Minorities and Georgia’s Obligations and Commitments to the Council of Europe: A Review of Recent Progress on the Fulfilment of Obligations and Commitments on National Minorities and Related Issues

I. Introduction

Since the ‘Rose Revolution’ in November 2003 and the rise to power of a decidedly pro-Western leadership under the presidency of Mikheil Saakashvili, Georgia—after years of delays—has started to fulfil the significant number of remaining obligations and commitments that the country undertook when becoming a member of the Council of Europe in 1999. The efforts of the Saakashvili leadership to build a strong state and restore territorial integrity, fight corruption, promote democratization and enhance integration into European and North Atlantic structures have crystallized into a series of judicial, economic, educational, social and other reforms, keenly supported by the international community. In the field of human rights and other areas of concern to national minorities, steps towards meeting European and international standards have also been made.

Georgia now pays very serious attention to its international obligations and commitments. The new Georgian political elite remains keenly interested in furthering its integration into Euro-Atlantic structures and, with the prospect of becoming a NATO member in the not too distant future, the country’s leadership is stimulated even further to complete the fulfilment of its obligations and commitments to the Council of Europe, including relevant provisions on national minorities and related issues. Although the pace of signing, ratification, adaptation and implementation of Council of Europe

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2 In this chapter, I consistently use the phrase “minority and related issues”, since one of the scrutinized commitments concerns repatriation of Meskhetians, who are considered by Georgian government actors to be Georgians, thus not constituting a national minority.
guidelines in this area continues to be significantly behind schedule, some progress has been made. At the same time, government officials have appeared increasingly willing and committed to entering into policy dialogue both with representatives of national minorities and civil society, on the one hand, and with international actors, on the other. There are signs that attitudes among decision-makers towards national minorities are gradually, albeit slowly, changing, and that policy-makers and key government stakeholders are moving towards more ethnically inclusive concepts of state-building.

Hence, it is not by coincidence that Georgia only now, six to nine years after joining the Council of Europe, is taking measures to fulfil her remaining obligations and commitments, including those on issues related to national minorities. While President Shevardnadze in the last years of his presidency did very little to effectively advance integration into Euro-Atlantic structures, Saakashvili remains firmly committed to this objective and sees Georgia as a future fully-fledged member of the main Western structures, first with the completion of the obligations and commitments to the Council of Europe, then by becoming a NATO member and, finally, by joining the European Union in the long term.

With the change of government in 2004, the Council of Europe in its Parliamentary Assembly (PACE) Resolutions 1363 (2004) and 1643 (2004) acknowledged that the new Georgian leadership could not be held responsible for the failure of the previous governments in fulfilling the country’s obligations and commitments to the Council of Europe, and a new timeframe with deadlines was set the following year in Resolution 1415 (2005).

Subsequently, Georgia has signed and ratified a number of the remaining treaties and conventions. The European Charter of Local Self-Government that had been signed in May 2002 was ratified in December 2004 and entered into force in April 2005 subsequent to which a law complex on decentralization and local self-governance reform was adopted in December 2005. After the local elections in October 2006, self-governance reforms are now, in principle, being carried out, although several legislative acts are still under consideration by parliament. Georgia also signed and ratified the Council of Europe’s Social Charter in July 2005. The Framework Convention for the Protection of National Minorities (FCNM) was signed in 2000, and finally ratified in

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