration its ethnic diversity. We must try to see events that took place in Georgia over recent years from their viewpoint....We must also ensure that every Azerbaijani and Armenian can feel themselves to be part of this society....We have Azerbaijanis who are proud of Georgia. We have Armenians, hundreds of thousands of

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<sup>55</sup> Crisis Group interview, former parliamentarian, Marneuli, June 2006.

<sup>56</sup> Crisis Group interview, deputy rector, Tax and Customs Academy, Marneuli, June 2006.

<sup>57</sup> Crisis Group interview, director, National Assembly of Georgian Azeris (NAGA), Baku, May 2006.

<sup>58</sup> Crisis Group interview, leader, *Geyrat* Public Movement, Marneuli, June 2006.

them, who are proud of Georgia....That is our asset, rather than weakness.<sup>59</sup>

During his first two years, the president created a new post of state minister for civic integration,<sup>60</sup> appointed a presidential adviser for civic integration and established the Zurab Zhvania School of Public Administration to train minorities. While speaking at its first graduation ceremony on 2 May 2006, he promised that Georgia would give "equal opportunities" to all citizens, regardless of ethnic background:

We put no separating line between you: Azerbaijanis, Armenians, Ossetians, Abkhazians, Jews, Russians, Ukrainians. All those people, who live in Georgia, who like Georgia and who are ready to fight for this country are especially valuable and important people for us....We will give equal opportunities to all people who live in Georgia. We will give them the opportunity to learn the Georgian language under conditions wherein they can also preserve their culture, their national, ethnic traditions.<sup>61</sup>

Saakashvili pledged on 19 April 2006 to allocate \$219 million "to be spent over the course of the next few years" on rehabilitating and constructing roads in Samtskhe-Javakheti to "put an end to the isolation of this region".<sup>62</sup> He also promised that "this region will solely provide Georgia's 20,000 servicemen with [agricultural] products".<sup>63</sup> Yet, the state has bought little such produce.<sup>64</sup>

On joining the Council of Europe, Georgia assumed numerous minority rights obligations. In 2005 it ratified the revised European Social Charter (ESC) and the Framework Convention for the Protection of

National Minorities (FCNM).<sup>65</sup> It has not yet signed the European Charter for Regional and Minority Languages<sup>66</sup> and has signed but not ratified the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities.<sup>67</sup> As a member of the Organisation for Security and Cooperation in Europe (OSCE), it is bound by the 1990 Copenhagen Document of the Conference on Human Dimension, which has detailed obligations on national minorities. The OSCE High Commissioner on National Minorities (HCNM) has recommended that Georgia develop policies based on the Oslo Recommendations Regarding the Linguistic Rights of National Minorities; The Hague Recommendations Regarding the Education Rights of National Minorities and the Lund Recommendations on the Effective Participation of National Minorities in Public Life.<sup>68</sup>

In December 2005 the public defender's office oversaw the creation of the Council of National Minorities, bringing together 83 groups working on these issues.<sup>69</sup> It aims to foster dialogue between national minorities and officials. It meets bi-monthly, has four working groups and has received extensive briefings from several ministries in the past few months.<sup>70</sup> It is now to give the government recommendations and feedback on FCNM implementation but it has been, a member said, "invisible" in Samtskhe-Javakheti and Kvemo-Kartli.<sup>71</sup> Presence in minority regions is also a

<sup>59</sup> Speech at Tbilisi Ivane Javakishvili State University, 16 February 2005, available at <http://www.president.gov.ge>.

<sup>60</sup> Created in 2004, the ministry is extremely weak. Its budget for 2006 is \$113,714, State Budget of Georgia, as amended in July 2006, <http://www.mof.ge/DinamicPage.aspx?cmd=page&rootid=296&pageid=200>.

<sup>61</sup> "President Speaks of Equal Opportunities for Ethnic Minorities", *Civil Georgia*, 2 May 2006.

<sup>62</sup> These funds are in addition to those allocated by the MCGF. "Saakashvili: New Roads to Put an End to Javakheti's Isolation," *Civil Georgia*, 19 April 2006.

<sup>63</sup> "Saakashvili Calls to 'End the Isolation' of Javakheti", *Civil Georgia*, 7 September 2005.

<sup>64</sup> Causing much disappointment in the region. Crisis Group interviews, activists, Akhalkalaki, June 2006. According to the deputy *gamgebeli* (Mayor, head of a municipality) of Akhalkalaki, "the central government promised to buy up to 10,000 tons of potato but a very insignificant amount has been actually bought, I do not know how much exactly". Crisis Group interview, Akhalkalaki, June 2006.

<sup>65</sup> However, the parliament's ratification resolution contains seven reservations, and the documents were not properly deposited at the Council of Europe. Crisis Group interview, regional representative in the Caucasus, ECMI, Tbilisi, June 2006.

<sup>66</sup> The former presidential adviser on national integration says Georgia will sign in 2007. Crisis Group interview, Tbilisi, October 2006.

<sup>67</sup> Council of Europe Resolution 1477. It also mentions Resolution 1415 of January 2005, in which the Council of Europe asked Georgia to fulfil its commitments and sign and ratify the European Charter for Regional and Minority Languages and the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities before September 2005. The resolution set the same deadline (which Georgia has met) for ratification of the ESC and the FCNM.

<sup>68</sup> Respectively from February 1998, 1996, and September 1999. Crisis Group's recommendations draw from these.

<sup>69</sup> Established with the technical and financial support of the European Centre for Minority Issues (ECMI).

<sup>70</sup> The working groups are on legal questions; media and information; education and culture; integration and conflict prevention.

<sup>71</sup> Crisis Group interview, member, Council of National Minorities, Tbilisi, November 2006. From Samtskhe-Javakheti only "Civic Forum" has participated in the Council's work. It was to receive donor funding for regular travel to Tbilisi for Council meetings but funding delays have caused

problem for the public defender's office, though it has been one of the most vocal and active institutions working on rights protection<sup>72</sup> and includes a substantial section on minorities in biannual human rights reports.

Despite the positive gestures, Saakashvili's administration has dragged its feet on establishing a comprehensive minority policy. In 2005 it created the National Council on Civic Integration and Tolerance (NCCIT), bringing together ministers, parliamentarians, NGOs, the public defender and other senior policy makers. It was broken into working groups<sup>73</sup> tasked to create a National Civic Integration Strategy and Action Plan, the first draft of which was due in July 2006 but is not yet completed. A detailed three-year action plan is supposed to be done by the end of 2006.<sup>74</sup> The Council is responsible for monitoring FCNM implementation and preparing the first report due in April 2007. But political will to tackle the minority issue seems to be fading. In September the presidential adviser for civic integration was transferred to another post after only a few months on the job.<sup>75</sup>

Dialogue and consultation between Tbilisi and the minority regions is only just beginning. Tbilisi officials rarely travel to Samtskhe-Javakheti and Kvemo-Kartli, and have a weak understanding of their needs.<sup>76</sup> They tend to negotiate with those who are more moderate, rather than the radicals who often have greater local support. When talking about positive change under Saakashvili, some Crisis Group interlocutors in minority regions stressed reduced corruption and more active public construction (schools, gyms) but they did not mention better access.<sup>77</sup> As discussed below, the government has failed to combat decreasing minority

participation and representation in state structures, which is the root of many of the tensions.

Georgia still lacks a culture of tolerance for minorities. A NATO Parliamentary Assembly report recently explained:

Georgia's political culture and attitude towards its minorities is largely characterised by a relatively high and lingering level of ethnic nationalism.... President Saakashvili's talk of restoration of Georgia's territorial integrity and sovereignty is sometimes also accompanied by nationalistic rhetoric, supported in some cases by a tacit alliance with the Georgian Orthodox Church, that has awakened worries of a nationalistic backlash among minority groups.<sup>78</sup>

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problems. Crisis Group phone interview, "Civic Forum" activists, October 2006.

<sup>72</sup> Crisis Group interview, Georgian public defender and deputy, Tbilisi, July 2006. The office was forced to close regional representations in Kvemo-Kartli and Samtskhe-Javakheti after donor funding dried up.

<sup>73</sup> On public service reform, the economy, legal issues, education, and media.

<sup>74</sup> Crisis Group interviews, former presidential adviser on civic integration issues, Tbilisi, August/October 2006.

<sup>75</sup> After her transfer, no influential contact point on minority issues remains in the government.

<sup>76</sup> Crisis Group interviews, Javakheti activists, Akhalkalaki, Ninotsminda, July-August 2006. President Saakashvili and Prime Minister Noghaideli have travelled to Samtskhe-Javakheti; the ombudsman and ministers for interior and science and education to Kvemo-Kartli.

<sup>77</sup> Crisis Group interviews, Akhalkalaki and Ninotsminda, August 2006. Crisis Group interviews, Marneuli and Bolnisi, July 2006.

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<sup>78</sup> Bert Middel (Reporter), "Minorities in the South Caucasus: Factor of Instability?", NATO Parliamentary Assembly, Subcommittee on Democratic Governance, available at <http://natopa.ibicenter.net/default.asp?SHORTCUT=683>. The report adds: "Overall, in relations between the majority and minorities, priority has been given to the assertion of the state's unity over the protection of minorities". Another recent report states: "Although Georgia contains substantial ethnic diversity, political culture is characterized by an exclusive ethnic nationalism so profound that minorities are not accepted as fully-fledged citizens of the country". Anna Matveeva, "Minorities in the South Caucasus", paper submitted to the Working Group on Minorities at its 9th session in 2003, p.3, available at <http://www.ohchr.org/english/issues/minorities/docs/WP3.doc>.

### III. MINORITY PARTICIPATION AND SELF-GOVERNMENT

Minorities are represented poorly in central levels of government and only marginally better in regional ones, though such representation and participation is vital for forging loyalty to the state and “integration of diversity within the state”.<sup>79</sup> Many believe state-sponsored discrimination is responsible, that only ethnic Georgians are trusted in influential posts, and they have virtually no chance of getting a job if a Georgian also applies.<sup>80</sup> Minorities complain that ethnic Georgians from elsewhere in the country are increasingly brought in to fill posts previously held by Armenians or Azeris.

#### A. MINORITY REPRESENTATION IN THE POLITICAL SYSTEM

##### 1. Elected and executive bodies

Armenians and Azeris are seriously underrepresented in the political system. The most senior official of Azeri origin is the deputy minister for energy, and of Armenian ethnicity, the deputy minister of the economy.<sup>81</sup> Almost no ethnic Armenians or Azeris work in the presidential administration or the prime minister's office<sup>82</sup> and few in ministries.<sup>83</sup> The senior Azeri in the army is a captain at the military academy in Tbilisi; and the senior Armenian is a chief of battalion.<sup>84</sup> In the 225-member parliament, there are five Armenians and three Azeris; the two groups make up 12.2 per cent of the population and hold 3.6 per cent of the seats.

The situation is no better in the nine regions (provinces, *Mkhare* in Georgian) and capitals established in 1995.<sup>85</sup> The creation of the Samtskhe-Javakheti and Kvemo-Kartli regions united minority-dominated municipalities with Georgian majority ones. This, together with the selection of Georgian majority Akhaltsikhe and Rustavi as the respective administrative capitals rather than Armenian-dominated Alkhakalaki or Azeri-dominated Marneuli, created minority dissatisfaction.<sup>86</sup> Most state ministries' regional departments are now in Akhaltsikhe and Rustavi.<sup>87</sup>

Samtskhe-Javakheti has never had a governor of Armenian origin; the governor's Armenian deputy has largely had cosmetic functions.<sup>88</sup> Only three of the governor's 26 staff are Armenians (11 per cent). The same is true for the territorial departments of different ministries. For instance, only sixteen of 82 staff (19.5 per cent) of the tax department in Samtskhe-Javakheti are Armenians.<sup>89</sup> In Kvemo-Kartli, Azeris are in a similar situation. There is an Azeri deputy but there has never been an Azeri governor.<sup>90</sup> In Rustavi, the governor's staff includes only three Azeris.<sup>91</sup>

Armenians are well represented in the two municipalities where they are the overwhelming majority. The municipality heads (*gamgebeli*) in Akhalkalaki and Ninotsminda before the 2006 elections were ethnic Armenians (more on the elections below). In Akhalkalaki they were 84 per cent of the municipality staff. Representation is a greater problem in Akhaltsikhe and Aspindza, where ethnic Georgians are the majority. In Akhaltsikhe, where 37 per cent of the population is Armenian, only one was in the administration.<sup>92</sup> In Aspindza, with 17 per cent

<sup>79</sup> The Lund Recommendations on the Effective Participation of National Minorities in Public Life & Explanatory Note, Foundation on Inter-Ethnic Relations, September 1999.

<sup>80</sup> Crisis Group interview, deputy rector, Tax and Customs Academy, June 2006; Crisis Group interview, Armenian activists, Tbilisi and Samtskhe-Javakheti, June 2006.

<sup>81</sup> Isak Novruzov is the deputy minister of energy and Gennady Muradian the deputy minister of economy.

<sup>82</sup> No Armenians work in the presidential administration and only two in the prime minister's office; Crisis Group phone interview, ethnic Armenian official, October 2006. No Azeris work in any of these institutions; Crisis Group phone interview, head, Culture House of Azeris, Tbilisi, November 2006.

<sup>83</sup> There are three Armenians in the Ministry of Interior, two in the Ministry of Economic Development and one each in the Ministry of Ecological Protection and the Ministry of Finances. Crisis Group phone interview, parliamentarian, October 2006. There are no Azeris in the ministries. Crisis Group interview, diplomat, Azerbaijani embassy, Tbilisi, September 2006.

<sup>84</sup> Crisis Group phone interview, parliamentarian, October 2006.

<sup>85</sup> No law regulates the competencies of regional bodies. In 1995 President Shevardnadze appointed nine territorial representatives, now known as “governors” (*Rtsmunebiulebi*). Still appointed by the president, their powers have increased but with little legal basis.

<sup>86</sup> Crisis Group interviews, political and NGO activists in Akhalkalaki and Ninotsminda, May 2006.

<sup>87</sup> Akhaltsikhe is 37 per cent Armenian; the town of Rustavi is 4.3 per cent Azeri.

<sup>88</sup> The governor of Samtskhe-Javakheti is Goga Khachidze; the first deputy governor is Armen Amirkhanian.

<sup>89</sup> Crisis Group email correspondence, director of a local NGO, Akhaltsikhe, September 2006.

<sup>90</sup> The governor and deputy governor of Kvemo-Kartli are Zurab Melikishvili and Azer Suleymanov respectively.

<sup>91</sup> Crisis Group interview, Kvemo-Kartli governor, Rustavi, September 2006.

<sup>92</sup> An Akhaltsikhe Armenian explained: “The national minorities are isolated from everything, from any discussion of draft legislation or any decision-making. Our voice is not heard and is not taken into account until something extraordinary happens. Although we are 40 per cent in Akhaltsikhe, we are not represented in state bodies, in

Armenians, there were none in local executive state bodies and only one was in the municipal council (*sakrebulo*). In Tsalka only one worked in the municipal administration even though they are 55 per cent of the population.

The situation has been worse for the Azeris of Kvemo-Kartli. Even where they are the majority, they have no municipal heads and only a handful of deputies.<sup>93</sup> In Marneuli, with 83 per cent of the population, they have only about a quarter of the municipality's technical staff.<sup>94</sup> Eleven of eighteen members of its council were Azeris.<sup>95</sup> The under-representation is acutely felt in Dmanisi and Bolnisi, where few live in urban centres.

Minorities in Samtskhe-Javakheti and Kvemo-Kartli have tended to be best represented at the lowest level of government. Before passage of the new self-governance law and the 2006 elections, towns and groups of villages had elected councils (*sakrebulos*)<sup>96</sup> which Azeris and Armenians often dominated where they were the majority. However, the 1,100 *sakrebulos* have now been abolished and power centralised upwards to the municipality.<sup>97</sup>

## 2. Administrative bodies, including law enforcement

Few Azeris serve in law enforcement or the judiciary. There are no licensed Azeri lawyers or judges in Kvemo-Kartli.<sup>98</sup> In Marneuli, for example, only two road police and seven criminal police officers are Azeri.

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enterprises or any private institutions. Therefore, any issue is decided in favour of Georgians. We have no prospects here, and that is why we want to emigrate". Crisis Group interview, Akhaltsikhe, July 2006.

<sup>93</sup> In Gardabani two of four deputy *gamgebelis* are Azeris; there is one each in Marneuli, Dmanisi and Bolnisi. Crisis Group phone interview, deputy *gamgebeli*, Gardabani, September 2006.

<sup>94</sup> Crisis Group phone communication, deputy *gamgebeli* of Marneuli Municipality, 24 October, 2006.

<sup>95</sup> The rest were three Georgians, three Armenians and one Greek, Crisis Group interview, council head, Marneuli, October 2006.

<sup>96</sup> The 1997 Law on Local Government and Self-Government and 2001 amendments regulated local government. Only villages or groups of villages, which elected their own councils, were allowed self-government. Each council would also elect a representative for the municipal council. The President appointed the head of municipal administration (*gamgebeli*).

<sup>97</sup> The municipal level *gamgebeli* now has the authority to appoint village "proxies."

<sup>98</sup> Marneuli has two judges, Gardabani four, Bolnisi two and Rustavi five. All are ethnic Georgians. Crisis Group phone interview, head of human resources, the High Council of Justice, October 2006.

In Dmanisi six of 43 police are Azeri. There are a few Azeri patrol police in Kvemo-Kartli villages. One Azeri is an investigator in the prosecutor's office in Rustavi and two in the Marneuli municipality police department.<sup>99</sup> The Ministry of Internal Affairs has 234 Azeris and 80 Armenians on a staff of approximately 15,000.<sup>100</sup>

The situation is only slightly better in Samtskhe-Javakheti, where six of 63 patrol policemen (9.5 per cent) are Armenian. Of 284 criminal police, 72 are Armenian, mostly in Akhalkalaki and Ninotsminda.<sup>101</sup> The head of the Akhalkalaki police is Armenian but ethnic Georgians hold all other key positions, including the first deputy head of the police, and head of the criminal investigation department. There are no Armenian police in Tsalka and Aspindza and no licensed Armenian lawyers in Samtskhe-Javakheti.<sup>102</sup> Akhalkalaki and Ninotsminda each have two Armenian judges but all judges in Akhaltsikhe, Tsalka and Aspindza are Georgian.<sup>103</sup> In the prosecutor's office, six of 32 (19 per cent) staff are Armenian.<sup>104</sup>

Local observers point out that Georgians also hold the key positions for regulating distribution of wealth and property: for instance, in Akhalkalaki the head of the registration department of the tax office;<sup>105</sup> the department head of the state property management committee, tasked with privatisation issues; and the head of the state registry, responsible for certifying any property sale. The directors of the tax and financial departments throughout Kvemo-Kartli are also Georgians.<sup>106</sup> No Azeris work at the Gardabani and Red Bridge customs points in Kvemo-Kartli except as border guards.<sup>107</sup> Many say that after the

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<sup>99</sup> The prosecutor's offices of Marneuli, Tetrchkalo and Tsalka municipalities have been combined. One prosecutor in Marneuli covers the three municipalities. The prosecutor's office of Dmanisi has been merged with Bolnisi's. Only Gardabani municipality has its own prosecutor's office. Crisis Group interviews, translator, prosecutor's office Tbilisi, October 2006.

<sup>100</sup> Crisis Group interview, department head, Ministry of Internal Affairs, Tbilisi, October 2006.

<sup>101</sup> In Akhalkalaki, 47 of 56 police, including the head, are Armenians (84 per cent).

<sup>102</sup> One Armenian from Akhaltsikhe passed but is now a judge in Ninotsminda. Crisis Group phone interview, judge, Ninotsminda, November 2006.

<sup>103</sup> Crisis Group phone interview, head of human resources, Council of Justice, October 2006.

<sup>104</sup> Crisis Group email correspondence, Gia Anghuladze, "Democrat Meskhs" NGO, September 2006.

<sup>105</sup> Crisis Group interviews, villagers of Armenian-populated Damalla in Aspindza municipality, June 2006.

<sup>106</sup> Crisis Group interview, deputy rector, Tax and Customs Academy, Marneuli, June 2006.

<sup>107</sup> Azeri locals see this as discrimination and say ethnic Georgian customs officers harass them and demand bribes.

Rose Revolution, they were forced to write “voluntary resignation” letters and were replaced by ethnic Georgians.<sup>108</sup>

## B. LOCAL GOVERNMENT

Local self-government in Georgia is a new phenomenon – the first local elections were held only in 1998. The most recent reforms were passed in 2005: a self-governance law that gives municipalities new powers, while abolishing village and community councils. There are now 67 municipalities,<sup>109</sup> each with an elected council (*sakrebulo*) headed by a chair and composed of ten party representatives elected proportionately from lists across the entire area and a number of others elected from single-seat districts.<sup>110</sup> The council chooses its own leader, who need not be a member, and the municipality's administration.<sup>111</sup>

Exclusive local self-government competencies<sup>112</sup> include property/land ownership and management, forest and water resources, the local budget and local taxes, communal utilities, construction, transport, trade, advertisement.<sup>113</sup> The right to create “educational and cultural infrastructure” is also included.<sup>114</sup> Armenian interlocutors in particular claim they need more municipal powers, including the right to modify the school curriculum, to make agreements with Armenia on such issues as cooperation on energy, education, culture and organisation of municipal police units.<sup>115</sup> The new

law does not explicitly allow this. In addition, municipalities' room for manoeuvre is likely to be constrained by limited budgetary powers. They have the right to own and manage property but transferring it from central ownership to the municipality is complicated.<sup>116</sup>

The new law did not reform municipal borders, which remain as defined in 1921.<sup>117</sup> The population and size of municipalities vary greatly;<sup>118</sup> more important, perhaps, the individual electoral units within each municipality are similarly variable in size. In Akahalkalaki municipality the ethnic Georgian villages of Ptena (204 voters), Chunchkha (218 voters) and Kotelia (298 voters) are each separate electoral districts which elect one representative. In the Armenian-majority town of Akhalkalaki, 7,052 voters likewise chose one representative, as do 3,246 voters from the six Armenian villages in the Kartikami constituency. In Akahalkalaki seven Georgian villages share five electoral districts, while 58 Armenian and mixed settlements share the remaining seventeen. There is one representative for every 670 Georgian inhabitants, compared with one for every 3,382 Armenians.<sup>119</sup> This delimitation of electoral districts violates equality of suffrage<sup>120</sup> with negative effect on minority representation. Georgian officials reject any allegations of discrimination<sup>121</sup> but the argument that these are historical electoral boundaries is not a good justification. The issue has been raised in numerous protests in Samtskhe-Javakheti; Armenians cite Tbilisi's reluctance to modify the electoral districts as proof of its intention to limit minority representation in government.<sup>122</sup>

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Crisis Group interview, director, “Azerbaijan-Georgian Friendship Movement”, Baku, April 2006.

<sup>108</sup> They were reportedly told that if they did not quit voluntarily, they would be arrested for taking bribes. Crisis Group interviews, border guards, Red Bridge customs point, Marneuli, October 2006.

<sup>109</sup> There are also six self-governing cities: Tbilisi, Batumi, Rustavi, Poti, Kutaisi, Sukhumi, the capital of Abkhazia. Found at: <http://www.president.gov.ge/?l=E&m=6&sm=5>.

<sup>110</sup> This applies to all municipalities in Samtskhe-Javakheti and Kvemo-Kartli except Rustavi, which (like the other major Georgian cities of Batumi, Kutaisi and Poti, but not Tbilisi, which has a different system) elects ten members proportionately and five from single-seat districts. Numbers of representatives from the majority community vary from municipality to municipality.

<sup>111</sup> The highest executive in a municipality is called the *gamgebeli*, in self-governing cities the mayor.

<sup>112</sup> The Law on Self-Government, Article 15, says self-governing units have “exclusive, delegated and voluntary competencies”.

<sup>113</sup> Article 16, Law on Self-Government.

<sup>114</sup> As a “voluntary” competency. Ibid, Article 18.

<sup>115</sup> Crisis Group interviews, officials and NGO activists, Akhalkalaki and Ninotsminda, August 2006. Crisis Group

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phone conversations, members of council, Akhalkalaki, November 2006.

<sup>116</sup> Article 2, Law on Self-Government.

<sup>117</sup> According to the constitution, the issue has been left until Georgia's territorial integrity is restored. In the 2005 Law on Local Self-Government (Article 66), self-governing units' boundaries are defined as those at the time of publication. Article 12 says administrative boundaries of self-governing units can be changed if the government asks and parliament approves.

<sup>118</sup> Abasha Municipality is 322sq.km., with 22,277 inhabitants. Gori municipality is 2,327sq.km., with 99,170.

<sup>119</sup> The 58 Armenian-populated towns and villages have 57,500 inhabitants; the seven Georgian villages have 3,353 inhabitants.

<sup>120</sup> “Limited Election Observation Mission, Municipal Elections in Georgia”, interim report, OSCE/ODIHR, 5 October 2006, 8-27 September 2006.

<sup>121</sup> Reactions from head of the board, Georgian public TV, and a staff member, presidential administration, OSCE Technical Working Group Meeting, Tbilisi, September 2006.

<sup>122</sup> Crisis Group interview, executive director of A-Info News Agency, Akhalkalaki, October 2006.

Another aspect of the reform that may have negative implications on minorities is the abolition of community-level self-government. This most severely affects minority villages in municipalities with majority-dominated administrations, such as Tsalka, Akhaltsikhe, Aspindza, Gardabani, Bolnisi and Dmanisi. Many local observers claim that consolidation of competencies at the municipal level is justified because community officials were virtually powerless to solve local problems.<sup>123</sup> But this moves decision-making further from the people. Armenians and Azeris who live in big villages in Georgian majority municipalities fear losing much of their powers.<sup>124</sup> In Samtskhe-Javakheti, where poor roads and harsh weather make communication between neighbouring towns hard, villagers will find it more difficult to connect with local officials.

While the new law strengthens self-government and decentralisation to the municipal level, it is yet to be seen if implementation will contribute to better protection of minority rights. At a minimum, a new delimitation of electoral units to make them more reflective of current population size should be done as soon as possible.

### C. CENTRALISATION AND DECENTRALISATION

According to the 2005 self-governance law, which began to be implemented only with the election of municipal authorities on 5 October 2006, power is to be devolved from the regional level of government to municipalities, reversing a trend to centralise most administrative and economic functions at the regional level that began in 1995. However, despite the new law and the fact that the Georgian government has been talking about decentralisation to the municipal level since 2004, the opposite has recently been happening in practice: powers have actually been consolidated at the regional level in the past two years.

Armenians in particular complain about the centralisation of administrative documentation and taxation issues in 2004 and even 2005. Travel to the regional centre, (Akhaltsikhe) to resolve minor administrative problems is time consuming and costly. Before it had been unnecessary, as municipal officials carried out most tasks. Since October 2004, however, any purchase or sale of property requires a tax reference certifying absence of

tax liabilities, which can be obtained only in Akhaltsikhe, not as before from the Akhalkalaki tax department. Some documents require travel to Tbilisi.<sup>125</sup> Until 2005 registering a business or NGO had been an easy procedure performed in Akhalkalaki; now it must be done in Akhaltsikhe. Problems with the road police used to be solved in Akhalkalaki; now police only travel there once a week to receive applicants who generally stand in long queues. The passport bureau was also moved to the regional centre but returned to Akhalkalaki after protests. Though various departments of the Rustavi-based structures operate at the municipal level, Azeris also complain that they often must go to Rustavi to solve administrative problems, such as car licenses and registration, tax debts and registration of legal entities or NGOs.<sup>126</sup>

Important international crossing points are in Samtskhe-Javakheti (Ninotsminda) and Kvemo-Kartli (Gardabani, Sadakhlo, and the Red Bridge) but it is impossible to clear most imported goods through customs at the border<sup>127</sup> The Ninotsminda check point is an important transit for Armenia and one of the main channels of economic activity for Samtskhe-Javakheti Armenians. However, Armenians who want to bring goods into Akhalkalaki must transport them 150km further to Borjomi for clearance. Similarly, customs clearance for Gardabani (railway), Sadakhlo, and Red Bridge border is conducted 70 km. away in the United Customs Department outside Tbilisi (Lilo), where the process may take days.<sup>128</sup> This lack of flexibility angers Armenians and Azeris alike.

Centralisation of local administration in Akhaltsikhe and Rustavi increases language barriers for Armenians and Azeris. As many Armenian-majority municipalities lack Georgian skills for producing necessary documents and legal databases, the "solution was to centralise power in Akhaltsikhe".<sup>129</sup> The current structure of contacting Tbilisi through Akhaltsikhe and Rustavi

<sup>123</sup> Crisis Group interview, governor, Kvemo-Kartli region, Rustavi, September 2006. Crisis Group discussion, U.S. Agency for International Development (USAID) officer, May 2006.

<sup>124</sup> Crisis Group interviews, Armenian NGO activists, Akhaltsikhe, June 2006.

<sup>125</sup> Crisis Group interview, parliamentarian, Akhalkalaki, August 2006.

<sup>126</sup> Crisis Group phone interview, head, Union of the Azeri Women of Georgia, Marneuli, October 2006. Passports and IDs are still distributed at the municipality level.

<sup>127</sup> All clearances of goods worth over \$400 are done at the Regional Customs Departments in Borjomi and Lilo. Crisis Group official written communication from Ministry of Finance, Customs Department, 9 November 2006. See also "On Defining the Places and Time of Ministry of Finance of Georgia's Custom Bodies, Territories, and Customs points", order of the minister of finance, no. 139, 13 June 2003 (Article 6.1, amended 13 June 2006).

<sup>128</sup> Crisis Group interviews, Azeri merchants, Marneuli, October 2006.

<sup>129</sup> Crisis Group interview, head of NGO, Akhaltsikhe, August 2006.



further complicates communication for minorities. A former local official told Crisis Group: "The information is being distorted and the province structure plays a role as shock-absorber".<sup>130</sup>

Such concentration of power at the regional level has fuelled Armenian demands for autonomy at the same time as local government reform and the 2006 elections are meant to give new significant powers to municipalities and provide a new platform for Armenians to express their grievances through state bodies. In the coming months if the newly elected municipal bodies are actually able to wield sufficient powers, local Armenian activists may conclude that decentralisation, including strengthened local competencies related to education and culture, are more appropriate for addressing grievances than autonomy.<sup>131</sup> But much will depend on the balance the Georgian state ultimately settles upon in its hitherto somewhat contradictory approach to regional and municipal authority.

#### D. LOCAL ELECTIONS 2006

Elections to local self-government bodies were held on 5 October 2006.<sup>132</sup> After being urged for several years by the international community to do so, the Central Election Commission (CEC) took steps to make the electoral process more accessible to minorities.<sup>133</sup> In Akhalkalaki, Ninotsminda, Gardabani and Marneuli, lists of candidates and parties and voters, as well as ballots were in Georgian, Russian and Armenian or

Azeri.<sup>134</sup> In these four municipalities, Precinct Election Commissions (PECs) were given electoral guides in Armenian and Azeri. While the election documents, including the election-day logbook and final protocol certifying the results, were in Georgian only, the CEC distributed translations of sample protocols in Armenian or Azeri to PECs.

In all other Kvemo-Kartli and Samtskhe-Javakheti municipalities, electoral materials were available only in Georgian.<sup>135</sup> This created problems: for example, Bolnisi PEC members complained to Crisis Group that they were unable to understand polling instructions because they did not have an Azeri guidebook.<sup>136</sup> Crisis Group witnessed the difficulty PEC members had filling out the crucial protocol in Georgian, even in Akhalkalaki.

In many parts of Kvemo-Kartli and Samtskhe-Javakheti, minorities were well represented among polling station staff (PEC) but the majority of district election commission (DEC) staff was Armenian only in Akhalkalaki and Ninotsminda. In Kvemo-Kartli the DEC was entirely ethnic Georgian, partly because knowledge of the Georgian language was obligatory for DEC members according to the Election Code. On election night in Akhalkalaki and Marneuli, Crisis Group observed only ethnic Georgians directing the vote count and tabulation. The elections were hotly contested in Akhalkalaki and Tsalka. In the former especially, the contest pitted Armenians against Armenians, not against Georgians. The ruling United National Movement's (UNM) electoral lists contained mainly candidates affiliated with local incumbents. The "Industry Will Save Georgia" (IWSG) party and independent candidates were the opposition.<sup>137</sup> Minorities had nine of the top ten slots on both the Akhalkalaki UNM and IWSG lists.<sup>138</sup> United Javakheti,<sup>139</sup> running on the IWSG ticket, won in Akhalkalaki town. However, the IWSG failed to gain an overall victory in

<sup>130</sup> Crisis Group interview, *gamgebeli*, Akhalkalaki, August 2006.

<sup>131</sup> "The participating States note the efforts undertaken to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities by establishing, as one of the possible means to achieve these aims, appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities and in accordance with the policies of the State concerned", OSCE Copenhagen document, Article 35.

<sup>132</sup> For more see "Limited Election Observation Mission", op. cit. The elections were called with only 40 days' notice, causing some analysts to accuse the government of leaving insufficient time for the electoral administration, international observers and parties to prepare. Crisis Group interview, Council of Europe officials, Budapest, August 2006. See also "Watchdog Groups Say Election Timeframe Tight", *Civil Georgia*, 31 August 2006; "Playing with Elections Date", *Civil Georgia*, 28 August 2006.

<sup>133</sup> Crisis Group official, OSCE Mission to Georgia, November, Tbilisi. See also previous OSCE/ODIHR, Election Observation Missions reports.

<sup>134</sup> Armenian in the first two municipalities, Azeri in the last two. Crisis Group observations, Akhalkalaki and Marneuli, October 2006.

<sup>135</sup> The elections guidebook was more widely disseminated in minority areas. In some polling stations a bilingual person was assigned to assist those who do not know Georgian. Crisis Group observations and interviews with OSCE observers, Marneuli, 6 June 2006.

<sup>136</sup> Crisis Group interview, PEC member, Bolnisi, October 2006.

<sup>137</sup> Labour Party also registered for the elections but gained only one seat. Crisis Group phone interview, Tsalka activist, October 2006.

<sup>138</sup> In Tsalka there was just one Armenian on the UNM list but nine on the IWSG one.

<sup>139</sup> A broad movement uniting Armenians across Samtskhe-Javakheti, see below.

Akhalkalaki municipality.<sup>140</sup> United Javakhk supporters staged protests after the elections, claiming there had been significant fraud in rural areas, demanding annulment of the results in twelve villages and storming the DEC until police restored order.<sup>141</sup>

During the past decade, elections in Kvemo-Kartli have been marred by major fraud.<sup>142</sup> The election commissions have a record of delivering results for the central government and high voter turnout.<sup>143</sup> The 2006 elections were only marginally better. In total, 58 Azeris stood as candidates in majoritarian electoral units, while 41 were on proportional lists in Kvemo-Kartli. The UNM lists included eleven Azeris in Marneuli, eight in Dmanisi and six in both Gardabani and Bolnisi. There were few independent or opposition candidates, and Crisis Group heard allegations in Kvemo-Kartli that local officials or police discouraged the former from registering.<sup>144</sup> In Marneuli, fifteen of eighteen races were uncontested. The head of *Geyrat* Public Movement claimed that:

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<sup>140</sup> There were allegations that United National Movement (UNM) rigged the results in villages. Crisis Group observed several irregularities in village constituencies, as well as during the tabulation of the results in the DEC, where precinct protocols were brought unfilled and have been filled under instructions of DEC members. The head of the DEC justified filling of precinct protocols in the DEC by poor knowledge of Georgian by members of PECs. Crisis Group observation, 5 October 2006.

<sup>141</sup> Crisis Group phone interviews, local activists, Akhalkalaki, October 8-9 2006.

<sup>142</sup> OSCE/ODIHR, Election Observation Mission, Final report on the parliamentary elections in Georgia, 31 October and 14 November 1999, p.21; OSCE/ODIHR Election Observation Mission, Final report, Republic of Georgia, "Extraordinary Presidential elections, 4 January 2004", p. 16; OSCE/ODIHR Election Observation Mission, Final Report, "Partial Repeat Parliamentary Elections, 28 March 2004" p. 18.

<sup>143</sup> Due to numerous violations in Marneuli, during the 2004 parliamentary elections, three PEC results were invalidated. During the 2003 elections, official delegations from Azerbaijan visited Kvemo-Kartli to urge ethnic Azeris to cast their ballots for pro-government candidates. Crisis Group interview, former member of the Georgian parliament, Marneuli, June 2006.

<sup>144</sup> There was considerable difference in the numbers of candidates who initially sought registration and who actually stood. Some withdrew before collecting the necessary signatures. One such, in Sadakhlo, told Crisis Group the *gamebova's* office politely recommended this. Crisis Group interview, Marneuli, October 2006. OSCE/ODIHR reported that "significant numbers" of independent candidates were denied registration in "at least two regions, Kvemo-Kartli and Imreti regions": in Gardabani district 21, thirteen of 43 accepted; in district 24, twelve of 48; in Marneuli district 22, none of eighteen. "Limited Election Observation Mission", op. cit., p. 4.

Many activists and members of *Geyrat*, including very competent candidates, who were able to resolve the people's long-lasting problems, were not permitted to run. The pressure came either from the *gamebova's* office or from law enforcement bodies. We remained silent and did not launch any protest actions, as we were afraid that the government might link us to Igor Giorgadze.<sup>145</sup>

On election day, Crisis Group observed numerous violations in Marneuli and Bolnisi, including inflated turnouts, PEC members forging signatures in the voter registry, interference by UNM representatives, inconsistent application of inking, lack of identity verification and attempts at multiple voting. Crisis Group directly observed PEC members forging signatures in the registry at the Sadakhlo polling stations (PECs #29 and #30), and have good reason to suspect it in Shulaveri village (PEC #55) and Nakhiduri village (PEC #30, PEC #29),<sup>146</sup> where the same signature appeared on numerous pages of the voter registry. In Shulaveri village (PEC #55) only thirteen voters failed to vote out of 1,399 registered – suggesting inflated turnout. In Damia Giurarkhi village (PEC #18), Crisis Group witnessed a local UNM representative intervening in the electoral process, encouraging multiple voting and inconsistent application of inking and identity verification. UNM posters were prominently displayed in several polling stations.<sup>147</sup> There are grounds to suspect serious violations during vote tabulation in the Marneuli DEC.<sup>148</sup> Crisis Group filed an official complaint to the Central Election Commission. Ultimately five PEC results were annulled in Marneuli.

The main international organisations monitoring concluded that overall the elections "were conducted with general respect of fundamental freedoms". Nevertheless, "The right of ethnic minorities to receive election-related information in their preferred languages was not fully respected across the country...During the count, observers noted significant procedural problems in some areas, mainly minority areas".<sup>149</sup> Many ethnic Azeri

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<sup>145</sup> Wanted by Georgian authorities and Interpol in connection with a 1995 assassination attempt on ex-President Shevardnadze.

<sup>146</sup> Nakhiduri village is in Bolnisi municipality; all other villages noted in this paragraph are in Marneuli municipality.

<sup>147</sup> Damia Giurarkhi village (PEC 18) and Sadakhlo village (PEC 29) in Marneuli.

<sup>148</sup> DEC officials did not process the protocols as they received them on 5 October 2006 but delayed this to the next day, when they physically barred Crisis Group from entering the relevant room until the CEC intervened, at which point the tabulation was suspended until Crisis Group left.

<sup>149</sup> Press release, OSCE/ODIHR and Council of Europe Congress, Tbilisi, 6 October 2006, available at [http://www.osce.org/documents/pdf\\_documents/2006/10/2116\\_5-1.pdf](http://www.osce.org/documents/pdf_documents/2006/10/2116_5-1.pdf).

activists were disappointed. One told Crisis Group: “We had high expectations for these elections; we thought we would be able to enjoy all our rights. But these elections were no different from those held under previous governments. As many Marneuli races were uncontested, there was no need for such blatant falsifications”.<sup>150</sup>

Minority candidates were elected to municipal bodies, mainly on the UNM list, but especially in Kvemo-Kartli not in numbers proportional to the local population. For example, in Marneuli ethnic Azeris (83.1 per cent of the population), won sixteen of 28 municipal seats; in Dmanisi (66.8 per cent), nine of 26 seats.<sup>151</sup> Armenians in Ninotsminda (95.8 per cent of the population) won nineteen of twenty seats; in Akhaltsikhe (36.6 per cent) eight of 26 seats; and in Tsalka seventeen of 40 seats.<sup>152</sup> Minorities thus hold a majority of the seats in Ninotsminda, Akhalkalaki and Marneuli.

#### IV. PUBLIC PARTICIPATION AND MOBILISATION

Until recently Armenians were poorly represented in state structures, but developed their own strong civil society organisations, which helped transmit information, supported group cohesion and initiated common action. Most importantly they served as bridges to Tbilisi. Several NGOs were closely involved in the 2006 local elections, and some activists were elected. How they will lobby and build coalitions, especially in the new Akhalkalaki and Ninotsminda municipal bodies, is yet to be seen. Previously Samtskhe-Javakheti's elite was fragmented. As a local NGO leader said, “it is difficult to speak with the Javakheti since they do not speak with one voice.”<sup>153</sup>

By contrast, Kvemo-Kartli Azeris have been much less well-organised. They have dozens of poorly funded and organised social/cultural groups but no dominant political bodies. Some groups are willing to mobilise around socio-economic issues but reluctant to advance ethnic-political slogans. Whatever protests Azeris have organised have advocated short-term, not systemic changes. The groups did not play an important role in local elections.

##### A. MINORITY SELF-ORGANISATION AND REPRESENTATION

###### 1. Non-governmental organisations

The two most influential political organisations in Samtskhe-Javakheti and Kvemo-Kartli emerged in the late 1980s during the region-wide rebirth of struggles for national self-affirmation. In 1988 Javakhk, was founded, lobbied for an Armenian autonomous region within Georgia and organised protests against the Tbilisi-appointed prefects in Samtskhe-Javakheti.<sup>154</sup> Tbilisi eventually strengthened its control over Samtskhe-Javakheti and Javakhk by co-opting and dividing local

<sup>150</sup> Crisis Group interviews, activists, NGO Resource Centre, Marneuli, October 2006.

<sup>151</sup> Ethnic Azeris won no seats in Rustavi town, nine of 33 in Gardabani and ten of 24 in Bolnisi.

<sup>152</sup> Ethnic Armenians won 27 of 33 seats in Akhalkalaki, one of 22 in Aspindza and two of 25 in Adigeni. Election results are available at the CEC website: [http://cec.gov.ge/index.php?sec\\_id=192&lang\\_id=GEO](http://cec.gov.ge/index.php?sec_id=192&lang_id=GEO).

<sup>153</sup> Crisis Group interview, head of “Democrat Meskhs” NGO, Akhaltsikhe, September 2006.

<sup>154</sup> Gamsakhurdia's nationalistic policies viewed minorities as “guests”. In a bid to control the provinces, he introduced a system of centrally appointed prefects directly answerable to the executive, which was resisted in several minority areas. Javakhk did not accept the prefects and helped set up an elected Provisional Council of Representatives in February 1991. The Council was later dissolved but Javakhk preserved its influence for some time. See Svante E. Cornell, *Autonomy and Conflict: Ethnoterritoriality and Separatism in the South Caucasus – Cases in Georgia* (Uppsala, 2001), p. 202.

elites. Politics fell into the hands of political groups around local economic strongmen with ties to Tbilisi.<sup>155</sup> Similar developments occurred in Kvemo-Kartli. As tensions escalated between Georgian nationalists and ethnic Azeris in 1989, ethnic Azeri intellectuals and activists formed the *Geyrat* Public Movement, which aimed to halt forced Azeri migration by a dialogue with Gamsakhurdia and his followers.<sup>156</sup> It rallied sympathisers by protesting against the changing of village names from Azeri to Georgian<sup>157</sup> and lobbied for Kvemo-Kartli's transformation into an autonomous region.<sup>158</sup>

A weaker Javakhk still exists as merely one of several organisations in the broad Coordination Council of Samtskhe-Javakheti NGOs, one of the most influential members of which is the unregistered Virk ("Georgia" in ancient Armenian) party created in 1995 and led by David Rstakian, an ardent proponent of autonomy and special language rights.<sup>159</sup> Other important players include

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<sup>155</sup> These strongmen, with petrol, gas and timber businesses, include Melik Raisian, son of a wealthy Soviet-era businessman, who was close to former Prime Minister Zurab Zhvania, supported Saakashvili before the revolution and is a UNM parliamentarian. Henzel Mgoyan, a parliamentarian from Ninotsminda close to the UNM, has influence both there and in Akhalkalaki. Mels Bdoyan, the former *gamgebeli* of Ninotsminda and now the elected council (*sakrebulo*) chairman, is also a strong figure, as is Ato Hambarzumian. Khachatur Saharian is seen as a financier of United Javakhk.

<sup>156</sup> Azeris were more than 50 per cent of Dmanisi and Bolnisi during Soviet time. Gamsakhurdia forcibly removed almost all from their houses. An estimated 800 families were displaced from Bolnisi. Crisis Group interview, leader, *Geyrat* Public Movement, Marneuli, June 2006; See also Elizabeth Fuller, "Azerbaijani Exodus from Georgia Imminent?", RL, 15 February 1991.

<sup>157</sup> The names of the 32 Azeri villages, as well as of rivers and mountains, were changed from Azeri to Georgian in the early 1990s. This did not happen in Marneuli, where Azeris are the majority. The *Geyrat* Public Movement protested the name changes in the State Council in 1993. Some 27,000 ethnic Azeris filed protest petitions in vain. Crisis Group interview, former parliamentarian, Marneuli, June 2006; Crisis Group interview, head, village Sakrebulo, Dmanisi, Marneuli, July 2006.

<sup>158</sup> Azeri intellectuals in Baku encouraged Azeri Georgians to demand autonomy from Gamsakhurdia. They sought an autonomous unit with its capital in Rustavi; appointment of ethnic Azeris to local administrative positions in Azeri regions; more hours of Azeri-language education in schools; and an Azeri-language university, none of which they achieved. Crisis Group interview, leader, *Geyrat* Public Movement, Marneuli, June 2006; Fuller, "Azerbaijani Exodus", op. cit.; Cornell, *Autonomy and Conflict*, op. cit., p. 210; Ronald Grigor Suny, *The Making of the Georgian Nation* (Bloomington, 1994), p. 323.

<sup>159</sup> The party was allegedly created with approval of both the Georgian and Armenian governments and was envisaged as

the *Dashnaks*<sup>160</sup> and the Union of Intellectuals. A local NGO activist says: "The government was able to take some forces in the area under its control through cooptation; however, Virk and *Dashnaks* are still the most influential. Virk can easily mobilise 400-500 people in a minute for any event."<sup>161</sup> The Council maintains links with political forces in Armenia, including those in government.

It faces growing competition, however, from a new movement, United Javakhk, whose young leaders, including the ex-mayor of Akhalkalaki, Nairi Yeritsian and the head of the Javakheti Youth Sport Union (JEMM), Vahag Chakhalian, quickly built a broad base and elected the mayor in Akhalkalaki in 2002. Allegedly sponsored by an influential Moscow-based businessman from Samtskhe-Javakheti,<sup>162</sup> it brought together youth organisations throughout the region with an aggressive nationalist agenda and controversial campaigning methods. For example on 28 May 2006, the Day of the First Republic of Armenia, it flooded Akhalkalaki with the Armenian flag.<sup>163</sup>

JEMM's leader says: "For the solution of all our problems we need to sign some sort of a concordat with the Georgian state, to guarantee our rights and non-assimilation, something that is unchangeable".<sup>164</sup> Yet, United Javakhk stops short of demanding full political self-rule and speaks instead about "cultural autonomy". JEMM's rivals in the Coordination Council claim that this, and its regular meetings with the deputy minister of Interior,<sup>165</sup> demonstrate that United Javakhk is collaborating

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pursuing ethnic Armenian political interests while recognizing Georgia's territorial integrity.

<sup>160</sup> Armenian Revolutionary Federation "Dashnaksutyun", a nationalist and socialist party registered in Armenia but with historically strong representation in the diaspora. It is not registered in Georgia and operates in Javakheti as an NGO.

<sup>161</sup> Crisis Group interview, head, Centre of Democratic Development NGO, Akhalkalaki, May 2006.

<sup>162</sup> Khachatur Saharian, residing in Moscow, originally from the village of Gumrdo (Akhalkalaki), a stronghold of United Javakhk, had a lucrative license – recently revoked by Tbilisi – to cut wood in Georgia and sell it in Armenia.

<sup>163</sup> Chakhalian told Crisis Group: "The need for the Armenian tricolour is the consequence of Georgia's policies. Anti-Georgian sentiment as the result of Georgia's policies is now so high that kids who enjoyed classes of Georgian language before are now boycotting them". Crisis Group interview, Akhalkalaki, June 2006.

<sup>164</sup> Ibid.

<sup>165</sup> Amiran Meskheli is the deputy minister of interior. Originally head of the "Democrat Meskhs" NGO in Akhaltsikhe and well connected with Samtskhe-Javakheti activists, the government has tasked him with dealing with Samtskhe-Javakheti minorities. Crisis Group interviews, local activists in Akhalkalaki and Akhaltsikhe, June 2006.

with the government and dividing the nationalist movement.<sup>166</sup>

Another player is the Civil Forum of Samtskhe-Javakheti, created with the assistance of the European Centre for Minorities Issues (ECMI) in August 2005. It aims to unify Samtskhe-Javakheti NGOs and make them more effective in dialogue with the government. While it has intelligent and moderate leaders and good contacts with the government, it has not yet developed a broad popular base and mobilisation capacities.

In Kvemo-Kartli, *Geyrat* is considered the most nationalist Azeri group but has become weaker, racked by infighting, unable to mobilise large numbers, and short of money. It continues to get some attention from Baku media and political groups. Many of the community leaders in the region are former members.<sup>167</sup>

However, Kvemo-Kartli has no political NGOs capable of mobilising more than a handful of people to protect local interests. Individual activists organised political protests during Saakashvili's administration without developing any support institutions.<sup>168</sup> Some 30 NGOs are registered but no more than a dozen have regular activities.<sup>169</sup> Few donors fund, train or build the capacity of a fledgling civil society.<sup>170</sup> Young activists have in the past five-six years created the Union of Azeri Women of Georgia (UAWG), the NGO Resource Centre in Marneuli, the Civic Integration Foundation, the Union of Intercultural Cooperation and "Bridge", which tend to focus on language training, civic education and intercultural communication.

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<sup>166</sup> Crisis Group interviews, Coordination Council activists, Akhalkalaki, June 2006.

<sup>167</sup> Crisis Group interviews, ethnic Azeri community leaders, Marneuli and Bolnisi, July 2006.

<sup>168</sup> Protest actions continue to be organised by activists connected with the *Geyrat* Public Movement or by individual farmers.

<sup>169</sup> Ethnic Azeris have some 30 NGOs, including the Dayak association, Birlik Movement, Umid society, Georgia is my Motherland, Intellectual Union, New Way Union, Ozan Union, Democratic Union of Georgian Azeris, Azerbaijan-Georgian Charity society, Women's Union of Georgian Azeris and Bridge Inter-cultural Cooperative Union.

<sup>170</sup> The main programs implemented in Kvemo-Kartli include GTZ's Food Security, Regional Cooperation and Stability program; the OSCE High Commissioner on National Minorities (HCNM) program on Conflict Prevention and Integration; UNDP's Integrated Development Program; Mercy Corps's infrastructure rehabilitation projects; World Vision's Inter-Communal Centres for Youth; Cimera's bilingual education project; the Turkish International Cooperation Agency community development project; and the World Bank's Irrigation and Drainage Community Development Project.

Conflict potential in Kvemo-Kartli appears lower, because the Azeri minority is less vocal. Nevertheless, the situation has deteriorated considerably since late 2004 and is complicated by insufficient governmental and international attention.<sup>171</sup> The combination of rising local tensions, absence of mechanisms for dialogue and lack of minority representation in state structures make conflict prevention efforts urgent.

## 2. Political parties

No parties have been created explicitly to defend the rights of either Armenians or Azeris and would be illegal under the Law on Political Associations of Citizens: "The creation of parties on the regional or territorial basis is not allowed" (Article 6). Virk, which "unites Armenians and representatives of other ethnic groups around a platform focused on the protection of minority rights",<sup>172</sup> is not registered, according to the Ministry of Justice, because it presented insufficient documentation, a statement contested by party leaders.<sup>173</sup>

Ethnic parties are widely considered an effective, if not ideal, solution for promoting minority groups' interests.<sup>174</sup> With none of their own, at least in the 2006 local elections, minorities worked through existing parties, especially UNM and IWSG. Some Georgian analysts argue that rejection of Virk's registration was a mistake which increased minorities' distrust of the political system.<sup>175</sup> Allowing minorities political associations and lowering the 7 per cent threshold for representation in the national legislature would help to counter that distrust.<sup>176</sup>

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<sup>171</sup> Crisis Group interview, head, Union of Azeri Women of Georgia, Tbilisi, August 2006.

<sup>172</sup> Crisis Group interview, co-chairman of Virk party David Rstakian, Akhalkalaki, June 2006.

<sup>173</sup> The official ministry of justice response to the Virk request states that the protocol of the party's founding meeting was not properly notarised, and the data on 1,000 founding members was incomplete. Virk disagrees but has not appealed in court.

<sup>174</sup> Ethnic parties can promote minority rights by forging coalitions with ethnic majority parties, contributing to effective integration. See discussion of the Romanian case in Jonathan Wheatley, "The Status of Minority Languages in Georgia and the Relevance of Models from Other European States", ECMI Working Paper no. 26, March 2006.

<sup>175</sup> See, for example, Paata Zakareishvili, "Danger in Javakheti, which is not the Result of Armenian Separatism, but of not Well-Established Statehood", *Akhali Shvidi Dghe*, 11-17 March 2005.

<sup>176</sup> As was recommended in "Partial Repeat Parliamentary Elections, 28 March 2004", OSCE/ODIHR Election Observation Mission, Final Report; also the Lund Recommendations, op. cit.

### 3. Media

Though efforts have been made over the past two years to increase local media in minority languages, minorities continue to feel they have insufficient access to news on Georgian internal affairs. "We know daily what happens in Iraq, but we have no idea on developments in Tbilisi". Lack of accurate, first-hand information breeds insecurities and fear.<sup>177</sup>

Azeris rely on Azerbaijani media for their information.<sup>178</sup> With a weekly circulation of 2,000, *Gurjistan* is the only Georgian Azeri-language paper.<sup>179</sup> The situation is moderately better in Samtskhe-Javakheti where viewers can watch foreign TV and have access to local media sources in Armenian.<sup>180</sup> Local ATV 12 broadcasts in Akhalkalaki, "Parvana" also in Ninotsminda. A-Info News Agency in Akhalkalaki covers Armenian news in Samtskhe-Javakheti and has a web site in Armenian, English and Russian. Newspapers in Armenian include *Akunq* (biweekly), *Arshaluy* (monthly in Ninotsminda), *Southern Gates* (weekly in Armenian and Georgian), *Kajatun* and an online Hos.am edition in Armenian and Russian.

With donor support, minority access to media is improving. Independent community radio stations are being set up, in Ninotsminda and Marneuli, to broadcast predominantly in minority languages. A core team of local journalists with help from the BBC World Service Trust and Tbilisi-based Association Studio Re will run them. The project aims to train at least 120 journalists and media managers.<sup>181</sup> To combat the lack

of Georgian information in Samtskhe-Javakheti, the "News Rebroadcasting in the Minority Language Project" of OSCE/HCNM does simultaneous translations of two main news programs into Armenian. The OSCE expanded this in 2006 to Kvemo-Kartli,<sup>182</sup> where a Catholic Relief Services (CRS) project issues two newspapers, one region-wide (in Georgian and Azerbaijani), one local to Rustavi/Gardabani (in Georgian), has established a resource centre for local journalists and is creating an information agency and regional radio.<sup>183</sup> Georgian Public TV has recently established a weekly program, "Mtavari", in Armenian, Azeri, Russian, Abkhaz and Ossetian. This is the only one of the media projects attempted by the government, and local people consider it largely ineffective.<sup>184</sup>

## B. TIES WITH EXTERNAL ACTORS

### 1. Armenia

The Armenian political establishment has most often used its links to key players in Samtskhe-Javakheti through governmental agencies, parties and NGOs to prevent destabilisation. Armenia opposes demands for independence and autonomy<sup>185</sup> since it cannot afford a conflict with Georgia given its isolation and weak economy.<sup>186</sup> Public opinion, however, is sensitive to Samtskhe-Javakheti issues; several hundred thousand from the region are estimated to reside in Armenia.<sup>187</sup> The unexpectedly strong performance in the 2003 parliamentary elections of the Powerful Fatherland party (*Hzor Hayreniq* in Armenian), created by Samtskhe-Javakheti Armenians, shows their voice in its political life.<sup>188</sup> Samtskhe-Javakheti Armenians are also organised

<sup>177</sup> Crisis Group interview, deputy rector, Polytechnic University, Marneuli, June 2006.

<sup>178</sup> Media is underdeveloped in Azeri regions; television is the information source. Due to the language barrier, Azeris mainly watch by satellite ANS, ATV, Lider, Space and Public TV of Azerbaijan.

<sup>179</sup> Due to financial constraints, it publishes irregularly. It receives small subsidies from the Ministry of Culture. Azerbaijan gives it no money. Recently *Georgian Times* began an Azeri edition. Crisis Group interview, chief editor, *Gurjistan*, August 2006.

<sup>180</sup> Channels available in Akhalkalaki and Ninotsminda include Georgian Public TV, Armenian Public TV, the private Armenian "Armenia" TV, and Russian REN TV.

<sup>181</sup> Funding is from the European Commission's European Initiative for Democracy and Human Rights. "Making Waves: A Community Radio Project for Georgia", received support from the UK embassy and the UK's Global Conflict Prevention Pool. IREX Europe implements the project as part of a consortium led by the BBC World Service Trust, in partnership with the Tbilisi-based Association Studio Re. By training journalists and volunteers in broadcasting, management and production, it seeks to ensure the station

sustainability. "Georgia's new community radio", BBC World Service, 8 September 2006.

<sup>182</sup> Rustavi 2 and Imedi main evening news programs rebroadcast daily in Georgian on Parvana TV and ATV 12. Rustavi 2 and Public TV news programs rebroadcast in Kvemo Kartli. Crisis Group interview, project officer, OSCE High Commissioner on National Minorities, Tbilisi, November 2006.

<sup>183</sup> Crisis Group interview, senior program director, CRS, Tbilisi, June 2006.

<sup>184</sup> It broadcasts a 30-minute program each Thursday. Minorities complain that it airs inconveniently at 15:00 and insufficiently covers local problems of importance to minorities.

<sup>185</sup> Niklas Nilsson, "Threats to National Community, A Minor Field Study on Threat Perceptions and National Identity in Georgia", Lund University, available at [http://theses.lub.lu.se/archive/2006/01/23/1138013726-23344-138/Threats\\_to\\_National\\_Community.PDF](http://theses.lub.lu.se/archive/2006/01/23/1138013726-23344-138/Threats_to_National_Community.PDF).

<sup>186</sup> For more on Armenian dependence on Georgia, see Cornell, *Autonomy and Conflict*, op. cit., p. 206.

<sup>187</sup> Estimates vary from 100,000 to 300,000.

<sup>188</sup> The party won more than 3 per cent but failed to cross the 5 per cent threshold to enter parliament.

in Armenia in socio-cultural organisations.<sup>189</sup> Powerful Fatherland and these associations serve mostly as patronage networks, promoting community ties, assistance to Samtskhe-Javakheti and cultural events and lobbying for Armenian rights.

The Armenian government gives significant humanitarian aid to Samtskhe-Javakheti and Tsalka. The presidents of Armenia and Georgia meet twice a year, as does an intergovernmental economic commission. There are agreements on Armenian governmental aid for renovation (worth \$400,000 in 2006) and equipment and textbooks for 156 schools (136 in Samtskhe-Javakheti and Tsalka, worth \$263,000 in 2006).<sup>190</sup> Armenia has also supplied electricity to Samtskhe-Javakheti.

The Armenian Revolutionary Federation (ARF, *Dashnaksutyun*) is an Armenian political institution active on the Samtskhe-Javakheti issue, whose platform calls for reunification "of historic Armenian lands". It has been more pragmatic since joining the governing coalition in Armenia in 2003, however, and Dashnak World Congresses have "agreed with the demands raised by the Armenians of Javakheti that, with a high degree of self-government within Georgia, Samtskhe-Javakheti would be able to sustain itself and would become a strong link in Georgian-Armenian relations".<sup>191</sup> In a highly unusual statement, it announced that "the ARF is prepared to put all its efforts towards restoring Georgia's territorial integrity, should the Georgian authorities demonstrate a solicitous approach towards the concerns and aspirations of the people of Javakheti".<sup>192</sup> The affiliated charity, ARS/Javakheti Relief Program Committee (JRPC), has channelled over \$250,000 in humanitarian aid to Samtskhe-Javakheti since 2001.<sup>193</sup>

Tbilisi has turned to the Armenian government when trying to diminish tensions in Samtskhe-Javakheti. Saakashvili asked Armenian President Kocharian's help after the March 2006 killing in Tsalka and the Akhalkalaki protests.<sup>194</sup> While using Armenia's influence this way may be effective in the short run, it also keeps Georgian Armenians alienated from their state

and attached to Armenia. A local political leader complains: "The problem also comes from Armenia, which easily assumes a role of mediator, when the Georgian government applies for their support in dealing with the region. The Georgian government does not want to speak with us. It is only interested in ignoring those who really reflect the people's will and using Armenia to silence us".<sup>195</sup>

Some local activists openly express disappointment: "Armenia has sold us out, betrayed us, we can't rely on Armenia. Armenia only makes things worse for us... Instead of defending us, it is criticising us, slamming us".<sup>196</sup> Armenia's help was shown again after the 2006 Georgian local elections, when its security services arrested Vahagn Chakhalian, a United Javakheti leader, after he led protests against alleged vote rigging in Akhalkalaki.<sup>197</sup>

Georgia's reliance on Armenia to solve Samtskhe-Javakheti's problems may contribute to the minority's further alienation. If Tbilisi wants its ethnic Armenian citizens to develop a genuine sense of loyalty, it should instead embark on a more difficult, time consuming dialogue with them to reach mutually acceptable political compromises.

## 2. Azerbaijan

Bilateral relations have been good since independence, personified by ties between the presidents.<sup>198</sup> The Baku-Tbilisi-Ceyhan oil and Baku-Tbilisi-Erzurum gas pipelines respectively have cemented interdependence. The close ties have had contradictory effects on ethnic Azeris. During the land privatisation period, the Azerbaijani government instructed Azeris in Georgia to support the government.<sup>199</sup> Some analysts claim that pressure from Baku contributes to Azeris' lack of political outspokenness.<sup>200</sup> There are complaints that Azerbaijani

<sup>189</sup> Such as Javakheti Compatriot Association; Georgian Armenians; Javakheti Council; Akhaltsikhe Friendly Association; Bolnisi-Khachen Compatriot Association; and Shulaver Compatriot Association.

<sup>190</sup> The renovation agreement was reached during the May 2005 meeting between prime ministers. Aid for textbooks and equipment dates to a 1995 agreement between the two presidents.

<sup>191</sup> Crisis Group e-mail communication with ARF International Secretariat, October 2006.

<sup>192</sup> Ibid.

<sup>193</sup> JRPC, founded in June 2001 in Yerevan, has branch offices in Akhalkalaki and Akhaltsikhe, <http://www.javakhetifund.am>.

<sup>194</sup> Crisis Group interviews, Yerevan, Tbilisi, May 2006.

<sup>195</sup> Crisis Group interview, Virk director David Rstakian, Akhalkalaki, June 2006.

<sup>196</sup> Speech of a Javakheti leader, conference organised by the Coordination Council of Samtskhe-Javakheti NGOs, 1 June 2006.

<sup>197</sup> "United Javakheti accuses Georgian and Armenian authorities of collusion, requesting to release its leader", Regnum, 16 October 2006, available at <http://www.regnum.ru/english/722056.html>.

<sup>198</sup> Posters showing Heidar Aliyev and Eduard Shevardnadze were common in schools and elsewhere in ethnic Azeri areas. Those of Aliyev and Saakashvili can still be seen in schools. Crisis Group observations, Marneuli and Bolnisi, July-August 2006.

<sup>199</sup> "Ethnic Confessional Groups and Challenges to Civic Integration in Georgia", CIPDD, 2002, p. 11.

<sup>200</sup> "Baku officials always instruct ethnic Azeris to agree with what Georgians say and not to protest. That is one of the

officials visiting Georgia only rarely and briefly tour Kvemo-Kartli.<sup>201</sup>

Yet, governmental and non-governmental sources in Baku alike say they are unhappy with Tbilisi's treatment of Georgian Azeris. Several public figures, NGO leaders and opposition newspapers have urged Azerbaijan to state clearly that lack of improvement may harm bilateral relations.<sup>202</sup> For example, after the killing of an Azeri woman in Marneuli in 2004, the parliament voiced anger and criticism. Parliamentary speaker Murtuz Aleskerov said:

Saakashvili promised ethnic Azeris representation in the executive and legislative branches and law enforcement agencies....He also pledged to resolve the Azeri land issue. But none of this has materialised. We may reconsider our relations with Georgia.<sup>203</sup>

Two Baku newspapers, allegedly owned by a Georgian Azeri, Sakit Allahverdiyev, are virulently anti-Saakashvili.<sup>204</sup> Allahverdiyev is an associate of Igor Giorgadze, the leader of the Georgian opposition Justice party, who is sought there in connection with a 1995 assassination attempt on ex-President Shevardnadze.<sup>205</sup> Some experts in Baku believe Allahverdiyev may be co-operating with Russian secret services to inflame national minority conflicts in Georgia.<sup>206</sup> He was also said by a former

reasons why Azeris keep silent. They cannot feel official Baku support behind them". Crisis Group interview, director, Civic Integration Foundation, Marneuli, June 2006.

<sup>201</sup> Ethnic Azeris consider that Yerevan provides much more support to Samtskhe-Javakheti Armenians. For example, they say officials regularly visit, listen to problems and bring them up with Georgian authorities. Baku does not do the same. Crisis Group interviews, ethnic Azeri activists in Marneuli and Gardabani, July 2006.

<sup>202</sup> Azerbaijan gave Georgia gas in cold weather months in early 2006. An Azeri official asked: "Why do we help them each time while Georgians are still maltreating Azeris there?" Crisis Group interview, Baku, September 2006.

<sup>203</sup> Sofo Bukia, "Azeris Angry over Georgia Killing", IWPR, CRS no. 266, 15 December 2004.

<sup>204</sup> Allahverdiyev, born in Tahla, a Gardabani village, emigrated to Moscow and heads the "IK" Akhtuba Military Joint Stock Company in Volgograd as well as an Azerbaijani diaspora organisation in Russia. *Borchalinin Sesi* (The Voice of Borchali) and *Hummat* (Unity) are weeklies, distributed in Azerbaijan and Georgia. *Hummat*, started in June 2006, is controlled by a group which left Georgia in the last two years for political reasons. Crisis Group interview, *Hummat's* staff, Baku, July 2006.

<sup>205</sup> Allahverdiyev's supporters are prominent in Azerbaijan but he is barely known in Georgia. Crisis Group interview, former member of the Georgian parliament, Marneuli, June 2006.

<sup>206</sup> Razi, "Plan Launched to Use Azeris in Toppling Saakashvili", *Baku Xeber*, 26 May 2006 (in Azeri).

collaborator to be linked to distribution of inflammatory leaflets in several Marneuli villages in August 2006 ("Hey Tartars! These are our lands. We warned you in 1991. Georgia is for Georgians!").<sup>207</sup> Azeris, however, also complain that "the political statements coming from Baku sometimes put us in danger and harm our ties with Georgia".<sup>208</sup>

Numerous other organisations exist only in name in Baku due to lack of funds. Some politicians originally from Georgia use them as mouthpieces.<sup>209</sup> Some have served as political vehicles for activists. The majority are pro-government. But the Georgian Azeri clan is not particularly influential in Azerbaijani domestic politics.<sup>210</sup> Though they hold some major government posts, there are few in parliament.<sup>211</sup>

Several organisations give aid to Georgian Azeris. The State Committee on the Affairs of Azeris Living Abroad (SCALA)<sup>212</sup> and the Azerbaijan-Georgia Inter-parliamentary Friendship Committee<sup>213</sup> are the two main official groups dealing with these affairs. A high-level SCALA delegation visited Georgia on 25-29 September 2005 and in an extensive report recommended creation of an inter-governmental, ministerial joint working group.<sup>214</sup> It

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<sup>207</sup> Crisis Group interview, ethnic Azeri journalist, Baku, August 2006. Azerbaijan's media blamed Armenians for the leaflets. See August 2006 archives of ATV and Lider TV primetime news.

<sup>208</sup> Crisis Group interview, chief editor, Azeri weekly *Gurjistan*, Tbilisi, June 2006.

<sup>209</sup> Some community leaders in Baku have created a confederation of organisations to seek ethnic Azeris' rights in Georgia, Trend Information Agency, 22 August 2006.

<sup>210</sup> Georgian Azeris are mainly considered part of the western clan, whose leader was Ali Insanov, the former public health minister, arrested in October 2005. The more influential Nakhichevan and YerAz clans allegedly control most financial and political levers of power. See Crisis Group Europe Report N°156, *Azerbaijan: Turning Over a New Leaf?*, 13 May 2004.

<sup>211</sup> Senior figures are Zakir Garalov, prosecutor-general; Aydin Aliyev, director of the state customs committee; Samir Sharifov, finance minister; Ismayil Omarov, head of public television; and Ramiz Hasanov, director of the state standardisation agency.

<sup>212</sup> The State Committee on the Azeris Living Abroad (SCALA) was created on 5 July 2002 by the late president Heidar Aliyev. It mainly renders assistance to diaspora Azeris to create their own organisations so they can cooperate with the governments of the states where they are settled. See <http://www.diaspora.az>

<sup>213</sup> The Azerbaijani-Georgian Inter-parliamentary Friendship Commission, chaired by Mrs. Ganira Pashayeva and with thirteen parliamentarians, operates under auspices of the Standing Committee on International Relations and Inter-Parliamentary Relations.

<sup>214</sup> Crisis Group interview, head of the SCALA department for Georgia, Baku, September 2006.



also developed a program for settling Azeri problems and an action plan with priorities for Kvemo-Kartli: regional economic development; restoration of infrastructure and communal services; improved education and human rights; and preservation and promotion of cultural heritage.<sup>215</sup> According to Azeri sources, the Georgians have not shown interest.<sup>216</sup> SCALA is also trying to unite Kvemo-Kartli organisations, though some accuse it of creating rifts among Azeri organisations and being unresponsive to their problems.<sup>217</sup>

The Heydar Aliyev Foundation in Baku also provides cultural support to ethnic Azeris. Since 2004, it has distributed school uniforms and bags to first year students, and it provides computers to schools and to the Azeri Culture Centre in Marneuli (where free Georgian courses will be offered).<sup>218</sup>

## V. THE LANGUAGE PROBLEM

Lack of knowledge of the Georgian language is a major barrier to full Azeri and Armenian participation in political and social life. The constitution makes Georgian the state language,<sup>219</sup> and the Saakashvili administration, intent on building strong institutions, has been promoting its use in the public sphere. Minorities fear exclusion or assimilation. The government needs to find the right balance between enforcing state language rules and guaranteeing full participation of minorities in public life.

Speaking to ethnic Azeris in Marneuli on 21 March 2004, President Saakashvili stressed the importance of knowing the official language:

You are [among] the most hardworking citizens of our country....We have the best friendly relations....Your children should learn the state language so that they have equal possibilities and equal rights to be promoted in the hierarchy of state structures.<sup>220</sup>

Learning Georgian is the key to better integration but it is bound to be a long-term process. In the meantime, minorities should not become further marginalised and estranged from the state. Rather, the state has the responsibility to ensure they are given all possible opportunities to learn the state language.

During the Soviet period, minorities did not feel disenfranchised if they did not know Georgian since Russian was the common language and little changed under Shevardnadze. The vast majority of Samtskhe-Javakheti Armenians and Kvemo-Kartli Azeris had little or no knowledge of Georgian.<sup>221</sup> The former had little interaction with Georgians and lacked an environment in which to acquire the language.<sup>222</sup> Armenian is

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<sup>215</sup> The Action Plan recommends detailed projects for each region in Kvemo-Kartli: for instance, to asphalt roads to the Red Bridge customs; start a milk plant in Dmanisi; open a wine factory in Bolnisi; arrange the visit of Azerbaijan investors; and give loans and credits to ethnic Azeri farmers. Ibid.

<sup>216</sup> Ibid

<sup>217</sup> Ibid. Intellectuals claim they were not allowed to speak about ethnic Azeri problems during the Second Session of the World Azerbaijanis congress in Baku, 16 March 2006. Crisis Group interview, Azeri intellectuals in Tbilisi and Marneuli, July 2006.

<sup>218</sup> The Heydar Aliyev Foundation, begun in 2004, is led by President Ilham Aliyev's wife, Mehriban Aliyeva. Crisis Group interview, head of public relations department, Heydar Aliyev Foundation, Baku, September 2006.

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<sup>219</sup> Article 8 defines Georgian as the state language of the republic (also Abkhazian as the state language in Abkhazia).

<sup>220</sup> "Saakashvili Stresses Importance of Knowledge of Official Language" *Civil Georgia*, Tbilisi, 21 March 2006.

<sup>221</sup> According to the 2002 census only 31 per cent of national minorities speak Georgian fluently (19.5 per cent in 1979). Wheatley, "Implementing the Framework Convention", op. cit., pp. 10-11. Georgian is, of course, an exceptionally difficult language, with a unique alphabet and unrelated to either Armenian (Indo-European) or Azeri (Turkic).

<sup>222</sup> In Soviet times, parts of Samtskhe-Javakheti had a special passport regime because they bordered a NATO country and were considered strategic areas. In the late 1950s the special zone along the Turkish border was widened to 78km. (elsewhere it was seven to 27km.). The special border regime was in force until the late 1980s.

commonly used in Akhalkalaki and Ninotsminda for oral communication; Russian administratively. In Kvemo-Kartli, Azeri is predominantly spoken, even though the region is close to Tbilisi. Though they are economically well-integrated in Georgia, the social and educational links of Azeris are overwhelmingly to Azerbaijan. Linguistic isolation makes these ties ever closer.<sup>223</sup> Trade is done in Russian or Azeri, rarely in Georgian.

Many minorities are committed to learning Georgian, especially Azeris. An activist told Crisis Group: "Language and lack of human resources are the greatest problems for us, rather than the need for arable land. If we want to integrate we need to overcome the language barrier. If we learn Georgian, we will have a say in Georgia".<sup>224</sup> But some non-Georgians interpret calls by the majority to study the language as hypocritical justification for assimilation policies.<sup>225</sup> Interlocutors in Kvemo-Kartli and Samtskhe-Javakheti repeatedly told Crisis Group that even those with excellent Georgian have little chance of jobs in policy-making and administrative bodies.<sup>226</sup> Better official hiring policies could provide real incentives for national minorities to study the state language.

Minorities also want better guarantees for use of their native language in public life, which is likewise important for integration.<sup>227</sup> Many Georgian Armenians perceive the new language policies as discrimination.<sup>228</sup> Akhalkalaki groups have appealed to parliament to make Armenian the second official language in Samtskhe-Javakheti.<sup>229</sup>

## A. IN PUBLIC ADMINISTRATION

Historically, Georgia allowed minorities to use their own language, including in state affairs. The 1921 constitution stipulated that "in places of local self-government, where the share of a national minority exceeds 20 per cent of the population, documentation and official communication in state and public institutions, upon request of the national minority, should be implemented in its language equally with the state language".<sup>230</sup> A 1991 Supreme Soviet decree stated that "according to Article 75 of the Constitution of Georgia, the use of non-state languages used by the population is secured in all state and public bodies, cultural, educational and other institutions" and allowed for the use of Armenian and Russian in Akhalkalaki.<sup>231</sup> Shevardnadze in 1995 expanded this to the whole territory of Georgia.<sup>232</sup>

The situation changed when Georgian became the state language in the 1995 constitution. The Law on Public Service (1998) states: "public service in Georgia is exercised using the Georgian language".<sup>233</sup> Lack of knowledge can be grounds for dismissal (Article 98.1).<sup>234</sup> According to the 2005 self-governance law (Article 9), Georgian is to be used for all governmental sessions, and according to the Unified Election Code, parliamentarians must know it.<sup>235</sup> Use in "administrative proceedings" is stipulated in the Administrative Code (1999).<sup>236</sup> "If the application/statement or any other document presented by an interested party is not in the state language, the party shall present a notarised translation of the document within the term defined by

<sup>223</sup> Crisis Group interview, head, Sabah Youth Union, Baku, April 2006.

<sup>224</sup> Crisis Group interview, head, Union of Azeri Women of Georgia, Tbilisi, June 2006.

<sup>225</sup> Crisis Group interviews, Javakheti Armenians, Akhalkalaki, Ninotsminda, July-August 2006.

<sup>226</sup> Crisis Group interview, chairwoman, Azerbaijani-Georgian Inter-parliamentary Friendship Commission, Baku, September 2006; Crisis Group interview, former mayor of Akhalkalaki, Akhalkalaki, June 2006.

<sup>227</sup> "For most minorities, language, as much as if not more than any other attribute of identity ... serves as a means of unity of the group and source of self-identification of the individual. The enjoyment and preservation of the minority culture turns upon the freedom to transmit ideas, customs, and other indicia of culture in the original language of the minority", "Report on The Linguistic Rights Of Persons Belonging To National Minorities In The OSCE Area", OSCE HCNM, available at <http://www.osce.org>.

<sup>228</sup> Crisis Group interviews in Javakheti, June-August 2006.

<sup>229</sup> "Groups in Akhalkalaki Want Armenian as Official Language, *Civil Georgia*, 16 March 2006.

<sup>230</sup> Article 136. In February 1992, following the overthrow of Gamsakhurdia, the provisional Georgian Military Council announced a return to the 1921 constitution. The current constitution was adopted in 1995.

<sup>231</sup> Decision of the Supreme Soviet of the Republic of Georgia "On the Explanation of Article 75 of the Constitution of the Republic of Georgia", 25 July 1991. The decision was adopted upon the request of Akhalkalaki district.

<sup>232</sup> Decree of the Head of State of Georgia, no. 312, 12 August 2006.

<sup>233</sup> "...Except in Abkhazia, where the Abkhazian language can also be used", Article 12.

<sup>234</sup> Those applying for public posts (Article 15) and those in local self-government (Article 16) must know the state language.

<sup>235</sup> Article 9 of the self-governance law; Article 92.1 of the Unified Election Code of Georgia as amended in August 2003. The latter provision was to come into force in January 2005 but is most likely first to affect the 2008 parliamentary elections.

<sup>236</sup> Article 14 states: "The official language of administrative proceeding shall be Georgian", and Article 73.3 that "all administrative proceeding shall be conducted in Georgian". Again the only exception is for Abkhazian in Abkhazia.

an administrative agency” (Article 73.4). It is the responsibility of the “interested party”, not the state, to provide translations of any document presented. Under the constitution (Article 85.2) legal processes are to be in the state language.

Until 2005 these laws were applied selectively, if at all. The government is enforcing them, as explained below, creating a web of new requirements that limit minorities' ability to engage with the state. Georgia faces a dilemma between enforcing its laws and guaranteeing full participation and equality for minorities. Putting non-Georgian speakers at a disadvantage violates their political rights. The language laws make minorities feel increasingly disenfranchised, resulting in strong resistance among some Armenians to study Georgian.<sup>237</sup> Several Azeri activists also express fear that the current policy will force assimilation.<sup>238</sup> Georgians meanwhile “easily interpret Azerbaijanis and Armenians not speaking Georgian as a sign of disrespect and a lack of goodwill”,<sup>239</sup> an unwillingness to contribute to national development and a display of disloyalty.<sup>240</sup>

## 1. Professional testing

Recent reforms include professional testing of civil servants with the aim to create a merit-based civil service, all of whose members have a basic knowledge of Georgia, its laws, constitution and language.<sup>241</sup> The tests assess language knowledge and have increased Armenian resentment. They have not had the same effect in Kvemo-Kartli, because the few Azeris in public service tend to know Georgian.<sup>242</sup> Minorities who do not

know the state language fail the tests or are discouraged from sitting them in the first place.<sup>243</sup>

Prospective judges have to pass qualification exams organised by the High Council of Justice.<sup>244</sup> Since 2005 only one Azeri and three Armenians have passed.<sup>245</sup> According to the High Council, “a person who does not know the language of proceedings as a judge will not be able to conduct legal proceedings. Therefore, anyone who wants to take the exam should know the state language”.<sup>246</sup> As recently as 2003, however, some judges passed the exam with interpretation.<sup>247</sup> Similar exams are held in Georgian for prospective procurators.<sup>248</sup> These were last given in March 2006, and two non-Georgians passed.<sup>249</sup> Lawyers were required to renew their licenses before 1 June 2006,<sup>250</sup> and at least three, who could not pass exams in Georgian, were in effect stripped of licenses in Samtskhe-Javakheti.<sup>251</sup>

Although the former presidential adviser on minority issues says nobody has been fired for not knowing Georgian,<sup>252</sup> state employees have certainly lost jobs after being unable to pass the exams in Georgian. For instance, qualification tests were held in June 2006 for directors of the education ministry's municipality resource centres. The Ninotsminda director failed due to insufficient

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<sup>237</sup> Crisis Group interviews, local Armenians, Akhalkalaki and Ninotsminda, July 2006. Many think Georgians apply a double standard: “If knowing Georgian is obligatory for the public service, why is it not for serving in the Army?”

<sup>238</sup> Crisis Group interview, member of the Azerbaijani Parliament, Baku, May 2006.

<sup>239</sup> Britta Korth, Arnold Stepanian and Marina Muskhelishvili, “Language Policy in Georgia with a Focus on the Education System”, Cimera working paper (April 2005), available at [http://www.cimera.org/en/projects/Policy\\_paper\\_FINAL.doc](http://www.cimera.org/en/projects/Policy_paper_FINAL.doc), pp.29-30.

<sup>240</sup> Ghia Nodia and Alvaro Pinto Scholtbach, *The Political Landscape of Georgia. Political Parties: Achievement, Challenges and Prospects*, (Delft, 2006), pp. 72-73.

<sup>241</sup> The various tests are based on previously existing but poorly enforced laws, amendment of old laws, or new legislation. The 1997 Law on Public Service, for example, was amended in 2006 to reflect new procedures.

<sup>242</sup> Crisis Group interview, translator, Prosecutor General's office, Tbilisi, October 2006.

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<sup>243</sup> Crisis Group interviews, officials in Akhalkalaki and Ninotsminda, June 2006.

<sup>244</sup> Presidential decree no. 131 (2005), “Regulations for Qualification Exams for Judges and Approval of the Program”. The written exam covers constitutional, criminal, civil and administrative law and procedure and human rights. Law on Common Courts (Article 68) as amended on 23 June 2006.

<sup>245</sup> The Azeri serves in Tbilisi.

<sup>246</sup> Crisis Group official communication from High Council of Justice, 1 November 2006.

<sup>247</sup> A Ninotsminda judge passed the 2003 examination with an interpreter. His Georgian is poor; he conducts proceedings in Armenian and writes verdicts in Russian. Crisis Group phone interview, local official, Ninotsminda, September 2006.

<sup>248</sup> According to the Law on Prosecutors (Article 31) and presidential decree no. 422 (2002) on “Regulations for Holding Qualification Exams for Procuracy Employees and Exam Program”.

<sup>249</sup> Crisis Group official communication from High Council of Justice, 1 November 2006. Two also passed in 2005.

<sup>250</sup> Lawyers who did not pass may not take part in any phase of criminal cases. The Law on Lawyer Activity (2001), Chapter 10.

<sup>251</sup> Crisis Group interviews, lawyers in Akhalkalaki, July 2006. The two ethnic Armenian lawyers in the OSCE/HCNM legal public information and advice centres in Ninotsminda and Akhalkalaki did not attempt the exams as they do not speak Georgian.

<sup>252</sup> Crisis Group interview, presidential adviser on integration, Tbilisi, July 2006.

Georgian language skills.<sup>253</sup> In Marneuli the former Azeri director passed but four Azeris on his staff failed similar exams and were replaced by ethnic Georgians.<sup>254</sup> In Samtskhe-Javakheti, several Armenian professionals were dropped in favour of ethnic Georgians.<sup>255</sup> This is likely to cause new problems, as these Georgians will be expected to interact with local citizens who do not speak the state language.<sup>256</sup>

Nor is the exam system free of corruption. In at least one case known to Crisis Group, a person in Samtskhe-Javakheti who did not know Georgian properly was able to pass an exam in it because of cronyism.<sup>257</sup> In another case, Crisis Group asked an official how his staff passed a state exam in Tbilisi in Georgian. He responded: "What could we do? We asked a Georgian to help them".<sup>258</sup> This also occurs in Kvemo-Kartli. A doctor in Marneuli told Crisis Group: "As my colleagues and I did not have enough Georgian language skills to take the professional exam, we paid a bribe and did not sit at the exam".<sup>259</sup>

In a few instances, test takers are provided translators. For example in Marneuli on 10 June 2006, sixteen ethnic Azeris working in the council were given a 400-question qualification test in Georgian. After they protested, they were given translators, and all passed.<sup>260</sup> Even though the 2005 police law says all recruits should know Georgian, national minorities were given translators

during the 2006 patrol police exams.<sup>261</sup> The Ministry of Health organised exams for doctors in June in Tbilisi with translators, and 44 of 53 Akhalkalaki candidates passed.<sup>262</sup> If minorities are not to disappear from civil service, translation help is a minimal concession the state should make until it has trained a new generation of Azeris and Armenians who speak the state language. How flexible Tbilisi is willing to be will be seen in December when exams are held for school directors, including those in minority schools. The head of the Akhalkalaki Education Resource Centre told Crisis Group he has asked the ministry to give the exam in Armenian.<sup>263</sup> In Kvemo-Kartli school principals are threatening to boycott the test if it is in Georgian.<sup>264</sup>

## 2. The judicial system

Even after the 1995 constitution, Russian was generally used for communication and official documents in Kvemo-Kartli and Samtskhe-Javakheti, especially in Ninotsminda, Akhalkalaki, Marneuli, Bolnisi and Dmanisi. It was tolerated in the regional capitals, Akhaltsikhe and Rustavi. In Ninotsminda and Akhalkalaki state bodies sent documents to supervisory bodies in Tbilisi and Akhaltsikhe in Russian. Court proceedings were held in Armenian and decisions written in Russian.<sup>265</sup>

Since the Rose Revolution, however, language laws have been more strictly enforced, and most ministries refuse documents in Russian. The government's representative in Akhaltsikhe still accepts them but says "we are violating laws when we accept documents in Russian",<sup>266</sup> strongly hinting he will not do so much longer. Local officials widely expect implementation of language regulations to be tightened now that the 2006 local elections are over.<sup>267</sup>

In many state bodies the administrative language changed after ethnic Georgians were appointed. For instance, with ethnic Georgians now in senior positions in the Akhalkalaki

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<sup>253</sup> The head of the education resource centre of Akhalkalaki municipality, whose mother is Georgian, was able to pass the exam.

<sup>254</sup> On 22 October 2006, qualification exams for education resource centre staff were held in Tbilisi. Six of 1,500 entrants were Azeri pedagogic specialists (five from Marneuli, one from Bolnisi). The 130 questions, all in Georgian, covered the constitution, education law, the labour and civil codes, mathematics and computer skills. One Azeri from Bolnisi passed. Crisis Group phone interview, former employee of Education Resource Centre, Tbilisi, November 2006.

<sup>255</sup> Amongst those fired was an officer of the court, the head of the statistics department, and the head of the civil register service in Ninotsminda. Crisis Group interview, local official, Ninotsminda, July 2006. In the Ninotsminda Support Centre for Socially Vulnerable Families (Ministry of Labour, Health and Social Affairs), Georgians replaced six Armenian staff who failed the exam.

<sup>256</sup> Wheatley, "Status of Minority Languages", op. cit., p. 13.

<sup>257</sup> Crisis Group interview, Akhalkalaki activists, July 2006.

<sup>258</sup> Crisis Group phone interview, official, Akhalkalaki, November 2006.

<sup>259</sup> Crisis group interview, doctor, Marneuli, October 2006.

<sup>260</sup> Crisis Group interview, deputy *gamgebeli*, Marneuli, June 2006. The Tsalka *gamgebeli* told Crisis Group he had not yet organised any exams, and "I did not fire anybody for not knowing Georgian yet but I will in one year". Crisis Group interview, Tsalka *gamgebeli*, Tsalka, July 2006.

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<sup>261</sup> Article 20. Of 2,200 applicants, 67 were national minorities. Of 260 who passed, eleven were national minorities. Information provided by staff, minister of internal affairs, meeting at the public defender's office, August 2006.

<sup>262</sup> Crisis Group phone interview, director of Akhalkalaki hospital, July 2006.

<sup>263</sup> There was no response. Crisis Group phone interview, head, Akhalkalaki Education Resource Centre, November 2006.

<sup>264</sup> Crisis Group phone interviews, school directors, Bolnisi and Marneuli, November 2006.

<sup>265</sup> For more detailed description of language practice in Javakheti, see Wheatley, "Status of Minority Languages", op. cit.

<sup>266</sup> Crisis Group interview, governor of Samtskhe-Javakheti, Akhaltsikhe, July 2006.

<sup>267</sup> Crisis Group interviews, officials, Akhalkalaki, Akhaltsikhe and Tsalka, July-August 2006.

municipal registry, documentation is in Georgian. The same happened in the tax collection department. While continuing to file investigation documents in Russian, the prosecutor's office in Akhalkalaki produces final documents in Georgian.

In Kvemo-Kartli most documentation is already in Georgian because most state officials are Georgians, creating problems for citizens who can no longer communicate with local officials. Azeris have had complaints to the local administration, court and police turned down because they were not in Georgian.<sup>268</sup> Armenians say regional officials in Akhaltsikhe refuse applications not in Georgian.<sup>269</sup> As a result Armenians and Azeris increasingly must use translators to apply to administrative bodies, understand official documents or read responses.<sup>270</sup> Even reading the electricity bill becomes a challenge.

The new language policies have a direct effect on minorities' ability to protect their basic rights.<sup>271</sup> For one, there is a lack of high-quality translation of Georgian laws; minorities have problems keeping up to date with changes in legislation. Even if they know their rights they face problems in court, where since there are no Azeri judges or lawyers, they need interpreters. Petitions to law enforcement bodies must be in Georgian.<sup>272</sup> An ethnic Azeri said:

When the ombudsman was in Marneuli last year, he said we could give petitions or complaints in our language or Russian to the local state structures. However, when I took a petition written in Russian to the governor's office in Rustavi, there was a written warning on the table that said "only petitions written in Georgian are accepted", so mine was turned down.<sup>273</sup>

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<sup>268</sup> Crisis Group interviews, activists in Marneuli, Gardabani, Dmanisi and Bolnisi, July 2006.

<sup>269</sup> Crisis Group interviews in Akhaltsikhe and Ninotsminda, July and August 2006.

<sup>270</sup> Crisis Group interview, local entrepreneur, Akhalkalaki, August 2006

<sup>271</sup> The FCNM (Article 15) provides: "States should, as far as possible, ensure the rights of persons belonging to national minorities to express themselves in their language in all stages of judicial proceedings." Several legal aid programs are implemented with donor support, some targeted on minorities. The OSCE HCNM does one in Samtskhe-Javakheti. In interviews in Samtskhe-Javakheti and Kvemo-Kartli, Crisis Group found little knowledge of or engagement with these projects.

<sup>272</sup> Crisis Group interview, translator, prosecutor general's office, Tbilisi, October 2006.

<sup>273</sup> Crisis Group interview, secretary, Sadakhlo village council (*sakrebulo*), Marneuli, October 2006.

In this linguistic environment, many Azeris interviewed by Crisis Group say they have given up referring problems to the judicial system or other official bodies. Local issues are dealt with "unofficially", outside state institutions.

Until recently Samtskhe-Javakheti's courts conducted most trials in Armenian. Armenian judges generally have a poor command of Georgian and difficulties complying with new requirements. They write in Georgian only decisions they expect to be referred to higher courts or applied elsewhere in Georgia.<sup>274</sup> Officials in Tbilisi and Akhaltsikhe refuse to consider any Akhalkalaki or Ninotsminda court decisions in Russian (or Armenian). A highly regarded Georgian political expert concluded:

The authorities want to conduct court proceedings in the official language and appointed a Georgian judge [in Akhalkalaki], as there is no local judge with a good command of Georgian. But this was a miscalculation. While it is absolutely clear that the official language should perform its function on the entire territory of the country, obviously it is practically impossible to implement it in Akhalkalaki within at least the next five years.<sup>275</sup>

The ambiguous language situation in the courts and the prosecutor's office reportedly leads to long delays. "[A] defendant runs the risk of being remanded in pre-trial detention for three months for an offence not normally meriting a custodial sentence". Inefficiency, discrimination and the persistence of informal practices undermine the right of citizens to a fair trial.<sup>276</sup> International studies have concluded that strict monolingualism in the state sphere "is not compatible with the European Charter for Regional or Minority Languages, which Georgia pledged to ratify when it entered the Council of Europe in 1999" and causes de facto discrimination.<sup>277</sup> The FCNM states:

In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative officials.<sup>278</sup>

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<sup>274</sup> Crisis Group interview, court official, Samtskhe-Javakheti, August 2006.

<sup>275</sup> Ghia Nodia, head of CIPDD, interview to Civil Georgia, 15 March 2006.

<sup>276</sup> Wheatley, "Status of Minority Languages", op. cit.

<sup>277</sup> Ibid.

<sup>278</sup> Article 10.

Georgian officials have not heeded these recommendations, though the use of minority languages in accordance with European standards would not undermine the status of the official state language. In the OSCE area, 22 of 34 countries with one official language have given special status to other languages.<sup>279</sup>

## B. IN EDUCATION

Georgia has a well-established system (a Soviet legacy) of primary and secondary education in minority languages.<sup>280</sup> While this is to be commended, it also reinforces linguistic segregation. Georgia is now struggling with the dilemma of how to continue guaranteeing minority rights while ensuring that education serves as a state-building tool. An extensive reform began with the Law on Higher Education (2004), the Law on General Education (2005) and the accompanying new national curriculum.

### 1. Minority schools

The state lacks the resources for a massive campaign to teach Georgian to hundreds of thousands of ethnic minority citizens. Adult teaching of Georgian as a second language (GSL) has had limited effect. The HCNM has been implementing a program providing Georgian language courses to Armenian civil servants<sup>281</sup> but even some of these graduates have failed state qualification exams. If minorities are to learn Georgian, more effort is needed to teach them during childhood. There are 130 Armenian schools in Samtskhe-Javakheti and 164 Azeri schools in Kvemo-Kartli.<sup>282</sup> Schools were largely under-

financed after the Soviet Union collapsed. Teaching and infrastructure deteriorated. But in 2005-2006 minority schools benefited from new financing.<sup>283</sup>

More is now being done to teach Georgian to children but it is an uphill struggle. Pupils in minority schools have an obligatory three hours weekly through eleventh grade<sup>284</sup> but in the rural areas of Samtskhe-Javakheti and Kvemo-Kartli they do not use it beyond the classroom and there is little media exposure. Sophisticated teaching tools are required. The Ministry of Education and Science, with UNDP money, compiled the first GSL book<sup>285</sup> for non-Georgian schools. For grades seven through eleven, it was distributed in 456 schools in 2005-2006.<sup>286</sup>

There are too few qualified language teachers, though the government has provided financial incentives for working in minority schools under the "Future Starts Today" program. In 2004-2006 40 language teachers<sup>287</sup> were sent to Kvemo-Kartli and Samtskhe-Javakheti (27 and thirteen respectively) to teach Georgian language, literature and history and train local teachers. Unfortunately these programs are often perceived negatively in the field<sup>288</sup> and are too small and brief to effect systematic change. In the 2006-2007 school year, the 40 experts are being replaced by teachers from the ethnic minorities themselves<sup>289</sup> but it is questionable

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(Bolnisi municipality) had 860 in 2002 and 678 in 2006. Crisis Group interview, school director, Bolnisi, June 2006.

<sup>283</sup> Crisis Group interview, governor of Samtskhe-Javakheti, Akhaltsikhe, July 2006. Crisis group interview, head, Education Resource Centre, Marneuli, June 2006.

<sup>284</sup> Before 1992, Georgian language instruction started in the fifth grade. Teachers can determine 25 per cent of the curriculum so some offer more than three hours of Georgian. Crisis Group interview, school director, Sadakhlo, October 2006.

<sup>285</sup> *Tavtavi* (Wheat) part I, was distributed to pupils and teachers in non-Georgian-language schools. It includes a student exercise book and a teacher's book. It is planned to publish it in five volumes, according to the level of language knowledge. In September 2006, students received part II. Bela Tsipuria, "From State Language Education to Civic Integration", in *Language Policies and Education in Multilingual Societies*, Cimera publications, p. 19.

<sup>286</sup> Crisis Group interview, chief editor, *Gurjistan*, Tbilisi, August 2006.

<sup>287</sup> These 40 teachers were called "missionaries" by ethnic minorities.

<sup>288</sup> The Georgian-speaking teachers (who did not know Armenian or Azeri) were unable to communicate with students properly. The population considered their high salaries another proof of discrimination. Crisis Group interviews, Javakheti and Kvemo-Kartli, July-August 2006. See also, "Conflict potential concerning language", op. cit., p. 12; Zaza Baazov, "Georgian Azeris locked out by Language", IWPR, 5 September 2002.

<sup>289</sup> Crisis Group interview, deputy education minister, Tbilisi, July 2006.

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<sup>279</sup> "Report on The Linguistic Rights", op. cit.

<sup>280</sup> According to the 2005 Law on General Education (Article 4.3), "Georgian citizens whose native language is not Georgian, have the right to receive full general education in their native languages, according to the national curriculum, as defined by the law. It is compulsory to teach Georgian, the state language, in such institutions".

<sup>281</sup> From 2003 to 2005 the Language Training Project for Civil Servants in Samtskhe-Javakheti supported by the OSCE HCNM instructed over 500 civil servants and set up "languages houses" in Akhalkalaki or Ninotsminda. Public Movement Multinational Georgia (financed by Cordaid) offers Georgian courses for adults in Tbilisi and Marneuli. A fact-finding mission, however, reported that "in the regions with large numbers of minorities, the effectiveness of these programs is very limited". "Ethnic Minorities in Georgia", International Fact-finding Mission Report no. 412/2, Federation Internationale des ligues des Droits de l'Homme, (FIDH) Paris, April 2005, p. 16.

<sup>282</sup> The closure of four Azeri schools was reported extensively in its media as discriminatory. However, the migration of families has reduced student numbers. Nakhiduri village

whether the two-year program developed a solid base of Georgian teachers in Samtskhe-Javakheti and Kvemo-Kartli.

Minorities fear they will lose their right to education in their native language. In 2004 the Minister of Science and Education, Alexander Lomaia, fuelled these fears when he said the primary language of instruction would become Georgian in all minority schools.<sup>290</sup> He later explained this would be part of at least a ten-year process and minority languages and literature would be kept in the curricula.<sup>291</sup> The 2005 Law on General Education stipulated that Georgian language and literature, history and geography and other social sciences should be taught in Georgian by 2010-2011,<sup>292</sup> while mathematics, natural sciences, foreign languages, physical education, and fine arts would continue to be taught in minority languages.<sup>293</sup> The Parliamentary Committee on Education has reportedly stated that education in non-Georgian languages is "anti-constitutional". According to the chairperson, the long-term aim should be complete transition to Georgian instruction.<sup>294</sup>

For now, Azeri and Armenian language schools follow the government-approved curriculum but with textbooks, other than history and geography – extremely sensitive subjects in the South Caucasus – from Azerbaijan and Armenia.<sup>295</sup> All Georgian students learn history from the

same textbooks, if need be translated into Azeri, Armenian or Russian. However, the view of history in these books can exacerbate conflict. A fourth grade textbook, translated into Armenian, portrays Armenians as "occupants" in Javakheti.<sup>296</sup> A ninth grade geography book, taught in Azeri, claims Azeris have only lived in present day Georgia since the seventeenth century.<sup>297</sup>

Some activists want Armenian and Azerbaijani history taught in Georgia's schools. Samtskhe-Javakheti Armenians believe this is crucial for preserving national identity, and it is a key demand in protests.<sup>298</sup> The government representative promised the ministry would quickly address the issue after one such protest.<sup>299</sup> Azeri intellectuals object to a Georgian reading of history and ask that the Azerbaijani version be taught in all Azeri minority schools.<sup>300</sup> According to the Law on General Education, schools can add subjects to the compulsory curriculum<sup>301</sup> but can only use textbooks approved by the ministry. No such textbooks have been approved.<sup>302</sup> Joint commissions with the Azerbaijani and Armenian

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<sup>290</sup> Dali Kuprava, "Georgia Split by New Education Law", IWPR, 16 December 2004.

<sup>291</sup> These statements initiated heated debate – especially among national minorities – and criticism. Magdalena Frichova and Darejan J. Javakhishvili, "Aspects of interethnic relations", unpublished paper, Tbilisi, 12 January 2005. Several interlocutors told Crisis Group that until 2010 Georgian history and geography and other social sciences would be taught in parallel in Georgian and minority languages but this has apparently not begun. Crisis Group phone interview, school director, Bolnisi, November 2006.

<sup>292</sup> Law on General Education, Articles 5.4 and 58.5.

<sup>293</sup> Ibid, Article 5.3.

<sup>294</sup> Korth, Stepanian and Muskhelishvili, "Language Policy", op. cit.

<sup>295</sup> Armenia gives textbooks to 156 schools (136 schools in Samtskhe-Javakheti and Tsalka). For the 2006-2007 school year, the Azerbaijani Ministry of Education sent 71,000 textbooks to Georgia's Azeri-speaking schools (73,000 in 2005-2006). The Azerbaijani cabinet and the Baku-based Oguz Evi organisation jointly sent fifteen computers to schools, ten to the Azeri Culture House in Marneuli to start free Georgian language and computer learning courses. Crisis Group interview, chairwoman, Azerbaijani-Georgian Inter-parliamentary Friendship Commission, Baku, September 2006. But textbooks problems still arise, for example when a first grade Azeri student in Georgia reads that Azerbaijan, not Georgia, is his motherland, and Baku his capital. Crisis Group interview, former member of the Georgian parliament, Marneuli, June 2006.

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<sup>296</sup> "We showed that to the minister of education, and he promised to correct it". Crisis Group interview, ECMI representative in Javakheti, Akhalkalaki, June 2006.

<sup>297</sup> "Georgia's Socio-Economic Geography Book for 9<sup>th</sup> grade", *Intellekt*, 1999, p. 42. Georgian historians often claim Turkish-speaking Muslims, today's ethnic Azeris, were relocated from Iran to Georgia's south east in the seventeenth century. Azeri historians disagree, arguing that Turkic tribes began settling in eastern Georgia more than 2,000 years ago.

<sup>298</sup> Crisis Group interviews, local Armenians, Akhalkalaki, Ninotsminda, Akhaltsikhe and Tsalka, July-August 2006. The teaching of minority history is included in the Lund Recommendations, op. cit. and the OSCE Copenhagen Document, op. cit., para. 34. Article 12 of the Framework Convention obligates states to, "where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority". The 1992 UN Declaration (Article 4) has similar language. The Hague Recommendations, op. cit., urge "[s]tate educational authorities [to] ensure that the general compulsory curriculum includes the teaching of the histories, cultures and traditions of their respective national minorities." "Report on Linguistic Rights", op. cit.

<sup>299</sup> "The Representative of the President of Georgia in Samtskhe-Javakheti: Demands of Armenians are Just", *Regnum*, 23 March 2005, available at <http://www.regnum.ru/news/425739.html>.

<sup>300</sup> Crisis Group interviews, ethnic Azeri professors, State University, Marneuli, July 2006.

<sup>301</sup> Law on General Education, Article 33.4.

<sup>302</sup> Crisis Group phone interview, head, Akhalkalaki Resource Centre, October 2006. A private high school in Marneuli uses Azerbaijani textbooks to teach the history and geography of Azerbaijan. Crisis Group interview, rector, State University, Marneuli, July 2006.

education ministries to develop common textbooks may be one solution.<sup>303</sup>

In Kvemo-Kartli and Samtskhe-Javakheti a range of donor-funded programs exist for language and civic education, conflict prevention and tolerance building. Since April 2003 the HCNM has implemented a program in Samtskhe-Javakheti – gradually being extended to Kvemo-Kartli – that includes language training for university and high school students, teacher skills and methodology.<sup>304</sup> Geneva-based Cimera began a project in 2006 to introduce multilingual education in twelve to fifteen Samtskhe-Javakheti and Kvemo-Kartli primary schools.<sup>305</sup> The U.S. Agency for International Development (USAID) and IFES brought 200 students from Georgian villages to Armenian families for home-stays. A USAID health program is to bring up to 500 youths together in a summer camp. World Vision offers inter-communal youth centres, mainly in sports.<sup>306</sup> The government has yet to embark on its own comprehensive efforts to integrate minority youth with the rest of Georgian society.

## 2. University entrance exams and regional universities

For minorities to be active in all spheres of public life, a sufficient number must attend Georgian universities. Yet here too the system is failing, especially since 2005 when a compulsory national exam for higher education was established.<sup>307</sup> Some attempt was made to meet minority needs by offering a regular exam and a simplified Georgian language section for students applying to Russian-language faculties. But with such low levels of Georgian in minority schools, graduates

found even the simplified questions difficult.<sup>308</sup> In 2005, only seventeen of 1,012 graduates from Azerbaijani schools in Marneuli succeeded in entering Georgian universities.<sup>309</sup> It was worse in Samtskhe-Javakheti, where only two of 64 Armenians in Akhalkalaki municipality and one of nineteen in Ninotsminda passed. They did not take the simplified version, however, because they were applying to the Akhalkalaki branch of Tbilisi State University, where instruction is in Georgian rather than Russian.

Opened in 2002 that university aims to create conditions for Armenians to master Georgian. It was initially envisaged as an educational centre where ethnic Armenians and Georgians (60 and 40 per cent respectively) could study together and foster tolerance, bilingualism and integration.<sup>310</sup> It enrolled 450 students, had its first graduation in 2006 and was widely judged a success since Samtskhe-Javakheti Armenians completed their studies with a solid knowledge of the state language.<sup>311</sup> But as noted, after the 2005 national exam only three Armenians were accepted. The deputy minister of education says this was because the university was open to applicants from throughout Georgia, with no ethnic quotas.<sup>312</sup> But Georgian analyst Paata Zakareishvili argues:

The methods of examinations were not well thought out, and as a boomerang they hit the integration process, which is more important for Georgia than education reform. If we had to choose between the two, integration should have been chosen [as a priority].<sup>313</sup>

The ministry used another system in 2006, which brought some improvements. There was one exam. Students from non-Georgian schools could choose Russian as their

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<sup>303</sup> The Council of Europe plans to develop a history of the Caucasus region in its three national languages, Russian and English and may do a similar literature textbook. "Conflict Potential", op. cit.

<sup>304</sup> Rustavi 2 and Imedi have main evening programs rebroadcast daily in Georgian on Parvana TV and ATV 12. Crisis Group interview, project officer, OSCE HCNM, Tbilisi, November 2006.

<sup>305</sup> For more on the Cimera project see [http://www.cimera.org/en/projects/ind\\_projects.htm](http://www.cimera.org/en/projects/ind_projects.htm).

<sup>306</sup> A number of local NGOs, with donor help, are also active in raising awareness of citizens' rights. The Alpe Association trained 70 teachers in civic education and developed a teacher's guide. It also brought schoolchildren from remote regions to the capital to familiarise them with the parliamentary system, translating texts from Georgian into Armenian and Azeri. The International Centre on Crisis and Negotiation trains teachers in mediation, conflict management, communication and leadership.

<sup>307</sup> It includes four compulsory subjects: Georgian language and literature, a foreign language, general aptitude and mathematics.

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<sup>308</sup> Crisis Group interview, school director, Bolnisi, July 2006.

<sup>309</sup> Crisis Group interview, director, Education Resource Centre, Marneuli, June 2006. Nation-wide among some 32,000 university exam takers in 2005, only 26 Azeris succeeded. National Assessment and Examinations Centre quoted in Sevinj Huseynzade, "Integration of Azerbaijani Population to the society of Georgia", *Brosse Street Journal*, 14 September 2006.

<sup>310</sup> Crisis Group interview, deputy director, Varazdat Yezoyan branch, Akhalkalaki, August 2006. Since 2003 the OSCE HCNM also provides first and second-year university students intensive Georgian language teaching at the university in Akhalkalaki.

<sup>311</sup> Crisis Group interview, professor and representative of the International Conflict and Negotiations Centre in Samtskhe-Javakheti, Aspindza, July 2006.

<sup>312</sup> Crisis Group interview, deputy minister of education and science, Tbilisi, July 2006.

<sup>313</sup> Crisis Group interview, Paata Zakareishvili, Georgian analyst, Tbilisi, August 2006.



foreign language and pass geography and history in it. The deputy minister told Crisis Group minority applicants needed to score only sixteen of a possible 100 points in the Georgian language test and could compete in Russian with applicants from elsewhere in other subjects.<sup>314</sup> The 2005 experience, seems to have discouraged some minorities from trying to enter Georgian universities but overall results were much better, with 31 Armenians from Samtskhe-Javakheti and 25 Azeris from Kvemo-Kartli passing the national exams.<sup>315</sup>

Unable to pass the Georgian national exam, the brightest (and wealthiest) high school graduates go to Azerbaijan and Armenia to study. The Azerbaijani government began in September 2006 to give 40 scholarships annually for ethnic Azeris to study at the Pedagogical University in Baku.<sup>316</sup> Each year, Armenia funds 70 Samtskhe-Javakheti students to attend its universities.<sup>317</sup> Many students will never go home, creating a brain drain which the two regions can ill afford since Azeri and Armenian professionals and state employees in Kvemo-Kartli and Samtskhe-Javakheti are so few.<sup>318</sup>

In an attempt to reverse this trend, Tbilisi has begun offering full scholarships to ethnic Azeris or Armenians to study at Georgian universities<sup>319</sup> but further efforts are needed. The education law should be amended to remove unintended discriminatory practices and promote national minority access to higher education. A multilingual, multicultural university should be created on the basis of

the Akhalkalaki branch of Tbilisi State University.<sup>320</sup> This would require substantial financial resources, which might be sought from donors and within the context of Georgian-Armenian and Georgian-Azerbaijani cooperation. Armenia has expressed interest in financing such a project jointly<sup>321</sup> but the Georgian government has yet to respond decisively. Ethnic Azeri intellectuals have asked Azerbaijan to support opening an Azeri University in Georgia but officials have expressed no interest.<sup>322</sup>

The Zurab Zhvania School of Public Administration, opened in January 2006 and based in Kutaisi, aims to improve minority representation in the civil service with a six-month curriculum, including three-months of Georgian language; 64 students have attended from Kvemo-Kartli, Samtskhe-Javakheti and remote mountainous regions of the country. President Saakashvili attended the first graduation and promised each student employment. So far, according to Crisis Group information, four of eleven ethnic Azeris have obtained jobs.<sup>323</sup> The school is a positive step by the Georgian government but cannot replace a four-year institution and is not yet a full-fledged civic administration academy for minorities. Consideration should be given to turning it into a two-year, intensive Georgian-language training program for those who pass qualification exams for employment in state structures with translation assistance.

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<sup>314</sup> Foreign language, general aptitude and mathematics. Crisis Group interview, Tbilisi, July 2006. The deputy minister argued that this system reversed previous discrimination because it made it possible for non-Georgian speakers to apply to all universities, not only Russian-language ones. Other observers say the new test was hard for minorities to get even the minimum in Georgian literature and language because those sections were difficult even for native speakers.

<sup>315</sup> Crisis Group communication, official, Ministry of Education, Tbilisi, November 2006. There are 38 Armenian students from Samtskhe-Javakheti currently in Georgian universities. Information provided by the Ministry of Education to the OSCE. Crisis Group email communication, official, OSCE Mission to Georgia, November 2006.

<sup>316</sup> Crisis Group interview, school director, Sadakhlo, October 2006.

<sup>317</sup> Crisis Group interview, Armenian prime minister's adviser on regional integration issues, Yerevan, September 2006.

<sup>318</sup> See Denis Dafflon, "Managing Ethnic Diversity in Javakheti: Two European Models Of Multilingual Tertiary Education", ECMI Working Paper no. 25, February 2006, pp. 4-5.

<sup>319</sup> This is part of a social program established for vulnerable and minority students. Government decree no. 140, 19 July 2006. In 2006, nine Armenians from Samtskhe-Javakheti and eight Azeris from Kvemo-Kartli received government stipends.

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<sup>320</sup> See the proposal in Denis Dafflon, "Managing Ethnic Diversity in Javakheti: Two European Models of Multilingual Tertiary Education", ECMI Working Paper no. 25, February 2006.

<sup>321</sup> Crisis Group interview, Armenian prime minister, Yerevan July 2006.

<sup>322</sup> Crisis Group interview, director, Education Resource Centre, Marneuli, July 2006.

<sup>323</sup> For instance, as head of the finance department in Marneuli and in the Kvemo-Kartli governor's public relations department.

## **VI. CONCLUSION**

Georgia is trying to build a democratic state but this is difficult when a significant part of the population does not speak the same language. The government needs to establish a comprehensive, effective education system to teach Georgian as a second language to minorities but in the interim, while a new generation is educated, minorities should not be discriminated against, especially in hiring for state jobs. Fewer minorities are passing stringent state exams, mainly because they cannot speak the official language. State documentation and procedures are increasingly in Georgian, excluding the Azeri and Armenian minorities, who feel disconnected from and disillusioned by the government. In this environment, their grievances have grown. Since 2004 there have been numerous demonstrations in minority areas over land, language, firing of minority staff, and election violations. While each is a problem in its own right, they are amplified by lack of minority access to state structures and decision-making. Without sufficient participation in government, minorities turn to the street to protest.

Significant change of direction is required to avoid further conflict in minority areas. The state should implement its international commitments, particularly the Framework Convention for the Protection of National Minorities, allowing use of minority languages for government business in municipalities with large numbers of ethnic minority citizens. Other countries throughout Europe have done so and the reforms have reduced calls for autonomy. The Georgian state also needs to make comprehensive efforts to ensure that all minorities have the necessary opportunities to acquire fluency in the official language. Only by acting on both tracks will Georgia succeed in reducing tensions and increasing minority integration.

**Tbilisi/Brussels, 22 November 2006**

## APPENDIX A

### MAP OF GEORGIA



## APPENDIX B

### DIAGRAM OF LOCAL GOVERNMENT STRUCTURES

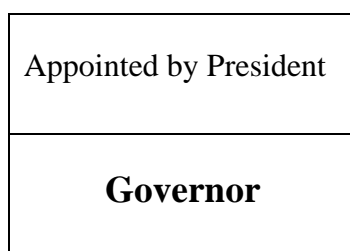
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#### EXECUTIVE

#### LEGISLATIVE

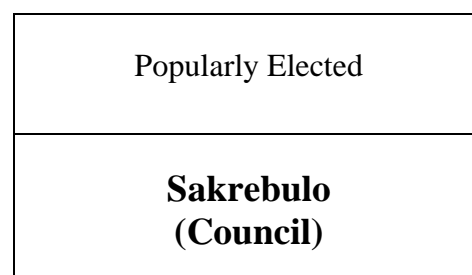
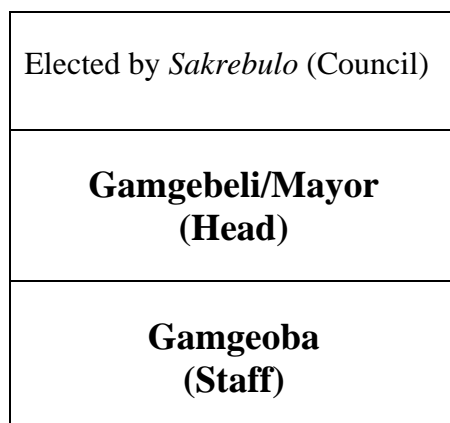
##### Regional

(9 regions)



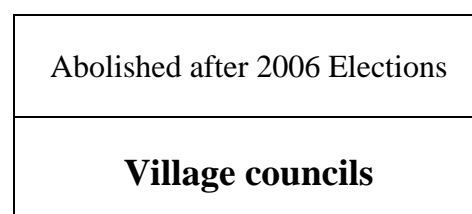
##### Municipal

(67 municipalities  
and six self-governing  
cities)



##### Communal

(1100 units)



## APPENDIX C

### GLOSSARY

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<b>ADA</b>	Agribusiness Development Activity
<b>ARF</b>	Armenian Revolutionary Federation (known as <i>Dashnaks</i> )
<b>BTC</b>	Baku-Tbilisi-Ceyhan Pipeline
<b>CEC</b>	Central Election Commission
<b>CIPDD</b>	Caucasus Institute of Peace, Democracy and Development
<b>CRS</b>	Catholic Relief Services
<b>DEC</b>	District Election Commissions
<b>ECMI</b>	European Centre for Minority Issues
<b>ESC</b>	European Social Charter
<b>FCNM</b>	Framework Convention for the Protection of National Minorities
<b>FIDH</b>	International Federation for Human Rights
<b><i>Gamgebeli</i></b>	Mayor, head of a Municipality
<b><i>Gamgeoba</i></b>	Administrative staff in a Municipality
<b>GSL</b>	Georgian as a second language
<b>GTZ</b>	German Technical Cooperation
<b>HCNM</b>	High Commissioner on National Minorities
<b>ICCN</b>	International Centre on Conflict & Negotiation
<b>IWSG</b>	Industry Will Save Georgia (political party)
<b><i>Javakhhahayer</i></b>	Javakheti Armenians
<b>JEMM</b>	Youth Sporting Union of Javakheti
<b>JRPC</b>	Javakhk Relief Program Committee
<b><i>Mkhare</i></b>	Province, region
<b>MCGF</b>	Millennium Challenge Georgia Fund
<b>MRA</b>	Ministry for Refugees and Accommodation
<b>NAGA</b>	National Assembly of Georgian Azeris
<b>NATO</b>	North Atlantic Treaty Organisation

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<b>NCCIT</b>	National Council on Civic Integration and Tolerance
<b>NGO</b>	Non-Governmental Organisation
<b>ODIHR</b>	Office for Democratic Institutions and Human Rights
<b>OSCE</b>	Organisation for Security and Cooperation in Europe
<b>PACE</b>	Parliamentary Assembly of the Council of Europe
<b>PEC</b>	Precinct Election Commissions
<b>PMMG</b>	Public Movement Multinational Georgia
<b>RID</b>	Regional Infrastructure Rehabilitation Project
<i>Sakrebulo</i>	Elected council
<b>SCALA</b>	State Committee on the Azeris Living Abroad
<b>UAWG</b>	Union of Azeri Women of Georgia
<b>UNDP</b>	United Nations Development Program
<b>UNM</b>	United National Movement (ruling political party in Georgia)
<b>USAID</b>	United States Agency for International Development